

ADVERSE FSA DECISIONS:

Starting out on a path forward

Seek mediation

Go to a different FSA office

Run for a seat on your FSA county committee

File an appeal of the decision through the National Appeals Division (NAD)

File a civil suit

Request reconsideration

Contact an elected representative

File a discrimination complaint letter with USDA

USDA and the Farm Service Agency (FSA) are vital partners to many farms in America. Yet, many farmers have had negative experiences with FSA. Some experiences are easily explained as the symptom of understaffing, staff turnover, or unfamiliarity with a new program or policy. Farmers often find their way around such circumstances as they pursue their goals.

Other times, the negative experience lingers; it leaves a wound that's both emotional and tangible as needed infrastructure, land, and operations on the farm go unsupported. This is especially the case when folks wonder whether discrimination is at play. Factors like farm size, race, age, gender, and more have been known to influence decision making at FSA in the past, and folks are wary of this occurring again. Even where discrimination is not at play, producers suffer when a regulation or policy is misinterpreted, their operation is misunderstood, or the staff's lack of skill and experience leads to a denied application. These things feel unfair.

Where do we go from this difficult space?

This resource outlines nine opportunities farmers might pursue to find resolution. Some farmers will want to read the details of all the options. Others will want to quickly narrow down the best match to their needs and circumstances. For those wanting a little help sorting through the options, this short resource is for you. Seeking justice isn't easy, and there's bravery in taking the first step.

As we begin, take a moment to reflect on where we are right now.

Looking at the outcome of your effort with FSA, which of these emotions feel most significant for you? It's okay to pick more than one. By digging a little deeper into exactly what we are feeling, we may find a way out from them.

FRUSTRATED



Feeling like you can't achieve your goals because things keep getting in the way

ANGRY



Feeling like an injustice has occurred—something happened that was wrong/unfair

ANXIOUS



Feeling uncertain and concerned about the future and how things will change

SAD OR DISAPPOINTED



Feeling a loss for what could have been or the vision you held

CONFUSED



Feeling like you don't understand why or how it happened

OTHER



Something else?

It may feel like a child's game to identify our emotions, but it can be helpful at any age. When we name what we're feeling, it's easier to figure out how to get to a better space. Can you narrow in on the precise characteristics of your emotions?

Your story brought you here.

Things happened that led to these feelings arising in you. That's your story. And your story is ongoing.

Let's imagine a few things that could happen from here. When you read these ideas to imagine, pay attention to whether and how they shift the feelings you're experiencing.

I get the FSA loan or participate in the program that I'm seeking.

I tell my story to FSA, and they acknowledge my perspective.

I tell my story to others in my community. Maybe they learn from my story.

I tell my story to an outside entity that isn't FSA. They look at what happened, and they give an opinion.

I work together with FSA to help change things for the better.

Did you feel your body relax, even just a tiny bit, as you read any of the above outcomes? Did your thoughts attach to any of these ideas or inspire a small amount of hope?

Those thoughts may point us to a solution. If you're ready, let's try it. For any of the imagined outcomes that made you feel a bit better, let's explore a strategy that might help you get there.

*OUTCOMES:**STRATEGIES:*

I get the FSA loan or participate in the program that I'm seeking.

1

Go to a different FSA office.

2

Request reconsideration.

3

Seek mediation.

I tell my story to an outside entity that isn't FSA. They look at what happened, and they give an opinion.

4

File an appeal through the National Appeals Division.

5

File a civil suit.

I tell my story to FSA and they acknowledge my perspective.

6

File a discrimination complaint letter with the USDA.

7

Contact an elected representative.

I work together with FSA to help change things for the better.

8

Run for a seat on your FSA county committee.

I tell my story to others in my community. Maybe they learn from my story.


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Connect with your community.

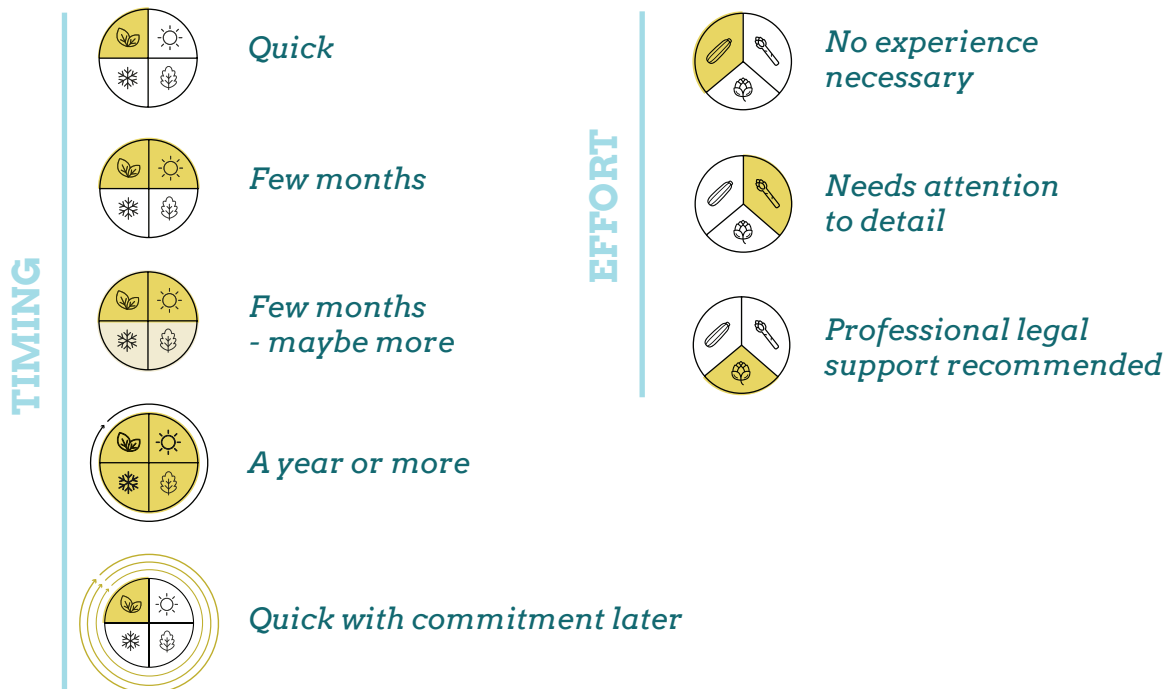
NAVIGATING THIS GUIDE


Throughout this guide, we've added a few ways to help you decide which step to take based on your unique situation.

 **Table of Contents** to find page numbers (on next page).

 The first page of each strategy includes a **quick reference** for the amount of time, effort and goals associated with each strategy.

Quick Reference Key:



 At the end of each strategy there is a **reflection section** with questions to help you decide if that strategy is a good fit.

 For printed documents: flip through the left side of your printed pages to quickly find the **color coded strategy sections**.



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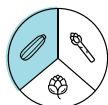
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STRATEGY ONE

Go to a different FSA office

**How much time does it take?**

As much as is required to get scheduled and travel to a different office and have a conversation there.

**Is specific expertise or detail orientation required?**

None required

**What issues is this strategy ideal for resolving?**

Issues in which reasonable people might come to a different conclusion (i.e., the viability of a farm operation or producer's experience level). Also, issues where the farmer hasn't yet received a program or loan rejection and could easily switch to a new servicing office.



Farmers are not required to use the FSA office in their home county. A farmer's path around a situation may be as simple as going to another FSA office or asking for a different staff person. Farmers have good reasons to seek staff in another county, for example, to find staff who have more experience with specific markets, crop types, or farm operations. Farmers do not have to explain why they are seeking services elsewhere, although they may choose to do so if it serves their purposes.

Farmers are also not required to work with the first individual who takes their matter. Folks may always request to be connected with a different staff person. For example, if a farmer is having difficulty communicating with a staff member or they seem less knowledgeable than preferred, this can be a straightforward solution. Farmers and ranchers who feel more comfortable in another county's office can make an appointment or submit paperwork to staff at that office.

Farmers can ask around in their community for referrals. Fellow farmers connected with an FSA agent who has provided excellent customer service may be happy to share the name of that individual. Local advocacy organizations may also have leads on staff who are particularly knowledgeable with respect to specific farm types or farming practices. Consider looking at the speakers for recent farm conferences and events. FSA staff persons might regularly give presentations on a program, crop type, or business model that farmers are interested in. Those are great starting points for a new contact.

This strategy is an effective solution for

- someone whose vision of justice involves getting the loan, enrolling in the program, or securing the benefits they are seeking. Sometimes, a person doesn't want to review, explain, or discuss the past event (especially when it's upsetting). Farmers may find justice in putting whatever they may have experienced at a different office behind them, moving on, and trying again.
- when the farmer's issue centers around not receiving accurate or sufficient information, poor communication, lack of timely help, and other issues specific to an individual or office.

This solution is less effective when

- the issue is a loan or program decision that has already been made and documented. In that case, a new staff person may not be able to re-do the process or achieve a different outcome. Farmers may run into limits on their ability to put in a new application with regard to deadlines or frequency.

HELPFUL TERMINOLOGY

Service Office: The office where you receive services and where the staff assisting you is located. Farmers can choose their own service office simply by walking in, placing a call, and working with someone in that office.

Administrative Office: The office where your files are located. The administrative office is assigned automatically by geography, and it's not as easy to change. FSA must initiate the process of changing a farmer's administrative office. Changing an administrative office occurs annually, and the request needs to meet the criteria before it is honored. For example, a farmer's administrative office cannot be changed if it would alter the farmer's eligibility for programs. This is to prevent folks from evading program eligibility requirements that are specific to certain geographies. However, changing one's administrative office is rarely a necessity, and most farmers will achieve their goals simply by changing their servicing office.

Consider Your Thoughts

What is my gut saying about going to a different FSA office?



I LIKE:

HESITATIONS:

I THINK I'LL TRY IT!

The office I want to try is

office name/location

I want to work with

person's name

I'll call them by

date

I'M GOING TO LOOK FOR ANOTHER STRATEGY

Need a solution in the same office you used before? Try:

Requesting Reconsideration (Strategy 2) or Seeking Mediation (Strategy 3)

If a solution outside FSA feels better, explore:

**Filing an appeal through the NAD (Strategy 4) or
Connect with your Community (Strategy 9)**

More strategies are listed on page 07.

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STRATEGY TWO

Request Reconsideration



How much time does it take?

This strategy generally moves quickly but can take several months if the issue is complex or the office is very busy.



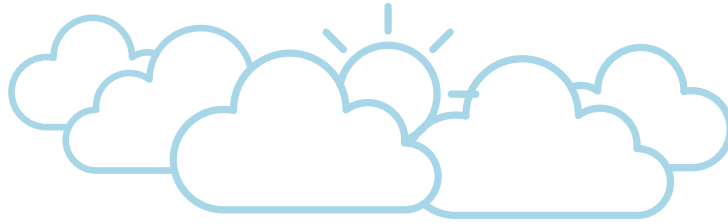
Is specific expertise or detail orientation required?

No specific expertise is required, but the producer will need to clearly explain why a reconsideration is justified, which may require attention to the details.



What issues is this strategy ideal for resolving?

This strategy works best when the adverse decision involves something about the farm, the producer, or the application that is uncommon, less well understood, or otherwise subject to confusion. Success with this strategy depends on there being some confusion or misunderstanding with the producer, their operation, or their application that can be cleared up, and that will change the outcome of FSA's decision.



A reconsideration is an opportunity to explain something to the loan officer or manager that they seem to have missed. They may have missed the importance of something about the farmer's situation, missed a policy or criteria, or missed consideration of a factor. The reconsideration can be a straightforward opportunity for the loan officer to fix a mistake or incorporate new facts or perspective into their decision. This solution can work when there's something about an application or situation that can be viewed in two ways. For example, two different people with different perspectives might rationally come to different decisions about whether a specific business plan is credit-worthy.

With the caveat that FSA may issue any number of decisions through different programs, offices, and committees, let's consider the typical case of a farmer who is denied a credit opportunity by a loan officer or loan manager. In that case, the farmer has the right to request a reconsideration. Farmers generally know they have the right to seek a reconsideration because they'll see this type of language on the letter or notice of denial.

You may request that I reconsider this determination by filing a written request not later than 30 calendar days after the date of this notice in accordance with the FSA appeal procedures found at 7 CFR Part 780. If you request reconsideration, you have the right to an informal hearing, which you or your representative may attend either personally or by telephone. If you choose to seek reconsideration, you may later appeal the determination to the NAD. To request reconsideration, write to me at the following address and explain why you believe this determination is erroneous...

This language sounds formal; it can be hard to figure out what it really means. Here's another way that this paragraph might be written:

"Is there something you think I didn't fully consider, recognize, or perform sufficiently in my process of making this decision? I am available to take a second look. If that sounds like something you want, please ask me to reconsider this decision by sending me a request in a letter within 30 days of the date at the top of this letter. I also ask that you explain in the letter why you are requesting reconsideration. To put it another way, please explain in the letter what you think I missed or where I went wrong with the decision. That will help me prepare.

After I receive your letter, I'll plan a meeting. The meeting is your opportunity to come into the office and tell me more about why you think I should reconsider my decision. There aren't formal procedures or forms for this meeting—it's informal. This meeting can be held in person or over the phone. If you want, you can also have someone else attend for you, such as an attorney, relative, or business advisor. I'll send you a letter letting you know I received your request and offering you a time for a meeting.

This opportunity for reconsideration is one option available to you, and if you take this option, you can still choose to use mediation or file an official appeal (to the NAD) later on if you want."

It makes a bit more sense when explained without the legal language. Farmers can request for the decision maker to reconsider, and the individual will do that. The same person who made the decision the first time around will be hearing the request and reconsidering for the second time around. That can be a strength (the individual is already familiar with your situation) or a weakness (humans can be disinclined to change their minds).

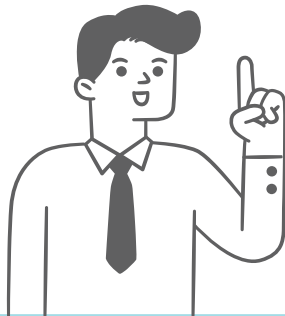
Be Clear. Although the process is designed to be simple and approachable, preparation can help you make the most of it. Note that FSA wants you to explain why you believe their decision was erroneous in the letter. It may be worth carefully considering how you want to explain that in your letter. Because the loan officer or manager will probably explore your point beforehand, being as focused and clear as possible will assist them in understanding the request. If you want to offer more information about something, consider asking if you can send more material ahead of time or if you should bring it to the meeting. FSA does need to make sure that what they're looking through on reconsideration is relevant, appropriate, and not too repetitious of what's already been in front of them, as a matter of efficiency.

Make The Meeting. The decision maker may issue you a meeting time that you cannot make work for your schedule. You can consider asking for a different meeting time. You can also send someone to the meeting in your place. Or, you don't have to attend at all. You can submit materials before the meeting instead. The decision maker will then make their decision based on the material you sent in advance or based on the information shared by the representative you sent.

After The Meeting: The decision maker will, presumably, ponder what you said and make their decision as to whether to reverse their decision. They may stick with the first decision they made, or they may change their mind. Either way, they will communicate it to you in a letter. If you like the reconsidered decision, that's great. If you don't like the reconsidered decision, you still have other options. You can consider mediation (Strategy 3) or a formal appeal to the National Appeals Division (Strategy 4), as described in this guide. You may also appeal to your State Committee which can offer you an informal hearing. Do not delay in making your decision about whether you want to keep moving forward with mediation or an appeal, as the clock starts ticking again after you get your letter with the reconsidered decision. You usually have 30 days to make another request, but check your letter to be sure.

Consider Your Thoughts

What is my gut saying about reconsideration?



I LIKE:

HESITATIONS:

I THINK I'LL TRY IT!

Here are my initial thoughts on why I think this decision was in error and the individual should reconsider:

Do I think I'll draft the letter on my own, or do I think I'll ask someone to help me?

☐ *on my own*
☐ *get help*

I'M GOING TO LOOK FOR ANOTHER STRATEGY

If involving folks who did not make the original decision feels better, try:

**Seeking Mediation
(Strategy 3)**

**Filing an appeal through
the NAD (Strategy 4)**

If finding new ways to meet your goals sounds better, explore:

**Connect with your Community
(Strategy 9)**

More strategies are listed on page 07.

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STRATEGY THREE

Seek Mediation



How much time does it take?

Anywhere from a couple of months to a year, possibly longer.



Is specific expertise or detail orientation required?

No expertise is required, but the producer will need to engage in potentially detailed discussions about their situation.



What issues is this strategy ideal for resolving?

Situations where the farmer is open to negotiation and dialogue with FSA in order to reach a resolution that works for everyone.



Mediation is a process for resolving disagreements between two parties. In this case, FSA has come to one decision, and the farmer feels that another decision should have been made. Considering that core disagreement, mediation brings in a neutral third party to help find a solution that is acceptable to both parties. This mediator is trained to use special communication and negotiation techniques that guide the conversational process between the two parties. The mediator does not recommend how to resolve things but instead helps folks find new solutions themselves. In this way, mediation works best when everyone involved is open to cooperation and non-confrontational.

MEDIATION IS A PROCESS:

1st

The mediator gets up to speed on the story. The mediator may look over documentation (communication or papers) provided beforehand that explain what has happened up to the point of mediation. The mediator may ask for more information about each party's perspective and desires around an outcome.

2nd

The mediator helps to structure a conversation between the two parties aimed at finding a solution. It usually takes a few meetings to find a solution if one is to be found. There may be small assignments between meetings, such as reflecting on certain options or prioritizing needs.

3rd

Mediation ends when both sides are satisfied with the solution between them, which is then written up and signed as a commitment. Mediation can also end when both sides recognize that no solution is emerging between them.

Although mediation may be used in a variety of circumstances in FSA processes, let's use the common example of a farmer receiving a negative decision on a loan or program opportunity. In these cases, FSA lets the farmer know that mediation is available. The letter the farmer receives with the adverse decision often includes a statement about the opportunity to engage in mediation. It likely looks something like this:

Mediation is available as part of FSA's informal appeal process. Mediation may enable us to narrow the issues and resolve the matter by mutual agreement. You may have to pay all or part of the cost of mediation. If you request mediation, the running of the time period in which you may file an appeal stops. When mediation closes, the clock restarts, and you will have the balance of the days remaining in that period to file an appeal. To request mediation, you must submit your written request not later than 30 calendar days after the date of this notice. To request mediation, write to the state mediation program at the following address and provide a copy to FSA or write to the FSA State Executive Director. In the alternative, you may seek another form of ADR.

The above text certainly contains important information about mediation's effect on a farmer's rights, but it can be a bit confusing.

WHAT'S ADR?

**ADR stands for Alternative Dispute Resolution.
Mediation is one type of ADR.**

Arbitration is potentially another form of alternative dispute resolution, for example, and follows a more strict set of processes and procedures. Many folks see mediation as more approachable and accessible than arbitration.

What about having to pay the costs of mediation? The cost is important, so let's explore how costs might work out next. First, it's important to note that you may NOT have to pay the costs of mediation. Most states offer certified mediation programs, especially for farmers, and these programs often have extensive experience mediating disputes between farmers and lenders, including FSA. These state-run programs offer their services for free or for a nominal cost. A few states do not have certified mediation programs: Delaware, Kentucky, Nevada, South Carolina, Tennessee, and West Virginia. FSA offices in states without a state-run program still offer mediation services upon request to farmers. But farmers in these six states must often pay the fee for mediation. Farmers in states not listed are usually eligible for free or low-cost mediation.

If a farmer wants to take advantage of mediation, their next steps depend on the state in which they live. If a farmer is in a state with a certified ag mediation program, the farmer contacts that program directly and requests mediation. If the farmer is in a state without a certified program, the farmer contacts FSA to request mediation. The letter containing the adverse decision should give contact information for the specific instance.

If mediation works, you have a solution! If mediation does not work, as the text in the sample from FSA states, it doesn't negatively impact your ability to file an appeal. You can still file an appeal through the National Appeals Division (NAD) if you do so in a timely manner. It's important to make the decision quickly after mediation has ended so you can meet the 30-day window to file an appeal. You will know mediation has ended because you will receive a written notice of it from the mediator/mediation program or from FSA that the mediation is at an impasse.

Consider Your Thoughts

What is my gut saying about seeking mediation?



I LIKE:

HESITATIONS:

I THINK I'LL TRY IT!

I looked at my letter from FSA, and it:

- ☐ gives me the information of my certified ag mediation program
- or -
- ☐ tells me to call FSA to request mediation.

I'll make this request

date

I'M GOING TO LOOK FOR ANOTHER STRATEGY

If a more formal and structured process feels better, try:

Filing an appeal through the NAD (Strategy 4)

If finding new ways to meet your goals sounds better, explore:

Connect with your Community (Strategy 9)

More strategies are listed on page 07.

STRATEGY FOUR

File an appeal through the National Appeals Division (NAD)



How much time does it take?

This strategy takes a considerable amount of time to work, though, potentially more than a year.



Is specific expertise or detail orientation required?

This strategy does require attention to detail when preparing the paperwork and following the required process. It doesn't necessarily require specific expertise, but it can be helpful to connect with someone who has gone through the process before.



What issues is this strategy ideal for resolving?

This strategy is suitable for issues that do not involve claims of discrimination and where the producer wants an outside opinion on their situation and a recommendation for a solution.

One option for dealing with a negative FSA decision is to file an appeal with the National Appeals Division (NAD). NAD is an independent USDA agency. Filing an appeal with NAD is not the same as asking the FSA to reconsider its decision (Strategy 2); instead, it allows a producer to have a separate, independent division hear and render an opinion on the situation. But, there's an important limitation to an appeal with NAD. USDA's position is that NAD does not have jurisdiction over discrimination claims because there is already a system for that—the USDA discrimination complaint system through the Office of Civil Rights (Strategy 6).

All hope is not lost! A farmer can still make a NAD appeal, but the issue brought before NAD shouldn't include discrimination claims. The FSA will offer a reason for its decision, which won't be discriminatory. To file an NAD appeal, the farmer must describe the issue on appeal without referring to any discrimination.

FARMER SAM'S EXPERIENCE

Farmer Sam applied for an FSA Operating Loan. FSA denied the loan, stating that they did not believe that the business plan could support the projected profits and were not convinced that the farm business would be able to repay the loan. Sam had spoken with their Loan Officer at length about their business model and how a robust CSA model could support a business even on only two and a half acres. The Loan Officer had always questioned the business model, so Sam wasn't exactly surprised by the denial, but they were really disappointed. Sam was particularly frustrated because, during the application process, Sam had noticed the Officer seemed uncomfortable talking with them and had made some derogatory comments about the LGBTQ community. Sam had ignored this during the application process to keep the peace but now realizes that the Officer may have discovered or suspected that Sam is gay. Sam is starting to think that maybe the decision had more to do with Sam's identity than Sam's business model.



In this situation, Sam can go through the NAD appeals process, but the NAD appeal won't address discrimination claims. If Sam focuses on the discrimination in their appeal request, the request will be denied as non-appealable, and NAD will refer Sam to the Office of Civil Rights. However, the question of the business plan's viability is an appealable issue for NAD. Sam should focus on this non-discriminatory issue for the NAD appeals process.

Sam could also decide to simultaneously file a discrimination complaint with the Office of Civil Rights based on the same adverse FSA determination. However, this action could suspend the NAD appeal. Usually, the NAD case would continue, but NAD's Regional Assistant Director does have the authority to suspend the NAD appeal. If the NAD appeal is suspended, the Regional Assistant Director will review the suspension every 60 days.

IMPORTANT THINGS TO KNOW ABOUT THE NAD PROCESS

It is highly recommended that farmers immediately start the NAD appeals process after an adverse FSA determination. To pursue a lawsuit in federal court, the farmer must first exhaust all administrative remedies available to them. To top it off, the deadlines for filing an appeal to NAD are incredibly tight. Farmers only have 30 days to file an appeal after they are made aware of the adverse decision by the FSA. Therefore, the best practice would be to always and immediately initiate the appeals process. This will preserve the farmer's ability to appeal the adverse decision all the way up to federal court if it comes to that. An appeal request can always be withdrawn, but if the deadline is missed, there's no remedy available. **In general, if the farmer**

has any interest in appealing or fighting the adverse decision, the farmer should immediately file a request for an appeal or any of the alternative resolution methods discussed below.

**30
DAYS**

Farmers only have 30 days to file an appeal after they are made aware of the adverse decision by the FSA.

There are some really good things about the NAD appeals process, including:



The appeals process is FREE



Farmers do not need an attorney to represent them

(but farmers can elect to have an attorney or anyone else as a representative)



The Administrative Judge is required to assist appellant farmers



NAD offers document translation and in-person interpretation for many languages!

There are also some serious drawbacks, including:



The deadlines are very tight and can easily be missed, which would ruin a farmer's chances of making an appeal or filing a lawsuit



Agencies aren't required to notify farmers of their appeal rights



NAD is not an enforcement agency and cannot enforce its decisions



Farmers cannot file NAD appeals for general policy decisions, only adverse decisions for individual farmers.

APPEALS PROCESS FROM START TO FINISH

After a farmer receives an adverse decision from the FSA and decides to appeal, there are many steps the farmer must follow. There are tight timelines and severe consequences for skipping steps. All ten steps below assume the farmer receives an adverse decision at each stage. At any point, if the farmer gets a favorable outcome, they need to skip down to the section "I won! Now what?"

The steps in the NAD appeals process are:

1. REQUEST RECONSIDERATION OF THE DECISION BY THE FIELD OFFICE THAT MADE THE ADVERSE DECISION.

This step only applies to farmers whose adverse decisions were made at the field office level. This informal review is not required for farm credit programs or FSA decisions made at the State office level. Even when not required, informal review is always available—all FSA decision-makers can be asked to reconsider their decisions.



***WARNING!** Taking any other action before reconsideration is complete when the information review process is required, like appealing to NAD or entering mediation about the issues, will waive the farmer's right for reconsideration and interfere with the entire appeals process.*

FIRST STEP

If the adverse decision was made at the county office level, the farmer must first seek informal review through their county office before appealing to NAD.

What does the farmer do to request reconsideration?

Consult the section on Seek Reconsideration. If reconsideration is denied, the farmer can seek further informal review by asking the State FSA committee to review the decision. The farmer will then be free to appeal the adverse decision directly to NAD. Farmers do not lose time on the appeal countdown during the informal review process. In fact, a decision by the agency after an informal review starts a new 30-day countdown for the NAD appeals deadline.



2. DECIDE IF THEY WANT TO ENTER MEDIATION FIRST OR APPEAL DIRECTLY TO NAD.

If the farmer is interested in **mediation** or another alternative dispute resolution (ADR) method, the request must be filed before they file an NAD appeal (but after they ask for reconsideration!). See Strategy 3 for more information on this option.

Mediation can only be attempted once. If mediation does not resolve the issue, the farmer can appeal to NAD.



WARNING! When a farmer requests mediation or ADR, the 30-day countdown until the NAD appeal must be filed stops, but it doesn't reset. Once mediation or ADR has concluded, then the farmer has the balance of the remaining days left to file the appeal with NAD.

3. REQUEST AN APPEAL OF THE ADVERSE DECISION.

Once the decision has been reconsidered, if necessary, and the farmer has decided mediation is not a good avenue for resolution, then that farmer can file an appeal with NAD.

The USDA has appeal request forms available in English and Spanish on their NAD appeals website. All appeals requests must include:



A copy of the adverse decision that is the basis of the appeal (if one was provided)



A brief description of why the farmer disagrees with FSAO's decision



The farmer's signature (but it does not have to be notarized)

The farmer is also expected to send the agency a copy of the appeal request.



***WARNING!** If an agency tells a farmer that an issue is non-appealable, the farmer should still consider moving forward! If the farmer relies on the agency's claim of non-appealability, they are giving up all future claims against the FSA about this adverse decision. Farmers must go through the process to preserve the right to seek remedy in the courts at a later date. If an agency says an issue is non-appealable, the farmer can request a "Director Review." This would put the issue in the hands of the NAD Director to decide. Of course, there's a tight timeline here, too; in writing, farmers must request the Director Review within 30 days of being told the issue is non-appealable.*

4. THE ADMINISTRATIVE JUDGE WILL SET A DATE FOR AN IN-PERSON HEARING.

Appellate Rights



Farmers have a right to **have the hearing scheduled within 45 days of submitting** their appeals request.



Farmers do not have to **have an attorney with them during the appeals process**, but they can if they want one. Other non-attorney representatives are also allowed during the appeals process.



Farmers have the right to **an in-person hearing**, but if they request it, the hearing could be conducted over the telephone.



At the hearing, administrative **judges will listen to new information** if available (the farmer is not limited to presenting information the FSA officer was aware of).

5. ATTEND THE PRE-CONFERENCE HEARING

This is a conference call with all parties involved. The call aims to determine the next steps in the process, attempt to resolve the dispute, or narrow the issues involved. This step is unlikely to lead to a favorable outcome for the farmer, so they **just need to show up**, ask and answer questions, and affirm they are still interested in a hearing.

6. ATTEND THE HEARING

The farmer's goal at the hearing is generally to argue that FSA's decision was unreasonable, whether due to reliance on incorrect facts, violation of program procedures, or some other error. The hearing is the farmer's chance to get all issues on the table. The record created at the hearing will be the record reviewed at all stops in the appeals process. **All relevant documents, materials, and evidence need to be presented at the hearing.** If it isn't argued at the hearing, it can't be argued at any subsequent appeals step.

NAD hearings are "informal," but that doesn't mean they don't follow certain procedures. Appellants (people who are making an appeal) should get a copy of the **National Appeals Division Hearing Guide** to become familiar with the process. Farmers can subpoena people to appear at the hearing to testify or provide evidence. The Administrative Judge will make an Appeal Determination within 30 days of closing the hearing record. This decision will be final unless either party asks for a Director Review of the administrative judge's decision (see next page).

[Download
National Appeals
Division Hearing
Guide](#)

or visit: <https://www.usda.gov/sites/default/files/documents/nad-guide-oct-2008.pdf>

7. REQUESTS FOR REVIEW OF DIRECTOR'S DECISION

If the Appeal Determination is still adverse to the farmer, their next step is to request a review of the hearing by the NAD Director. **The farmer has 30 days from receiving the Appeal Determination to submit a written Request for Director Review.** This request should include the specific reasons why the appellant (the person making the appeal) believes the determination is wrong. Take note that the agency could also request a review by the Director if it is unhappy with the Appeal Determination. However, agencies only have 15 days to file their Request for Director Review.

The Director may:

- ✎ Issue a final determination that upholds, reverses, or modifies the administrative judge's determination
- or -
- ✎ Decide the record is incomplete and tell the administrative judge to open a new hearing on one, several, or all issues raised during the appeals process.

TIMEFRAME: The Director has 30 days to respond to an appellant's request for review and only 10 days to respond to an agency request.

TIMING MATTERS

If neither party asks for a Director Review of the administrative judge's determination, that determination becomes FINAL. At that point, a farmer could file a suit in federal district court.

8. REQUEST FOR RECONSIDERATION OF DIRECTOR'S DETERMINATIONS

If the Director issues an adverse determination for the farmer, the farmer could ask for reconsideration of the decision. **The farmer only has 10 days to do this!** The request must include details on the factual or legal errors made by the Director. This request is reserved for correcting the Director's errors—like wrong dates, amounts, or regulations. The application of this review is limited, so the time to wrap up the reconsideration is also short.

If a reconsideration request is filed, the Director will reach out to the agency and ask for a response to the request for reconsideration. The agency only has 5 days to respond, and then the Director has to issue a final determination 5 days later. The agency can also file for reconsideration! If they do so, the farmer will also get an opportunity to respond before the Director upholds or reverses their decision. Again, the administrative judge's decision will be final if neither party asks for this reconsideration!



9. REQUEST FOR REVIEW OF THE SECRETARY OF AGRICULTURE

There is one final place to seek review! Appellants rarely take this final step. However, it can be helpful for farmers who know they cannot or do not want to pursue judicial review. It is the final NAD review. Farmers seeking this review as a last-ditch effort should **write a letter to the Secretary stating their case, their arguments for relief from the adverse decision, and supporting documentation.**

10. DECIDE IF THE FARMER WANTS TO TAKE THE ISSUE TO THE FEDERAL DISTRICT COURTS

Local Systems before Federal: Farmers who want to appeal a decision must exhaust all options for reconsideration at FSA. Then, they must work through the NAD system until an administrative judge or Director issues a final determination.

Once the farmer has completely exhausted this list of steps, our federal district courts are the only remaining venue for taking an appeal. Of course, filing a lawsuit in federal court is expensive, time-consuming, and requires special skills or the help of an attorney. Once in court, the burden on the appellant to state their case is even higher. Most farmers won't consider a court case a viable option to get relief from an adverse FSA decision.

I'VE WON! NOW WHAT?

If any of these steps awards the farmer a favorable outcome, the work may not yet be over. NAD doesn't have the authority to enforce its decisions. This means that **even if NAD agrees with the farmer and reverses the adverse decision, the farmer is tasked with returning the NAD decision to the FSA.**

This might work! FSA might apply NAD's reasoning and provide relief to the farmer. However, farmers might be met with responses like "Well, now we are out of money," or, "Sure, here is a new application," wanting the farmer to start the process all over again. And what if the application is denied a second time? The farmer might have to start the NAD appeals process again. The only remedy if a farmer finds themselves on this "treadmill" is to step outside the NAD appeals process and file a federal lawsuit. Courts do have enforcement capabilities.

Consider Your Thoughts

What is my gut saying about an NAD appeal?



I LIKE:

A large, empty rectangular box with a gold border, intended for writing positive thoughts about the strategy.

HESITATIONS:

A large, empty rectangular box with a dark teal border, intended for writing any hesitations or concerns.

I THINK I'LL TRY IT!

Have I already sought reconsideration and/or mediation?

☐ yes

☐ not yet

If no, review those strategies first, and then come back to take a close look at the NAD appeals request form as you begin to fill it out.

I'M GOING TO LOOK FOR ANOTHER STRATEGY

If your complaint involves discrimination, consider:

Filing a discrimination complaint letter with USDA (Strategy 6)

If finding new ways to meet your goals sounds better, try:

Connect with your Community (Strategy 9)

More strategies are listed on page 07.

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STRATEGY FIVE

File a civil suit

**How much time does it take?**

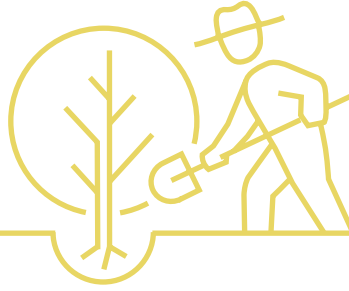
This strategy takes a significant amount of time, from several months to several years.

**Is specific expertise or detail orientation required?**

This strategy requires legal expertise and extensive details. This is a time-consuming and expensive option.

**What issues is this strategy ideal for resolving?**

This strategy is well suited to someone who wants their “day in court” and a solution that includes an official pronouncement of judgment. This is ideal for someone with an experience that was discriminatory based on prohibited factors like race and gender and where there is documentation of others receiving different treatment. This step may require that farmers first file a discrimination complaint letter with USDA (Strategy 6).



In the American way of life, if we feel someone else has harmed us (physically, financially, etc.), we may take our case to court. We might hire an attorney who will argue our case in front of a judge or jury, and we'll get a decision rendered. **The decision of the judge or jury often comes with a financial judgment—whoever wronged us is required to pay the financial costs of our harm.** With that successful judgment, we can put a lien on the individual's assets and hopefully get our compensation. These are called civil cases, and they're distinguished from criminal cases. (In criminal cases, the government prosecutes the case itself, and incarceration is a potential consequence in addition to financial penalties.)

When the body that has harmed us is the federal government, this looks a little different. The federal government has its own processes and procedures for handling issues first. Agencies, including USDA FSA, have set up systems of complaint and appeal. These internal systems are designed to efficiently handle issues without requiring the federal government to retain scores of attorneys and litigate thousands of cases in court on a regular basis. Citizens are required to use these internal processes of resolving disputes before they sue the federal government.

ORDER MATTERS

Citizens can only sue the federal government in civil court if they have "exhausted" all the necessary internal means of resolving disputes, as the term goes.

In the case of a discrimination claim, for example, a farmer may be required to file a discrimination complaint letter first (Strategy 6). Then, if the solution offered there is not acceptable to the farmer, they may proceed to a civil suit. In addition, farmers must make a case that the federal government has violated a law that applies to the federal government. Certainly, the federal government is prohibited from discriminating against people on the basis of protected classes (race, gender, etc.). But, not every instance of unfairness is grounds for a civil suit. The federal government may be allowed to treat farmers differently on the basis of things like the agency's perception of the farmer's financial resources, perceived business viability, and more.

CONS: Finding an attorney to take a civil suit against the federal government can be difficult. It is an expensive and hard-to-find area of expertise. Further, the case needs a high likelihood of success for an attorney to accept the case, as many civil cases are taken on contingency.

PROS: At the same time, a civil case is a powerful opportunity for the farmer to make their case publicly, in court, and on the record. It's a chance for final "adjudication" (the legal word for getting the official, final decision on something) that provides closure.

Could this be a class action? Because civil suits against the federal government are hard to bring and hard to win on an individual basis, most of them are litigated as class actions. Class actions are when many people who have all suffered the same harm get together to file a single lawsuit for everyone affected. Class actions are efficient solutions as just a few attorneys can handle the case for hundreds of people. However, if there are not many people who have all been harmed in the same way, a class action is not viable.

Consultations with an attorney may be free, so it's worth exploring for farmers with the means and dedication to this avenue of justice.

Consider Your Thoughts

What is my gut saying about filing a civil suit?



I LIKE:



HESITATIONS:

I THINK I'LL TRY IT!

I'm going to start looking for an attorney who offers me a free consultation. Options:

I'M GOING TO LOOK FOR ANOTHER STRATEGY

If your complaint doesn't involve discrimination and you want a formal appeals process, consider:

Filing an NAD appeal with USDA (Strategy 4)

If finding new ways to meet your goals sounds better, try:

Connect with your Community (Strategy 9)

More strategies are listed on page 07.

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STRATEGY SIX

File a discrimination complaint letter with USDA

**How much time does it take?**

A day or two to write the complaint letter, which must be filed within 180 days of the incident unless a waiver of the deadline is secured. The process of the letter being processed can take weeks or months.

**Is specific expertise or detail orientation required?**

No expertise is required, but attention to detail of the facts of what happened and the basis of discrimination the complaint is based on are essential to the letter being successfully processed.

**What issues is this strategy ideal for resolving?**

When a decision or action that was made by FSA regarding a farmer's loan or program application is suspected to have been discriminatory on the basis of protected characteristics.



"USDA prohibits discrimination on the bases of race, color, religion, sex, sexual harassment, age, national origin, marital status, sexual orientation, familial status, disability, limited English proficiency, or because all or a part of an individual's income is derived from a public assistance program." - USDA's Anti-Discrimination Statement, How to File a Program Discrimination Complaint

Although discrimination is prohibited, the reality is that it can and does happen to some farmers. When discrimination by USDA staff gets in the way of access to publicly funded programs, it is completely valid to feel frustrated, anxious, sad, and upset. If a farmer thinks that a decision was made on the basis of factors that are protected by law (race, color, religion, sex, age, national origin, marital status, sexual orientation, familial status, disability, limited English proficiency, or because all or a part of your income is derived from a public assistance program), the farmer can file a discrimination complaint or appeal a program decision made by USDA. **The USDA has a separate agency that oversees discrimination complaints, which are handled through the Center for Civil Rights Enforcement (CCRE).** The CCRE investigates and resolves complaints of discrimination in programs operated or assisted by USDA.

Now, it is important to note that this solution does involve going to the perceived source of the problem (USDA) for a solution to the problem with USDA. That may turn off some producers from this solution. These farmers may see that it is an uphill battle or not worth their limited time and effort to complain to the USDA. Others have a fire in their belly and feel strongly about making a complaint to the USDA to let them know what happened. They want to get the incident of discrimination on the record for accountability and, ideally, a resolution.

HERE'S HOW IT WORKS

The USDA has a specific process for filing what they call a “program discrimination complaint” for farmers who believe they experienced discrimination when pursuing USDA program assistance.

There are two options for submitting your complaint:



Completing and submitting the USDA Program Discrimination Complaint Form

- or -



Writing a letter that contains all of the information requested in the USDA’s form that is signed by you or your authorized representative. Keep in mind that if any information is missing, it will delay the processing of your complaint.

Either option will require you to identify the following:

- ☐ **the program you applied for**
- ☐ **the agency administering that program**
- ☐ **the date of the alleged discrimination**
- ☐ **location/address of where the discriminatory action(s) took place**
- ☐ **the name(s) of the people you believe discriminated against you**
- ☐ **specific details about what took place, including the date for each allegation**
- ☐ **the legally protected personal characteristic(s) you believe the discrimination was based upon**

If you have documents to support the events you are reporting, provide a copy of those supporting documents.

REFLECT AND RECORD




Trying to remember everything that happened may feel overwhelming at first. It becomes more manageable when you break things down.

WRITING PROMPT

Before filling out the discrimination complaint form or writing your letter, take some time to write down for yourself everything you recall about the discrimination you experienced, if you haven't already.

This is a good time to gather together and review any letters, emails, or other communications you received from USDA related to the incident. Afterwards, put everything into a timeline that is as accurate as possible.

TIPS:

-  **Try to stick to the facts**, focusing on the decisions that were made, inconsistencies in service you observed, paperwork you received, records of communication, and other key pieces of information, including time of day, date, and names of people you interacted with and the address of the USDA office(s).
-  **It can help to set a timer, starting with just 15 minutes.** Use that time to record and gather everything needed. You can choose to keep going after the timer goes off or schedule another block of time to continue.
-  Afterwards, **use your timeline of events and details to help you** fill out the complaint form or write your letter.

Once your complaint form or letter is prepared, you can email, fax, or mail it to the Center for Civil Rights Enforcement:

Email: program.intake@usda.gov

Fax Number: (202) 690-7442

Mailing Address:

U.S. Department of Agriculture

Director, Center for Civil Rights Enforcement

1400 Independence Avenue, SW

Washington, DC 20250-9410

FILING DEADLINES AND FOLLOW UP

As mentioned above, there are deadlines to keep in mind when filing your complaint. A program discrimination complaint (either form or letter) **must be filed within 180 days from the date you know the discrimination happened**. Alternatively, you can request a waiver of the 180-day filing deadline.

A waiver may be granted for the following reasons:

- ☛ The discriminatory act could not reasonably be expected to be known within the 180-day period
- ☛ Illness or incapacitation
- ☛ The same complaint was filed with another federal, state, or local agency
- ☛ Any other basis determined by the Director of the Center for Civil Rights Enforcement



For further information on filing your program discrimination complaint, you can contact the **Center for Civil Rights Enforcement Customer Service Unit at (866) 632-9992 (toll-free)**.

What happens after you submit your complaint?

Once you submit your discrimination complaint form or letter to the Center for Civil Rights Enforcement (CCRE), it's a waiting game, which can be hard when you want a solution now. Understanding what's happening to your complaint in the meantime can help ease nerves.

WHILE YOU'RE WAITING

Here are the stages your complaint will be moving through and the communications you may receive as it's being processed:

Stage 1: Intake

The first stage of the program discrimination complaint process is the intake stage. At this stage, CCRE determines whether your complaint meets the legal requirements to be accepted for processing. Before deciding, they may contact you for clarification or additional information about your complaint. If your complaint is accepted for processing, CCRE will send you a letter notifying you of the acceptance and inform you of the basis and issues that will be investigated. If your complaint is not accepted for processing, CCRE will send you a letter notifying you why your complaint was not accepted, and your complaint will be closed. If appropriate, CCRE may refer your closed complaint to another USDA agency that may assist in resolving your issues.

Stage 2: Investigation

After a complaint is accepted, an investigator will be assigned to your case. The investigator will contact you, any agency employees involved, and any other appropriate individual to obtain sworn statements and documents relating to the issues in the complaint. After the complaint is investigated, a Report of Investigation (ROI) is prepared, and the complaint is sent to the next stage, adjudication, when a formal judgment will be made.

What if there is no concrete evidence of the discrimination? What if the discriminatory incident was verbal, for example? The investigator will ask each person to swear to the truth of their story. But, it is exceptionally hard when one person swears something was said and the other person swears it was not said. Without much else on the record, the investigation will be inconclusive. This feels unsatisfying at best and like a violation of one's self at worse. Farmers may want a deeper investigation into whether the person in question has a history of making similar verbal comments or has a pattern of discriminatory comments. But, that kind of information is not likely to make it into this process. These types of incident reports are limited to the incidents at hand, in isolation. This doesn't feel fair to many farmers, and it may be a reason to choose a different strategy.

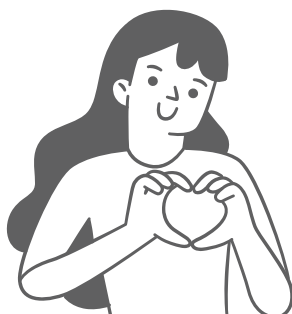
Stage 3: Adjudication

During the adjudication stage, the Center for Civil Rights Enforcement will review the ROI and perform a legal and factual analysis of the complaint to determine whether discrimination occurred. Based on this analysis, the Office of Adjudication will issue a Final Agency Decision. The Final Agency Decision will contain an analysis of the claims in the complaint and the CCRE's conclusions and findings, including whether discrimination was found. If discrimination is found, the Office of Adjudication may attempt to settle the complaint or take other corrective action, as appropriate. If no discrimination is found, the complaint is closed.

A copy of the Final Agency Decision will be mailed to the complainant after it is signed by the Director of the Center for Civil Rights Enforcement. If your complaint alleges discrimination based on disability, you may appeal the Final Agency Decision to the Assistant Secretary for Civil Rights within 90 days of receipt of the Final Agency Decision. This opportunity for appeal applies only to complaints alleging discrimination based on disability.

Consider Your Thoughts

What is my gut saying about filing a discrimination complaint letter?



I LIKE:

HESITATIONS:

I THINK I'LL TRY IT!

Do you think you'll want to use the form provided? Or is writing your own letter more your idea? Take some time to articulate why you believe FSA's action was discriminatory as you prepare to put it in writing.

I'M GOING TO LOOK FOR ANOTHER STRATEGY

If finding new ways to meet your goals sounds better, try:

Connect with your Community (Strategy 9)

You might also consider these options:

Contact an elected representative (Strategy 7)
Run for a seat on your FSA county committee (Strategy 8)

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STRATEGY SEVEN

Contact an elected representative



How much time does it take?

A couple of hours to write a letter and/or make a call.



Is specific expertise or detail orientation required?

None required.



What issues is this strategy ideal for resolving?

The issue is when there is an unexplained or abnormal delay in processing or a lack of information provided. This solution is not effective where FSA promptly followed all processes with clear documentation, against claims of discrimination, or where the farmer has a policy-driven issue with a decision or outcome.



Navigating the federal government and its programs can be challenging for anyone. Fortunately, all US Citizens are represented by elected officials, and one of their roles is to assist their constituents as they interact with the federal government. Specifically, we're talking about congress persons serving in the House of Representatives (called a representative) or the Senate (called a senator). **Anyone can reach out to their representative or senator to request assistance working with a federal agency.** No congressperson can guarantee a favorable outcome, and they can't request special treatment for a constituent or reconsideration of a decision that falls outside agency policy. But there are still circumstances in which your congressperson can assist.

HELPFUL USES OF CONGRESSIONAL REPRESENTATIVES:



Looking into delays



Correcting errors



Clarifying confusions

Do what you can first. Contacting your congressperson is always more effective when the farmer has attempted resolution and sought information from FSA directly beforehand. Many representatives will ask you for details as to what your interactions have already been, for example, dates on which you called or copies of emails you sent. If, for example, you feel your loan application is delayed but have not reached out to your servicing office or loan officer to learn why, your congressperson will expect you to do that first. If you do not receive an answer after clearly requesting it, and you wait a reasonable amount of time, your congress person will potentially be able to assist.

Congresspersons are only able to assist the folks they represent. This means you can only request assistance from your representatives and not those from a neighboring state or district. You do not need to have voted for your congressperson to request assistance from them. Even if you voted for their opponent or have been vocal in your opposition to the individual representative, you may request assistance.

Each person has
three congressional
representatives:



2 Senators



1 Representative

Go to [Congress.gov](https://www.congress.gov) and click the “find your member” button to find your representatives.

Phone and email are convenient ways to reach your representative. If you live in a larger city, there may be an in-person office nearby, as well. Most offices have a staff person assigned to hear constituent’s issues and assist them with it. **You might consider asking for the name and contact information of the “constituent services staff person.”** Some elected officials also have an online form on their individual websites that they may request you complete. In all cases, the congressperson will need your direct permission to get further information about your situation. This is intended to protect your privacy, and you’ll need to sign an authorization form before the office can move forward.



**for big cities*

Consider Your Thoughts

What is my gut saying about contacting my elected representative?



I LIKE:

HESITATIONS:

I THINK I'LL TRY IT!

My House of Representatives member and their name/contact information is:

My senators and their name/contact information is:

The thing I really want to express to them, and the action I'm wanting from USDA/FSA is:

I'M GOING TO LOOK FOR ANOTHER STRATEGY

If your complaint doesn't involve discrimination and you want a formal appeals process, consider:

Filing an NAD appeal with USDA (Strategy 4)

If your complaint does involve discrimination, consider:

Filing a discrimination complaint letter with USDA (Strategy 6)

If finding new ways to meet your goals sounds better, explore:

Connect with your Community (Strategy 9)

More strategies are listed on page 07.

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STRATEGY EIGHT

Run for a seat on your FSA county committee

**How much time does it take?**

Completing the paperwork to run for the office is quick and easy. If elected, the position is for 3 years.

**Is specific expertise or detail orientation required?**

None required.

**What issues is this strategy ideal for resolving?**

Circumstances where farmers are interested in influencing FSA through its existing mechanisms for taking farmer input, including decisions about NRCS programs. This path is not effective for reaching goals that deal with an individual's specific circumstances, such as reconsidering a decision, changing an agency policy, or adjudicating a claim.



Every FSA office in the country has an advisory board made up of local producers. This group of advisors is called a **county committee (or COC), and they are elected by farmers and landowners from within the county**. Some members may also be appointed, as necessary, to ensure diverse representation. The county committee serves an advisory role, which means they provide input to the county office about local needs and impacts. The county committee can take on efforts such as outreach to local producers, conducting hearings or reviews on special issues, and making recommendations to the state committee on existing programs, for example. County committees may also approve certain NRCS decisions around cost-share payments and program eligibility. County committees do not have the power to enact changes to FSA programs or to create new policies or programs.

An excellent solution for future change. This path to justice works best when producers do not need to resolve an ongoing issue and when their vision of justice centers on improving farmers' experience of FSA for all of those in the geographic community. Serving on a County Committee can be a powerful way to work towards a positive FSA office culture, expand outreach efforts, and foster accountability. Especially for farmers who feel they may have been negatively impacted, things like outreach and COC service may provide a path to justice. It's an opportunity to put democracy into action at a fundamental level. The sense of working within the system to make a better experience for everyone at a local level can be meaningful. Farmers have, indeed, made the choice to run for the COC to serve as a force for good in their local FSA office.

Producers who have applied for or participated in an FSA program are probably eligible to serve on the County Committee. Specifically, COC members must:

- 1** Be a producer who owns or operates a farm or ranch
- 2** Live within the county or area being served
- 3** Participate in an FSA program or have provided your information to FSA regarding participation
- 4** Be a U.S. Citizen, 18 years of age or older

Running for election is easy. Producers may nominate themselves, or someone else may nominate an individual by completing the nomination form. FSA recognizes the importance of ensuring the COC represents the diversity of communities within its county or area, and there is an opportunity for the Secretary of the USDA or organizations representing disadvantaged farmers to nominate a socially disadvantaged producer to the slate of candidates. **Nomination forms should also be sent to each farmer in their database by June 15th of each year.**

The time investment: If you are elected onto the COC, the term of service is 3 years, and you can be re-elected up to two times for a total of 9 consecutive years of service. Committee meetings are held monthly and usually last 2-3 hours. Committee members receive a small stipend for their time as well as reimbursement for travel to and from committee meetings.

If running for election to the COC isn't the right choice for you, voting in the election is also a step towards healing. By reviewing the candidates and selecting those who represent your concerns, you can contribute to long-term change within FSA. If you are already in FSA's database as a farmer within the local office, you should automatically receive a ballot in the mail near the end of the year.

Consider Your Thoughts

What is my gut saying about running for a county committee seat?



I LIKE:

HESITATIONS:

I THINK I'LL TRY IT!

In looking at the application

☐ I feel ready

-OR-

☐ I'll need to ponder how to complete it. I've marked the date on my calendar to look for the application:

_____ *date*

I'M GOING TO LOOK FOR ANOTHER STRATEGY

If your issue doesn't involve discrimination and you want a formal appeals process, try:

Filing an NAD appeal with USDA (Strategy 4)

If your issue involves discrimination, consider:

Filing a discrimination complaint letter with USDA (Strategy 6)

If finding new solutions sounds better, try: **Connect with your Community (Strategy 9)**

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STRATEGY NINE

Connect with your community

**How much time does it take?**

This strategy can take a long time—or very little—depending on how the farmer chooses to pursue it.

**Is specific expertise or detail orientation required?**

None required.

**What issues is this strategy ideal for resolving?**

This path to justice works best when the producer does not need any formal resolution of the issue and when focusing on helping others avoid the same pitfalls and problems is part of the producer's vision of justice.

One way many people reconcile something negative they've experienced is by telling their story to others. The act of telling our story can bring about many powerful changes.



Help Others Learn



Connect with Others



Process and Recover



Reduce Isolation



Get Helpful Feedback



Gain New Ideas

Are you feeling called to let others know about your experience? Do you think your story could be helpful to others? Who might benefit from hearing it?

If telling your story feels positive, then let's dig into this idea. Have you considered doing some journaling? Writing down a story in words can help us recollect the experience fully. Putting something in writing is a great first step towards helping us consider the right words for what happened. As we make words, we often find ourselves exploring more deeply how our experience felt. As we describe how others responded or acted, we can find insight into their angle. Some people don't process effectively through writing and are better able to develop their story by actually telling it. That's a wonderful idea as well, and friends, relatives, mentors, clergy, and/or therapists are all great options to begin sharing verbally.

Regardless of how you develop your story, asking yourself a few key questions can help bring light to the most important parts.

Discover the plot:

What happened, and in what order?

The thing that makes a story compelling is the experience:

What did you feel when those things happened?

How did the results affect your life in the short term?

What long-term effects did you experience?

What was the impact on your farm and/or in your community?

Every story needs a listener. **Who do you think should hear your story?** Our goals can help point us to an audience. For example, if you feel other farmers have something to gain from your story, that's a great audience. If you would prefer your story to create change within an institution, perhaps FSA is the ideal audience. Of course, your story can reach more than one group, but a focus can help us with the next step.

Stories come in many forms, and there's a variety of places and ways to get yours out there.

If it's farmers you want to reach:

- **Local and regional farm conferences** often love to have farmer panels on experience with different programs. Your story might fit right in with an existing workshop or panel.
- **Farmer newsletters and publications** may be interested in hearing your story and sharing it with their readers.
- **Farm field days and farm gatherings** are also great places to reach folks on a casual basis.

If your audience is an FSA audience

- **Ask for a meeting to share your story.** If you tell your story in a farmer-facing forum, you can also clip the newsletter article, conference brochure, etc. and send it to the FSA office with an encouragement for them to check it out.
- **News outlets and farm newspapers** may also be interested in your story.

Telling one's story does come with some cautions. Speaking our truth doesn't necessarily mean that others will respect or even recognize it. Having one's story rejected can add insult to injury. We need to be aware of that vulnerability we create for ourselves by putting our story out there. One way we can manage that vulnerability is by keeping our story close to those whom we trust.

Consider Your Thoughts

What is my gut saying about telling my story in my community?



I LIKE:

HESITATIONS:

I THINK I'LL TRY IT!

Here's the thing(s) I think other farmers might find helpful or informative about my story:

Here are a couple of places I might find an audience:

I'M GOING TO LOOK FOR ANOTHER STRATEGY

If your issue doesn't involve discrimination and you want a formal appeals process, consider:

Filing an NAD appeal with USDA (Strategy 4)

If your issue involves discrimination, consider:

Filing a discrimination complaint letter with USDA (Strategy 6)

Filing a civil suit (Strategy 5)

More strategies are listed on page 07.

You deserve a round of congratulations for taking the time to reflect on your situation and consider your feelings.

We hope this resource has provided you with ideas for writing the next chapter of your story. If you want to share thoughts on this resource or how it has impacted your life, please reach out online at farmcommons.org.

Farm Aid runs a national Farmer Hotline, 1-800-FARM AID. Hotline Operators are available to speak with farmers Monday-Friday, 9am-9pm ET, and the Spanish Hotline is available Monday-Friday, 9am-5pm ET. Farmers can also submit an [Online Request for Assistance](#) or search the [Farmer Resource](#).

