

Federal Crop Insurance Corporation, USDA

§ 400.90

FCI No.	Form title	OMB No.	Expiration date
FCI-74-B	Peanut Computation Sheet	0563-0041	9-30-94
FCI-74-B	Stand Reduction Appraisal Worksheet	0563-0016	4-30-95
FCI-74-B	Fresh Tomatoes Appraisal Worksheet	0563-0016	4-30-95
FCI-74-B	Peppers Appraisal Worksheet	0563-0016	4-30-95
FCI-74-B	Cotton Claim for Indemnity	0563-0014	12-31-93
FCI-74-C	Summary of Harvested Production	0563-0040	8-31-94
FCI-74-C	Hail Damage Appraisal Worksheet	0563-0016	4-30-95
FCI-78	Request to Exclude Hail and Fire	0563-0032	6-30-94
FCI-78-A	Request to Exclude Hail and Fire	0563-0032	6-30-94
FCI-505	Potato Crop Insurance Policy—Certified Seed Potato Option Amendment.	0563-0029	6-30-94
FCI-506	Apple Fresh Fruit Option	0563-0020	6-30-94
FCI-513	Waiver to Transfer Segregation II and III Peanuts to Quota Loan.	0563-0026	7-31-94
FCI-514	Malting Barley Option	0563-0020	6-30-94
FCI-523	Potato Quality Option	0563-0020	6-30-94
FCI-527	Planting Record—Fresh Sweet Corn	0563-0022	6-30-94
FCI-528	Planting Record—Peppers	0563-0022	6-30-94
FCI-529	Planting Record—Tomatoes (Fresh Market Dollar)	0563-0022	6-30-94
FCI-530	Upland/ELS Cotton Program/Identification of Cotton Prod.	0563-0038	8-31-94
FCI-532	Power of Attorney	0563-0030	8-31-94
FCI-535	Wheat Crop Insurance—Winter Coverage Option	0563-0020	6-30-94
FCI-539	Apple Sunburn Option	0563-0020	6-30-94
FCI-541	Corn Silage Option	0563-0020	6-30-94
FCI-544	Underwriting Questionnaire (Container Stock Only)	0563-0034	7-31-94
FCI-545	Nursey Container Report	0563-0034	7-31-94
FCI-546	Nursey Crop Insurance Inventory Summary	0563-0034	7-31-94
FCI-547	Potato Crop Ins. Policy—Processing Potato Quality Option.	0563-0020	6-30-94
FCI-548	Potato Crop Ins. Policy—Frost/Freeze Potato Option	0563-0020	6-30-94
FCI-549	High-Risk Land Exclusion Option	0563-0018	6-30-95
FCI-550	Fresh Market Tomato Minimum Value Option	0563-0020	6-30-94
FCI-551	Raisin Conditioning Pool—Production to Count	0563-0035	8-31-94
FCI-552	Self-Certification Replant Worksheet	0563-0037	8-31-94
FCI-553	Unit Division Option	0563-0001	2-28-95
FCI-554	Macadamia Orchard Inspection Report	0563-0015	4-30-95
FCI-555	Peach Producer's Picking Records	0563-0024	6-30-94
FCI-819	Raisin Supplement—Tonnage Report	0563-0035	8-31-94

[56 FR 49390, Sept. 30, 1991, as amended at 58 FR 13531, Mar. 12, 1993]

Subpart I [Reserved]

Subpart J—Appeal Procedure

AUTHORITY: 7 U.S.C. 1506(l), 1506(p)

SOURCE: 67 FR 13251, Mar. 22, 2002, unless otherwise noted.

§ 400.90 Definitions.

Act. The Federal Crop Insurance Act (7 U.S.C. 1501-1524).

Administrative review. A review within the Department of Agriculture of an adverse decision.

Adverse decision. A decision by an employee or Director of the Agency that is adverse to the participant. The term includes the denial of program benefits, written agreements, eligibility, etc. that results in the participant receiving less funds than the participant believes should have been paid or not receiving a benefit to which the participant believes he or she was entitled.

Agency. RMA or FCIC, including the RSO, FOSD or any other division within the Agency with decision making authority.

Appellant. Any participant who appeals or requests mediation of an adverse decision of the Agency in accordance with this subpart. Unless otherwise specified in this subpart, the term

“appellant” includes an authorized representative.

Authorized representative. Any person, whether or not an attorney, who has obtained a Privacy Act waiver and is authorized in writing by a participant to act for the participant in the administrative review, mediation, or appeal process.

Certified State. A State with a mediation program, approved by the Secretary, that meets the requirements of 7 CFR part 1946, subpart A, or a successor regulation.

FCIC. The Federal Crop Insurance Corporation, a wholly owned Government corporation within USDA.

FOSD. The Fiscal Operations and Systems Division established by the Agency for the purpose of making determinations of indebtedness for policies insured by FCIC and for determining ineligibility for policies both insured and reinsured by FCIC.

FSA. The Farm Service Agency, an agency within USDA, or its successor agency.

Good farming practices. For agricultural commodities insured under the terms contained in 7 CFR part 457 and all other crop insurance policies authorized under the Act, except as provided herein, means the good farming practices as defined at 7 CFR 457.8. For agricultural commodities insured under the terms contained in 7 CFR part 407, means the good farming practices as defined at 7 CFR 407.9.

Insured. An individual or entity that has applied for crop insurance or who holds a crop insurance policy that was in effect for the previous crop year and continues to be in effect for the current crop year.

Mediation. A process in which a trained, impartial, neutral third party (the mediator), meets with the disputing parties, facilitates discussions, and works with the parties to mutually resolve their disputes, narrow areas of disagreement, and improve communication.

NAD. The USDA National Appeals Division. See 7 CFR part 11.

Non-certified State. A State that is not approved by the Secretary of Agriculture to participate in the USDA Mediation Program under 7 CFR part 1946, subpart A, or its successor regulation.

Participant. An individual or entity that has applied for crop insurance or who holds a valid crop insurance policy that was in effect for the previous crop year and continues to be in effect for the current crop year. The term does not include individuals or entities whose claims arise under the programs excluded in the definition of participant published at 7 CFR 11.1.

Reinsured company. A private insurance company, including its agents, that has been approved and reinsured by FCIC to provide insurance to participants.

Reviewing authority. A person assigned the responsibility by the Agency of making a decision on a request for administrative review by the participant in accordance with this subpart.

RMA. The Risk Management Agency, an agency within USDA, or its successor agency.

RSO. The Regional Service Office established by the Agency for the purpose of providing program and underwriting services for private insurance companies reinsured by FCIC under the Act and for FCIC insurance contracts delivered through FSA offices.

Secretary. The Secretary of Agriculture.

USDA. United States Department of Agriculture.

[67 FR 13251, Mar. 22, 2002, as amended at 68 FR 37720, June 25, 2003]

§ 400.91 Applicability.

- (a) This subpart applies to:
 - (1) Adverse decisions made by personnel of the Agency with respect to:
 - (i) Contracts of insurance insured by FCIC; and
 - (ii) Contracts of insurance of private insurance companies and reinsured by FCIC under the provisions of the Act.
 - (2) Determinations of good farming practices made by personnel of the Agency or the reinsured company (see § 400.98).
- (b) This subpart is not applicable to any decision:
 - (1) Made by the Agency with respect to any matter arising under the terms of the Standard Reinsurance Agreement with the reinsured company; or
 - (2) Made by any private insurance company with respect to any contract of insurance issued to any producer by