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It may not be too late for your complaint!

If you ever filed a discrimination complaint against the U.S. Department of Agriculture, a new law may affect you.

What is this all about?

Many people filed discrimination complaints against the U.S. Department of Agriculture (USDA) over the years. But many of these complaints were never reviewed by USDA, or were improperly handled. When, under the Clinton Administration, USDA tried to go back and take care of these complaints, it found that the various statutes of limitations had run out. That means that by law USDA could not pay farmers even if they deserved to be compensated.

President Clinton and Secretary Glickman worked with Congress to pass a new law that will allow USDA to help the farmers and ranchers whose complaints were ignored or not properly processed.

Does this new law apply to me?

You are covered by this law if you:

- filed a discrimination complaint against USDA before July 1, 1997; and
- the complaint stated that the discrimination occurred between January 1, 1981 and December 31, 1996; and
- the complaint relates to any of the following USDA programs: farm ownership loans, farm operating loans, emergency loans, housing, commodity, or disaster assistance programs.

NOTE: If you filed a complaint after July 1, 1997, alleging discrimination that occurred after December 31, 1996, your claim will be processed through existing procedures, and this waiver does not apply to you.

To check on the status of your complaint, contact USDA's Office of Civil Rights.

I fit that description. What do I do now?

If you would like USDA to review your complaint under this new law, send a letter:

United States Department of Agriculture
Office of Civil Rights
1400 Independence Avenue SW
Room 326-W, Whitten Bldg.
Washington, DC 20250
1-800-543-1289, TDD/TTY 202-720-8372

Your letter should include:

- your name, address and phone number
- the date the original complaint was filed, if possible
- a copy of the original complaint, if possible
- any other evidence you consider necessary to prove that your complaint is eligible under these procedures.

USDA is already working on several complaints under these new procedures and you can call USDA's Office of Civil Rights for more information. If your complaint is already being processed, the Office of Civil Rights will register it, and you will receive a letter by March 1, 1999. This letter will tell you what to do. It may contain a settlement offer.

What happens after I send in my letter?

First, it goes to the Director of the Office of Civil Rights for review. Once the director determines that your complaint is eligible, the director will review all the evidence. If necessary, the director may also ask for a formal investigation by the Office of Civil Rights.

Then, the director will either:

- begin negotiating with you to resolve the complaint, or
- inform you that the Office of Civil Rights will not settle the complaint.

If USDA will not settle your complaint, the director will then explain all your options, including your right to have an Administrative Law Judge (ALJ) hear your case.

ALJs are independent legal experts who are selected on the basis of merit and receive no performance ratings by USDA officials; they are hired only to listen and rule on cases such as these.

What happens after I ask for a hearing before an ALJ?

You, and all the parties involved, will receive written notice from the Office of Civil Rights in 3-4 weeks. This letter will tell you the time and place for your hearing. It will also state whether the hearing will be over the telephone, by way of an audiovisual conference, or in person.

Then the Office of Civil Rights has 35 days to turn over its files to the ALJ. The Office of Civil Rights will mail you a copy of everything it sends to the ALJ.

Once you hear from the Office of Civil Rights that your hearing has been scheduled, you may choose at any time to ask the ALJ to rule on your complaint based on the written materials he or she has received. You can also ask to provide the ALJ with additional arguments or evidence.

You will receive the notice of the ALJ's decision by mail. That decision will become final in 35 days.

What if I want to take my complaint directly to an Administrative Law Judge?

You can bypass the director's review and go straight to an ALJ. You can also ask that an ALJ hear your case at any time during USDA's consideration of your complaint request.

To have an ALJ hear your case, you must file a request, in writing, with USDA's Office of Civil Rights, asking for a hearing. Your request will then be assigned to an ALJ.

What if I don't agree with the ALJ?

You may ask USDA's assistant secretary for administration to review the decision. If you don't agree with the result of that review, then you have 180 days to take your complaint to the U.S. Court of Federal Claims or a U.S. District Court.

My original complaint was made a long time ago. What if I can't find all my paperwork?

If you write in your letter that your original complaint meets the requirements listed in question 2, USDA will review the complaint even if you do not have all the original paperwork.

What if I want to be represented by an attorney?

If USDA is already reviewing your complaint, and you have already informed USDA that you are being represented by an attorney, you don't need to do anything else.

But if you are filing a new complaint request and want to be represented by an attorney, make sure you include with your request a signed authorization allowing your attorney to represent you. When you do this, all documents related to your complaint will be sent to your attorney and not to you.

If you decide to get an attorney after you have filed the complaint, you must send a signed authorization to USDA. At that time, your attorney will receive all the documents instead of you.

How long will all this take?

The law requires USDA to resolve these complaints within 180 days, whenever possible, once they are officially received by USDA's Office of Civil Rights.

If you are already involved in a lawsuit alleging discrimination against USDA, you should consult with your attorney to see how this new law affects you.

If you have any questions or need more information, call or write:

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