



FACE-TO-FACE FAIRNESS WITH...

OHA-NAD

**THE USDA OFFICE OF  
HEARINGS AND APPEALS**  
(FORMERLY KNOWN AS THE NATIONAL  
APPEALS DIVISION)

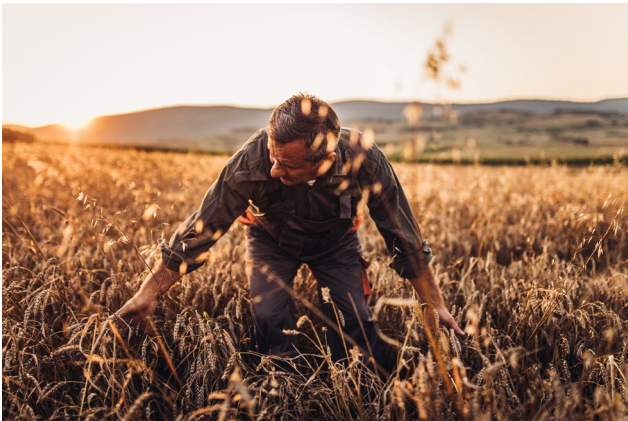
# What/Who is OHA-NAD?

- ▶ **The Office of Hearings and Appeals is an independent office within USDA's Office of the Secretary. Our job is to give Appellants an opportunity to file an appeal and receive a hearing if they disagree with a program decision received from one of these agencies:**
  - **Farm Service Agency (FSA)**
  - **Rural Housing Service (RHS)**
  - **Risk Management Agency (RMA)**
  - **Natural Resources Conservation Service (NRCS)**
  - **Rural Business-Cooperative Service (RBS)**
  - **Rural Utilities Service (RUS)**
  - **Rural Development (RD)**
  
- ▶ **Filing an appeal with us gives the Appellant a chance to explain why they don't agree with what the agency decided. The Appellant will be able to present their case and any evidence, in person or by telephone, to an Administrative Judge. The AJ's job is to find out what happened, review the evidence, and decide the appeal.**

# Who can file an appeal, and what can be appealed?

## Appellant

A participant in a USDA program who has received an adverse decision from one of six USDA agencies



## Adverse Decision

Administrative decision that is adverse to a participant.



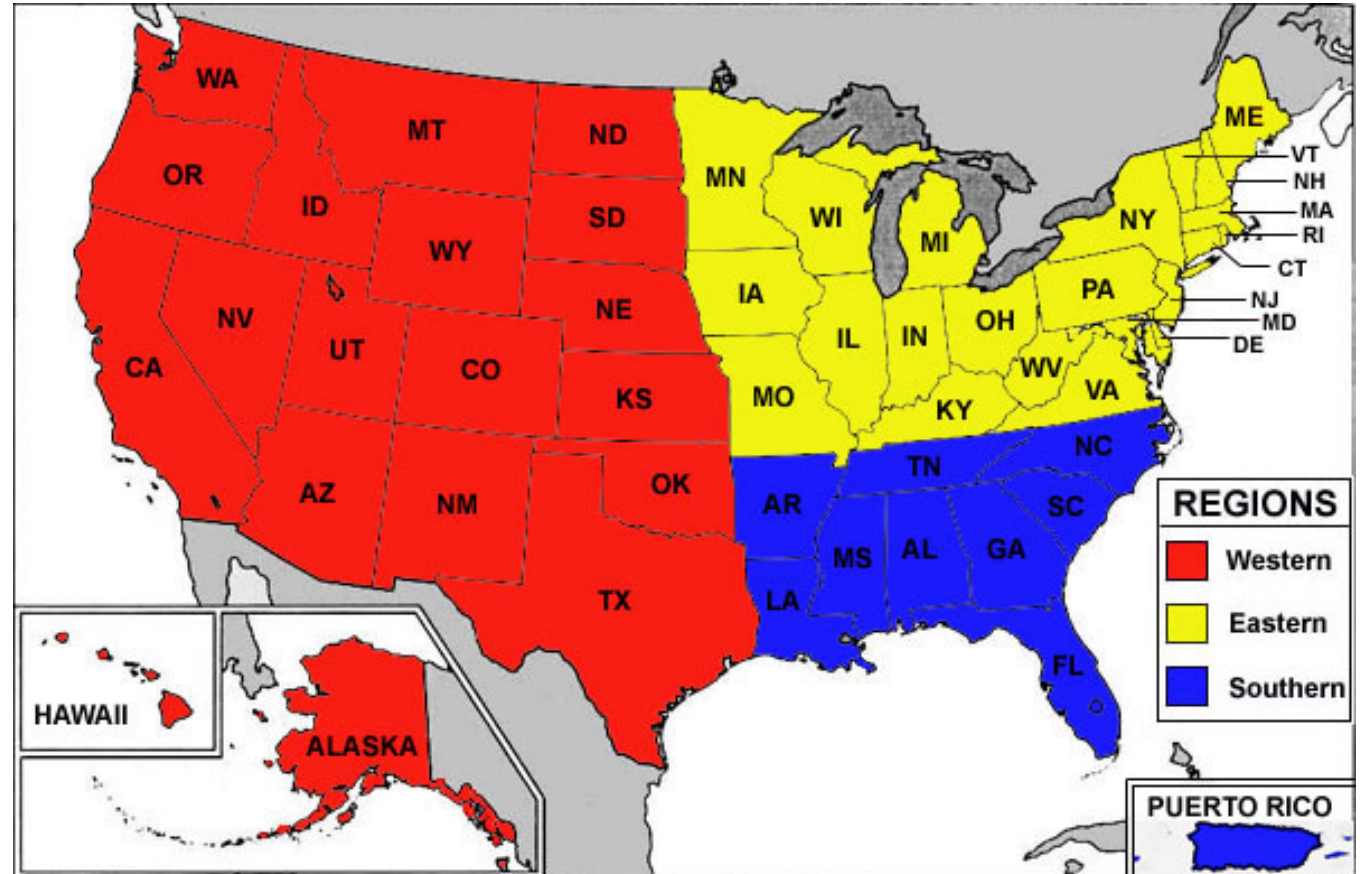
## Examples

- ✓ Denial of a requested moratorium on mortgage payments
- ✓ Partial, but not full financing on a farm operating or ownership loan
- ✓ Denial of equitable relief
- ✓ Failure to act on a request within a timeframe



# HOW TO FILE AN APPEAL WITH OHA

- ▶▶ Must be in writing and signed personally by the program participant.
- ▶▶ Should be filed at the appropriate regional office.
- ▶▶ Must be filed within 30 days (plus seven days mailing time) of receipt of the adverse decision.
- ▶▶ Should include a statement as to why the decision is wrong.

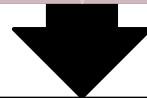


# THE APPEAL PROCESS

Participant files appeal to appropriate regional office

Regional office reviews for timeliness/ jurisdiction

Creates Case Record



Deputy Regional Director Assigns Case to AJ

AJ Schedules pre-hearing to narrow issues

AJ holds IPH within 45 days



AJ Issues Determination

Agency erred/did not err

Appellant/Agency may request Director Review

# The Best Part...

No cost to appeal to OHA!



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Attorney is permitted, but not required;  
fees may be recoverable







Despite the  
Benefits...

FEWER THAN 5% OF ELIGIBLE  
APPELLANTS ACTUALLY  
REQUEST AN APPEAL WITH  
OHA!

# WHY?

- ▶ Number 1 Reason: Lack of awareness of OHA-NAD
- ▶ Fear of retribution/retaliation from agency personnel
- ▶ Desire to keep smooth relations with County Committees, Loan Officers, etc.
- ▶ Assumption that there is a cost to file an appeal
- ▶ Assumption that representation is required



## Helpful Hints

- ▶ Did you know that...
  - ▶ OHA appellants are entitled to an in-person hearing in their state of residence?
  - ▶ OHA provides document translation and in-person interpretation for dozens of languages?
  - ▶ OHA holds hearings in American Samoa, Puerto Rico, US Virgin Islands, Northern Mariana Islands, etc?
  - ▶ OHA offers in-person hearings, virtual hearings, telephone hearings and record reviews?
  - ▶ Did I mention that our services are free?

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