

United States
Department of
Agriculture



Federal Crop
Insurance
Corporation



Risk Management
Agency



Insurance
Services

FCIC-14040
(12-2016)

FCIC-14040-01
(04-2017)

FCIC-14040-02
(10-2017)

LARGE CLAIM STANDARDS HANDBOOK

FCIC-Approved Standards and Procedures for Handling Large Claims and Referrals for Insurance Services, Regional Offices, and AIPs for the **2017** and Succeeding Crop Years.

**RISK MANAGEMENT AGENCY
WASHINGTON, D.C. 20250**

TITLE: LARGE CLAIM STANDARDS HANDBOOK	NUMBER: RMA-14040 (12-2016) RMA-14040-01 (04-2017) RMA-14040-02 (10-2017)
EFFECTIVE DATE: Upon approval for 2017 And Succeeding Crop Years	ISSUE DATE: October 26, 2017
SUBJECT: Provides the procedures and instructions for administering Large Claim Reviews for the 2017 and succeeding crop years. Adds slipsheets for 2017 Large Claim Standards Handbook released December 6, 2016	OPI: Risk Management Services Division APPROVED: /s/ Robert Ibarra Deputy Administrator for Insurance Services

REASON FOR ISSUANCE

This handbook provides FCIC-approved standards and procedures for handling large claims determinations. Insurance Services and all Regional Offices (RO) will use these standards and procedures when administering large claims determinations and making intra-agency referrals. AIPs will use this handbook when administering their duties in the Large Claim Review process.

LARGE CLAIM STANDARDS HANDBOOK

CONTROL CHART

Large Claim Standards Handbook							
	TP Page(s)	TC Page(s)	Text Page(s)	Exhibit Number	Exhibit Page(s)	Date	Directive Number
Insert	Entire Handbook						
Current Index	1-2	1-2	1-41	1	42	12-2016	RMA-14040
				2	44	12-2016	RMA-14040
				3	46	12-2016	RMA-14040
				4	52	12-2016	RMA-14040
				5	--	12-2016	RMA-14040
				6	54	12-2016	RMA-14040
				7	58	12-2016	RMA-14040
				8	73	12-2016	RMA-14040
				9	76	12-2016	RMA-14040
				10	80	12-2016	RMA-14040
				11	81	12-2016	RMA-14040

REASON FOR AMENDMENT

Listed below are significant changes for the 2017 FCIC 14040 LCH. Highlighted text throughout the LCH represents changes or additions, and three stars (***) identify removal of information.

58. Exhibit 7 C “Your Right to Administrative Review, Mediation, or Appeal:” was revised to include appeal rights in accordance with the WFRP Pilot Insurance Policy, Section 33(e) and 7 CFR part 400, Subpart J.

FILING INSTRUCTIONS

This handbook replaces FCIC-14040 Large Claims Handbook dated May 2014 and is effective for the 2017 and succeeding crop years. This handbook is not retroactive to any 2016 or prior crop year determinations, however, Exhibits 1-11 should be used where applicable to document current or pending Large Claim reviews.

Decision Letter Templates (Continued)

C Regional Office Adverse LC Review Decision Letter Template for WFRP

Section 33(e) of the 2016 Whole-Farm Revenue Protection Pilot Policy states:

“Except as provided in sections 33(d) or (i), if you disagree with any other determination made by FCIC or any claim where FCIC is directly involved in the claims process or directs us in the resolution of the claim, you may obtain an administrative review in accordance with 7 CFR part 400, subpart J (administrative review) or appeal in accordance with 7 CFR part 11 (appeal). If you elect to bring suit after completion of any appeal, such suit must be filed against FCIC in the United States district court for the district in which the insured acreage is located not later than one year after the date of the decision rendered in such appeal... Under no circumstances can you recover any attorney fees or other expenses, or any punitive, compensatory, or other damages from FCIC.”

If you do not agree with FCIC’s determination in this letter you have a right to:

- 1) **Request an administrative review** of the FCIC decision within 30 calendar days from receipt of this letter in accordance with 7 CFR part 400, subpart J, by providing the required information to the RMA Deputy Administrator for Insurance Services (DAIS) at:

[Name of DAIS]

Deputy Administrator for Insurance Services

USDA/RMA/Insurance Services/STOP 0801

ATTN: LARGE CLAIM ADMINISTRATIVE REVIEW

1400 Independence Avenue SW

Washington, DC 20250-0801

First class mail to Washington, DC is often delayed for security measures. You are encouraged to send your information by a delivery service that records pickup or postmark and records and guarantees delivery.

- 2) **Request mediation** of the FCIC decision within 30 calendar days from receipt of this letter by writing to the [Regional Office] Director at:

[Name of RO Director]

[Regional Office Name]

[Address]

ATTN: MEDIATION REQUEST

Or,

- 3) **Request an appeal** within 30 calendar days from receipt of this letter, unless the appellant participated in an administrative review or mediation, the appellant will have only the

Decision Letter Templates (Continued)

C Regional Office Adverse LC Review Decision Letter Template for WFRP

remaining time to further appeal in accordance with 7 CFR part 11, by writing directly to the National Appeals Division (NAD) at the following address:

Regional Assistant Director
National Appeals Division
[Appropriate] Regional Office
[Appropriate Address]
[Appropriate Address]

You can request administrative review and mediation; however, they can't occur at the same time. If you request both mediation and administrative review, the administrative review will be held in abeyance until the conclusion of mediation. Further, if you elect to utilize the administrative review and/or mediation you may appeal to NAD in accordance with 7 CFR Subpart J.

If you have any questions about any of the findings or your rights to, administrative review, mediation, or appeal, you may contact [RO Contact Person's Name] of this office at (XXX) XXX-XXXX.

Sincerely,

[Director's Name]
RO Director

Enclosures (include number and what they are **if applicable**).

cc: [Name of AIP Point of Contact]

Director, [Name of Compliance Office]

(Include exhibits in accordance with guidelines set forth in Exhibit 9 of this handbook).