



Filing a NAD Appeal to Protect Your USDA Signed Agreement

This resource is written for farms and organizations nationwide who :

- 1) **Have a signed contract or grant award** with NRCS (National Resources Conservation Service), FSA (Farm Service Agency), RD (Rural Development), RBS (Rural Business-Cooperative Service), or RMA (Risk Management Agency) and
- 2) **Have received a written notification terminating or freezing their funds**, and want more information on filing an appeal with the USDA's National Appeals Division (NAD).

This resource includes sample letters.

For farms or organizations with signed agreements through the Agriculture Marketing Service (AMS) or the National Institute of Food and Agriculture (NIFA), check out our resource: [Filing a Review Request Letter with AMS or NIFA](#).

For farms or organizations that are not ready to file an appeal or have yet to receive written notification about the status of their USDA funding, check out our resource: [Sending an Inquiry Letter](#).

Version: 2.0

Issue date: May 22, 2025

Disclaimer: *Farm Commons is offering this resource to provide educational resources to farms and organizations as they make their own decisions about how to respond to USDA's funding freezes and terminations. This resource does not provide legal advice and is not an offer to provide legal services. No attorney-client relationship is formed by reading this document or by taking action based on it. No specific outcome is guaranteed as a result of filing a NAD appeal as described in this resource. The legal issues involved are complex, everchanging, and uncertain. The information we provide here is based on our current knowledge and understanding, as well as ongoing conversations with lawyers and organizations. As the situation and our understanding continue to evolve, we will update this resource.*

Common USDA funding programs that this resource addresses include:

**This is not an exhaustive list:*

- Environmental Quality Incentives Program (EQIP)- NRCS
- Conservation Stewardship Program (CSP) - NRCS
- Regional Conservation Partnership Program (RCPP) - NRCS
- Agriculture Conservation Easement Program (ACEP) - NRCS
- Partnerships for Climate Smart Commodities projects (PCSC) - NRCS
- Agricultural Risk Coverage & Price Loss Coverage (ARC & PLC) - FSA
- Farm Loan Program (Direct and Guaranteed Loans) - FSA
- Conservation Reserve Program (CRP) - FSA
- Noninsured Crop Disaster Assistance Program (NAP) - FSA
- Risk Management Education Partnership Grants - RMA
- Rural Energy for America Program (REAP) Grants - RD /RBS
- Value-Added Producer Grants (VAPG) - RD
- Socially Disadvantaged Groups Grants - RD

What about sub-awards?

Generally, under principles of contract law, sub-awardees do not have the right to file a lawsuit challenging decisions made by the primary parties of the underlying agreement, including a decision to terminate the agreement. That's because sub-awardees are not a party to the underlying agreement and do not have what's called "privity of contract" in legal terms. While there are exceptions to this rule, it can be rather complicated.

However, the rules appear to be more lenient in agency-level appeals such as NAD. **We have received confirmation from NAD directly that suggests sub-awardees who have been harmed by an agency decision—such as the decision to terminate the prime award agreement—would meet the qualifications to file a NAD appeal, even if the lead or prime awardee does not appeal.** As this is an evolving area, we do not know for certain the outcome or what type of relief a sub-awardee could gain by filing a NAD appeal.

Sub-awardees could, of course, encourage the prime award holder to file a NAD appeal. A sub-awardee could also request the prime award-holder to honor the sub-award contract and disburse the funds, regardless of the USDA's decision. Usually, however, the sub-award contract has a provision that if the federal funds are not received by the prime award holder, the sub-award contract is terminated.

Why File a NAD Appeal?

Filing an appeal with USDA's National Appeals Division (NAD) can be a powerful way to stand in solidarity with other farmers and organizations resisting the dismantling of critical programs. It also gives you a chance to gain clarity on your contract or grant—and possibly even have your funding reinstated.

Even if USDA does not reverse its decision, filing an appeal is often **necessary to preserve your legal rights**. In many cases, you must appeal within **30 days** of receiving an “adverse decision” to keep the option of going to court later. If you wait too long, you may lose that opportunity permanently.

Why? Before a lawsuit can move forward in federal court, farmers and organizations are usually required to “**exhaust administrative remedies**”—meaning they must go through all available appeal processes within the USDA first. Skipping this step could result in a court dismissing your case, even if your claim is valid and strong.

USDA's National Appeals Division (NAD) handles appeals from a number of agencies, including:

- Commodity Credit Corporation (CCC)
- Farm Service Agency (FSA)
- Federal Crop Insurance Corporation (FCIC)
- Natural Resources Conservation Service (NRCS)
- Risk Management Agency (RMA)
- Rural Business-Cooperative Service (RBS)
- Rural Development (RD)
- Rural Housing Service (RHS)
- Rural Utilities Service (RUS)

If your funding comes from one of these agencies—and you've received written notice of a freeze, termination, or other written decision affecting your contract—**filing a NAD appeal may be essential to protect your legal options**.

Yes, this process takes time. There are no guarantees. USDA may respond that the decision was allowed under shifting agency priorities or that no official or final decision has yet been made. Still, going through the process can put you in



a stronger position moving forward. It **builds a record of harm, demonstrates good faith, and keeps your legal path open.**

Whether or not to appeal is a personal decision. **Farm Commons is here to support you either way**—and to help you understand the steps if you decide to move forward.

This resource is specific to programs governed by NAD. Other USDA agencies (like NIFA or AMS) have different appeal processes. If you do decide to appeal, it's critical to follow the process for your specific contract or grant and meet the required deadlines.

Weighing benefits and drawbacks of filing a NAD appeal

Filing an appeal can feel daunting—but it also offers important legal and financial opportunities.

Even if USDA denies your appeal, creating a record that you challenged the decision can strengthen any future legal action. Filing now may:

- Improve your chances of having your contract or grant reinstated—fully or partially—without going to court
- Demonstrate a good faith effort to get them to change their mind.
- Create a record that USDA's action may have been arbitrary or unlawful.
- Protect your legal right to challenge the decision in federal court later.

There are few legal downsides to filing an appeal—but there are some practical considerations:

- It takes time and energy to draft and submit an appeal.
- The appeal may be rejected as “untimely,” requiring you to refile.
- It could strain relationships—especially if the process becomes contentious.

Bottom line: Filing an appeal doesn't guarantee success—but it keeps the door open.

When to file a NAD appeal

The 30-day clock starts when you receive an “adverse decision.” But what does that actually mean?

Best case (for appeals purposes): You receive a formal letter—ideally by certified mail—clearly stating your contract or grant is terminated. That’s an obvious “adverse decision.”

But it doesn’t have to be formal to start the clock. Stop work orders, emails confirming that your grant or contract is frozen, or other written communications may also count as an “adverse decision.”

If you’ve received any written communication freezing or terminating funding on your NRCS, FSA, RBS, RMA, or RD contract or grant, you may need to file your appeal with NAD within 30 days of that message—even if it didn’t look like a formal decision.

Why it matters: Missing this window could mean permanently giving up your right to challenge USDA’s decision in court.

Is a lawyer required to file a NAD appeal?

No—Farmers and organizations can file a NAD appeal without a lawyer. Unlike going to court, the NAD appeal process is specifically designed to allow individuals and organizations to represent themselves. This resource outlines the steps and provides Sample Letters to support farmers and organizations who choose to file a NAD appeal on their own.

An Administrative Judge (AJ) will be appointed to your case. One of their roles is to make you feel comfortable and support you through the process. They will be familiar with and apply the relevant laws. The focus of the NAD appeal process is to gather and record all the facts and documents supporting your case. But it’s still a legal process, and mistakes can affect your rights. If you move forward without legal representation, take care to follow deadlines and instructions closely.



Another option is to designate a non-lawyer to represent your case on your behalf. For example, you could ask your accountant, business advisor, board member– or anyone else who may have expertise and familiarity with your financial and legal interests at stake. The benefit of including someone else is to help ensure you include all necessary documents, tell the facts thoroughly and compellingly, and follow deadlines and instructions closely.

If you feel more comfortable having legal representation, contact one of us, and we can connect you with an attorney.

Nationwide: **Farm Commons:** info@farmcommons.org

Farmers' Legal Action Group (FLAG): lawyers@flaginc.org

Northeast: **Legal Food Hub, Conservation Law Foundation:** legalfoodhub@clf.org

Steps for Filing a NAD Appeal

When? You must act quickly. Farmers and organizations have 30 days from the date they receive a written notice (by email or letter) freezing, suspending, or terminating their USDA contract or grant to file a NAD appeal.

How? The [NAD Appeals website](#) provides instructions and helpful resources. You can also watch this [9-minute USDA video](#) on how to file a NAD appeal.

Below is a breakdown of the basic steps:

Step 1: Confirm that NAD procedures apply.

Check the “appeals” or “dispute resolution” section of your contract or grant terms. If it’s unclear, verify whether your funding was issued by a NAD-governed agency (e.g., NRCS, FSA*, RMA, RBS, RD).

** Exception: If your contract is with FSA (Farm Service Agency) and the issue is not related to farm credit, NAD regulations require you to first request an informal review with your FSA field office or County Committee before filing a NAD appeal. **You must send the informal review letter within 30 days of receiving the adverse decision.***



- Use our *Sample FSA Informal Review Letter* to get started.
- If their response is adverse or you receive no response, you may then proceed to file a NAD appeal.

Step 2: Gather supporting documents.

Collect any records that help demonstrate your eligibility and the harm caused by the funding freeze or termination. These may include:

- Your USDA contract or grant award letter
- Your submitted application and USDA's acceptance
- The notice of freeze, delay, or termination (email or letter)
- Any email or call logs with the USDA
- Receipts, invoices, or other documentation showing financial harm

Step 3: Draft your appeal letter.

Write a letter explaining why you disagree with USDA's decision and how the freeze or termination is harming your work. Use our *Sample NAD Appeal Letter* and see the next section on "Framing Appeal Arguments" to help craft a strong appeal.

Step 4: Complete the NAD Appeal Request Form.

Download and fill out the [NAD Appeal Request Form](#).

Step 5: SIGN and Submit your appeal.

You must sign your appeal letter. Note: if you have an attorney representing you, they cannot sign it on your behalf. You must sign it yourself.

When sending your appeal, you have two options:

1. Mail your letter and form to the regional NAD office closest to you.
(Use the mailing address provided in our sample letter.) OR
2. File online via the [NAD eFile system](#):
 - Follow the prompts to set up a NAD eFile account
 - Upload your appeal letter, supporting documents, and form
 - Follow the prompts to submit your appeal



Tip: Prepare all documents ahead of time before starting the e-filing process.

Step 6: Prepare for a hearing (if granted).

If NAD accepts your appeal and schedules a hearing, reach out to us to one of us below. We can help connect you with resources, guides, and additional support to help you prepare.

Nationwide: **Farm Commons:** info@farmcommons.org

Farmer Legal Action Group (FLAG): lawyers@flaginc.org

Northeast: **Legal Food Hub, Conservation Law Foundation:** legalfoodhub@clf.org

Optional: Mediation During the NAD Appeal Process

When filing a NAD appeal, you may request mediation as an alternative to a formal hearing. Mediation is a voluntary, confidential process in which a neutral third party helps both sides explore resolution without the need for a full evidentiary hearing. Mediation may be of interest to farmers and organizations seeking a less adversarial process. However, it may not be effective here where agency decisions reflect top-down policy changes unlikely to be reversed. Proceeding directly to a hearing may be the more strategic option.

That said, farmers and organizations that prefer to at least make an effort to resolve the matter through a less formal process may request mediation instead of a hearing. Simply add the following sentence to your NAD Appeal Letter: *"We respectfully request mediation under the National Appeals Division process in an effort to resolve this matter informally."* This will stop the 30-day clock for filing a NAD appeal.

NAD appeal process, what to expect:

While every case differs, here is a snapshot of what to expect.

NAD acknowledges your appeal. Within a few days to a week, NAD will send you a confirmation letter and assign a Hearing Officer or Administrative Judge (AJ) to your case. The USDA agency that issued the decision (e.g., NRCS, RBS, etc.) will also be notified.

USDA submits its agency record. Within 10 days of NAD accepting the appeal, the USDA agency must submit its official agency record—a packet of documents explaining the decision and supporting evidence.

Pre-hearing conference call. Usually, within 2–3 weeks, the judge will schedule a conference call to explain the process and discuss how the appeal will move forward.

- You and the USDA agency will decide whether to have a live hearing (with witness testimony) or resolve the appeal “on the record” (using only written documents).
- You can also request additional documents from USDA at this stage to support your case.

Option 1: Hearing is held (within ~45 days)

If you request a hearing, it is typically granted. Hearings are usually held by phone or video conference. You may present testimony and submit additional evidence. The USDA may do the same.

Option 2: Decision is made “on the record”: If you don’t request a hearing—or if both parties agree the written record is enough—the judge may issue a decision based only on the written documents. This can lead to a faster resolution but offers less opportunity for live argument or clarification.

Decision issued (typically within 30 days of hearing or record closing). The judge will issue a written decision. If the judge rules in your favor, USDA may be ordered to reinstate the contract, grant, or reconsider its decision.

What if the judge rules against you?

If NAD upholds the agency's decision, you have two options:

- Appeal to the NAD Director, or
- File a lawsuit in federal court. At this point, you've exhausted your administrative remedies, and a federal court is allowed to hear your case.

What happens while the NAD Appeal is pending?

It is common practice for USDA agencies—including NRCS, RMA, and FSA—to halt further actions on a matter when an NAD appeal is filed. In other words, the NAD appeal process generally preserves the “status quo.” This is in the manner of an internal policy, and there is no mandatory or official “stay” that is issued by NAD.

While USDA typically does not finalize a termination or take further enforcement action during the NAD appeal, it can choose to voluntarily lift a freeze, resume payments, or reinstate an agreement at any point. If USDA decides to resume payments or reinstate agreements more broadly—such as for all EQIP contracts—those disbursements can still go forward, including for producers who have appeals pending.

If USDA reinstates your agreement while your appeal is still active, you may receive payment. Most likely, the USDA will ask you to withdraw your appeal once the issue appears to be resolved.

If this happens, we strongly recommend requesting written confirmation of your contract status and funding reinstatement before withdrawing your appeal, to ensure all issues have been fully addressed. Withdrawing too early could prevent you from challenging the decision later if USDA changes course. If you're unsure, it's best to speak with an attorney before making that decision.

Framing Appeal Arguments: Balancing Benefits and Risks

Every farmer and organization will bring a unique set of facts to their NAD appeal. Your contract or grant agreement, your application materials, and the USDA's communications will all shape how you make your case.

When appealing a USDA decision to freeze or terminate funding, it's important to frame your arguments in a way that best fits the facts of your situation and is true to your values and mission.

Strategic Considerations

- **Value and Mission Alignment:** Many organizations and farmers work to support underserved communities or promote conservation, renewable energy, or climate-smart programs. For example, nonprofits may wish to defend DEI-focused objectives or climate and conservation goals while emphasizing the program's broader agricultural and economic impacts.
- **Risk of Retaliation:** While you have the right to appeal, it's natural to worry about damaging relationships. A professionally worded appeal can be firm, respectful, and focused on the facts and legal obligations—preserving relationships and future opportunities while still standing up for your legal and financial interests and rights.
- **Legal strategies:** The appeal is also a chance to build the foundation for any possible future legal action. Choose legal arguments that best match your facts—and that you'd feel confident defending if the case were to move into court or the public eye.

Legal Arguments You May Want to Raise

Here are several legal frameworks that could support your NAD appeal:

The Administrative Procedure Act (APA) – Unfair Government Action

USDA cannot act in an "arbitrary and capricious" manner. Agencies are required to explain their decisions and treat similar situations consistently. If they fail to do so, their actions may be unlawful. If your contract or grant was approved and then suddenly frozen or canceled without a clear explanation or consistent reasoning, you may argue the agency failed to follow legal standards for transparency, consistency, and fairness.

“Reliance Interests” – You Planned Around This Funding

If you budgeted, hired staff, launched programs, entered an arrangement with a sub-contractor, or made planting, construction, or operational decisions based on the USDA’s promise of funding, you may argue that the USDA failed to consider your legitimate reliance on its decision. Courts have found that disrupting these reliance interests without strong justification may be unlawful.

Federal Law – USDA Must Follow Congressional Priorities

Congress has set clear priorities in federal law, including support for:

- Historically underserved farmers and ranchers
- Climate-smart, renewable energy, and conservation-based initiatives
- Equitable access to USDA programs

If USDA is withholding funding in contradiction to these priorities—or without a legal basis for changing course—it may be violating federal law. The USDA cannot override the priorities Congress mandates simply by changing its internal policies.

Constitutional Concerns – Unequal or Biased Treatment

If the USDA disproportionately terminates or freezes funding that supports historically underserved farmers, minority farmers, DEI programs, renewable energy and other climate-related goals, or conservation initiatives while allowing similar programs to continue, this may raise concerns under equal protection laws. It could also raise concerns about free speech rights if farmers or organizations are penalized for certain viewpoints.

Equitable Relief

In some cases, farmers and organizations can request equitable relief under 7 U.S.C. § 7996, which allows USDA to waive certain program requirements if a participant acted in good faith but was prevented from meeting those requirements due to circumstances beyond their control.

For example, if you couldn’t fulfill your contract or grant obligations because USDA froze your funding, you can request equitable relief to avoid being



penalized for non-performance. Equitable relief does not provide monetary damages, but it can allow the USDA to:

- Reinstate a contract or grant
- Extend deadlines
- Waive non-performance penalties
- Allow continued eligibility for future funding

This request can be made as part of your NAD appeal or separately. Including it gives USDA a chance to resolve the issue without penalizing you for a situation you didn't create.

Tailor Your Arguments Thoughtfully

Not every appeal will include every argument. Choose the ones that:

- Best fit the facts and circumstances of *your* situation
- Reflect your values and mission
- You feel comfortable defending publicly and legally.

Use the following Sample Letters as a framework to share the relevant facts and tailor the arguments of your case.

Reach out for questions and support:

Nationwide: **Farm Commons:** info@farmcommons.org

Farmers' Legal Action Group (FLAG): lawyers@flaginc.org

Northeast: **Legal Food Hub, Conservation Law Foundation:** legalfoodhub@clf.org



Sample NAD Appeal Letter (Nonprofit Grant Termination or Freeze)

[Organization Name]

[Organization Address]

[City, State, ZIP]

[Email Address]

[Phone Number]

[Choose applicable region]:

National Appeals Division

Eastern Regional Office (ERO) (CT, DE, D.C, IL, IN, KY, ME, MD, MA, MI, NH, NJ, NY, NC, OH, PA, RI, SC, TN, VT, VA, WV, WI)

Post Office Box 68806

Indianapolis, Indiana 46268-0806

Email: SM.NAD.Eastern@usda.gov

National Appeals Division

Southern Regional Office (SRO) (AL, AR, FL, GA, LA, MS, MO, OK, PR, TX, VI)

Post Office Box 1508

Cordova, Tennessee

Email: SM.NAD.Southern@usda.gov

National Appeals Division

Western Regional Office (WRO) (AK, AZ, CA, CO, HI, ID, IA, KS, MN, MT, NE, NV, NM, ND, OR, SD, UT, WA, WY)

13922 Denver West Parkway Suite 100-NAD

Lakewood, CO

Email: SM.NAD.Western@usda.gov

[Date]

Subject: Appeal of Grant Termination – [Grant Name & Number]

Dear National Appeals Division,

We formally appeal the USDA's decision to terminate our grant, [Grant Name & Number], as stated in the termination notice dated [Date]. We respectfully request a hearing to challenge this decision on the following grounds:

1. Overview of our grant program and alignment with USDA goals

- Our organization was awarded this grant to [briefly describe primary goals and objectives of the grant, e.g., increase market access for small farmers, provide conservation education, support historically underserved communities].
- These objectives are consistent with the USDA's stated priorities for this program [briefly describe program priorities, from request for proposal, agency website, etc.]
- Our program has already demonstrated positive impacts, such as [describe any measurable impacts to date: number of farmers assisted, improvements in conservation practices, economic benefits, etc.].

2. Arbitrary and capricious action, in violation of the APA

- The USDA [agency issuing grant, e.g., RBS] set clear program priorities in its funding announcements, explicitly encouraging projects like ours. Now, it is penalizing recipients for following those priorities, without providing a reasonable explanation for this sudden shift.
- The decision to terminate our grant in its entirety, rather than considering modifications or partial adjustments, is overly broad and irrational. [Even if USDA now questions certain aspects of our program, a more reasonable approach would be to modify the scope of work and/or grant application and award language rather than terminate the grant entirely. [E.g., Our program primarily supports [describe primary mission], with only [percent]% of activities tied to DEI]]
- The agency's decision to terminate funding without considering reliance interests and program impact is an unjustified policy reversal. [Our organization planned staffing, budgeting, and operations around the USDA's prior commitment to this funding. [Explain details.]]. The abrupt termination has caused severe financial and operational harm.

3. Violation of federal statutes

- Congress has consistently recognized the importance of [supporting renewable energy, climate-smart, and conservation initiatives and/or ensuring that historically underserved communities have fair access to USDA resources].
- The USDA's decision contradicts Congressional intent, as set forth in federal statutes that prioritize [renewable energy, climate-smart and conservation initiatives and/or equitable access to USDA resources], [*note: if you know the statutory source funding your grant program, specifically refer to it, e.g.,



Farm Bill, Agriculture Improvement Act of 2018, the Inflation Reduction Act (IRA), Infrastructure Investment and Jobs Act (IIJA)].

- Federal funding priorities under these laws aim to support underserved farmers, sustainable agriculture, renewable energy, rural development, and market access initiatives. Our program was designed in alignment with these legislative mandates, ensuring that USDA resources are directed toward achieving Congress's goals.

4. Discriminatory impact and constitutional considerations

- The USDA's decision to terminate our grant raises significant concerns regarding the disparate impact on organizations [serving historically underserved communities OR supporting renewable energy, climate-smart, and conservation initiatives]. It also raises concerns about compelled speech.
- While we primarily seek review under the APA and statutory violations, we note that this action raises potential equal protection and First Amendment concerns, which may require further legal review.

Requested Actions:

- We respectfully request an evidentiary hearing to present additional documentation and testimony in support of this appeal. [Alternatively: We respectfully request mediation in an effort to resolve this matter informally.]
- We ask that USDA reconsider its decision in light of our alignment with program objectives, compliance with grant terms, and the significant public value of our work.
- If USDA has concerns about specific aspects of our program, we are willing to discuss modifications to the scope of work or agreement language, rather than face outright termination.
- As permitted under applicable USDA regulations and 7 U.S.C. § 7996, we also request consideration of equitable relief to prevent our organization from being penalized for circumstances beyond our control.

Enclosed are supporting documents, including our grant application, award agreement, impact reports, financial records, and correspondence with USDA. We look forward to USDA's response and the opportunity to present our case.

Sincerely,

[Name] [Title] [Organization Name]

[Signature] * must be signed by the organization representative, not their attorney]



Sample NAD Appeal Letter (farmer contract termination or freeze)

[Farmer's Name]

[Farmer's Address]

[City, State, Zip]

[Email Address]

[Phone Number]

[Choose applicable region]:

National Appeals Division

Eastern Regional Office (ERO) (CT, DE, D.C, IL, IN, KY, ME, MD, MA, MI, NH, NJ, NY, NC, OH, PA, RI, SC, TN, VT, VA, WV, WI)

Post Office Box 68806

Indianapolis, Indiana 46268-0806

Email: SM.NAD.Eastern@usda.gov

National Appeals Division

Southern Regional Office (SRO) (AL, AR, FL, GA, LA, MS, MO, OK, PR, TX, VI) Post Office Box 1508

Cordova, Tennessee

Email: SM.NAD.Southern@usda.gov

National Appeals Division

Western Regional Office (WRO) (AK, AZ, CA, CO, HI, ID, IA, KS, MN, MT, NE, NV, NM, ND, OR, SD, UT, WA, WY)

13922 Denver West Parkway Suite 100-NAD

Lakewood, CO

Email: SM.NAD.Western@usda.gov

[DATE]

Subject: Appeal of Adverse Decision Regarding [EQIP/CSP, etc.] Contract [insert contract number and date if available]

Dear Sir or Madam,

I am writing to formally appeal the USDA's adverse decision regarding my [EQIP/CSP/other] contract [insert contract number and date if available], as outlined in the written [letter or email] I received from [name, title, and office]



at USDA] on [insert date]. According to this written notice, the [describe the decision, e.g., funding for the contract has been frozen/terminated].

[Briefly explain what the written notice says, or directly quote relevant parts].

The ambiguity of my contract's status makes me uncertain whether I am required to fulfill the obligations outlined in the contract. I fear that I will incur costs and will not be reimbursed, which will directly cause financial hardship and adversely impact my farm operation. These costs include [provide details of conservation measures you are obligated to take, the timeframe, and the costs involved].

If I am not able to fulfill the contract's requirements due to foreseeable financial hardship, the USDA's decision to freeze payments on my contract is the direct cause. I should not be held liable for non-performance due to circumstances beyond my control.

I respectfully request an evidentiary hearing on the USDA's decision, which I believe constitutes an arbitrary and unlawful agency action under the Administrative Procedure Act. *[Alternatively: I respectfully request mediation in an effort to resolve this matter informally.]* As permitted under USDA regulations and 7 U.S.C. § 7996, I also request consideration of equitable relief, to ensure that my farm is not penalized for non-performance resulting from USDA's payment freeze. I respectfully request the following actions:

- **Immediate resumption of payments** under my contract
- **An extension of the contract timeline** to account for the freeze period
- **A waiver of any non-performance penalties**, including USDA's ability to terminate the contract due to delayed implementation

Attached are all documents relevant to this appeal, including [list documents—e.g., USDA correspondence, contract, financial estimates, etc.].

Please confirm receipt of this appeal and let me know if any additional information is needed. I look forward to your timely response.

Sincerely,

[Farmer's Name]

[**Signature** * must be signed by the farmer, not their attorney]



Sample FSA Informal Appeal Letter

[Farmer's Name]

[Farmer's Address]

[City, State, Zip]

[Email Address]

[Phone Number]

[U.S. Department of Agriculture]

FSA County Committee [location]

Office Address]

U.S. Department of Agriculture

[DATE]

**Subject: Appeal of Adverse Decision Regarding [EQIP/CSP, etc.] Contract
[insert contract number and date if available]**

Dear [FSA County Committee Officials]

I am writing to request an informal appeal of the FSA's adverse decision regarding my [EQIP/CSP/other] contract [insert contract number and date if available], as outlined in the written [letter or email] I received from [name, title] on [insert date]. According to this written notice, the [describe the decision, e.g., funding for the contract has been frozen/terminated].

[Briefly explain what the written notice says, or directly quote relevant parts].

The ambiguity of my contract's status makes me uncertain whether I am required to fulfill the obligations outlined in the contract. I fear that I will incur costs and will not be reimbursed, which will directly cause financial hardship and adversely impact my farm operation. These costs include [provide details of conservation measures you are obligated to take, the timeframe, and the costs involved].

If I am not able to fulfill the contract's requirements due to foreseeable financial hardship, the USDA's decision to freeze payments on my contract is the direct cause. I should not be held liable for non-performance due to circumstances beyond my control.



I respectfully request a review of the FSA's decision to withhold payments, which I believe constitutes an arbitrary and unlawful agency action impeding my ability to comply with the contract.

. I respectfully request the following actions:

- **Immediate resumption of payments** under my contract
- **An extension of the contract timeline** to account for the freeze period
- **A waiver of any non-performance penalties**, including USDA's ability to terminate the contract due to delayed implementation

Please find attached all relevant documentation supporting my review request.

I would appreciate a written response within 7 days to allow me sufficient time to assess the situation for my farm operation and proceed accordingly. Should the freeze continue or a denial be issued, I may need to file an appeal to NAD.

I understand that USDA staff, including program administrators like yourself, are operating under evolving policies and directives. I sincerely appreciate the work you do and the commitment you have shown to supporting farm operations like ours and the communities we serve.

I thank you in advance for your time and assistance and look forward to your response. If there is any additional information I can provide to facilitate this process, please let me know.

Sincerely,

[Farmer's Name]

[Signature]