

Risk Management Agency Interpretation of FCIC Provisions:

Subject: Request dated February 25, 2022, to the Risk Management Agency for an interpretation of the 2019 Whole-Farm Revenue Protection (WFRP) Pilot Policy regarding whether Section 2(e)(1) allows an insured to correct a Social Security Number (SSN) or Employer Identification Number (EIN) that was inadvertently reported incorrectly.

The relevant policy provision provided by the requestor is Section 2(e):

2. *Application.*

(e) *With respect to SSNs or EINs required on your application:*

(1) *Your application will not be accepted and no insurance will be provided for the year of application if the application does not contain your SSN or EIN. If your application contains an incorrect SSN or EIN for you, your application will be considered not to have been accepted, no insurance will be provided for the year of application and for any subsequent policy years, as applicable, and such policies will be void if:*

(i) *You do not correct the number; or*

(ii) *You correct the SSN or EIN but:*

(A) *You cannot prove that any error was inadvertent (Simply stating the error was inadvertent is not sufficient to prove the error was inadvertent); or*

(B) *It is determined that the incorrect number would have allowed you to obtain disproportionate benefits under the crop insurance program, you are determined to be ineligible for insurance or you could avoid an obligation or requirement under any State or Federal law; and*

Interpretation Submitted by Requestor(s)

The requestor's interpretation of Section 2(e)(1) of the 2019 WFRP Pilot Policy is that an insured has the right to correct an incorrect SSN or EIN included on its application and to establish to the Approved Insurance Provider (AIP) that the inclusion of the incorrect SSN or EIN was inadvertent and that the insured did not obtain disproportionate benefits under the crop insurance program to maintain or retain eligibility.

Federal Crop Insurance Corporation Determination

FCIC agrees with the requestor's interpretation that Section 2(e)(1) allows an insured to correct an incorrect SSN or EIN provided the insured can prove, other than a simple statement, that the error was inadvertent. FCIC also agrees with the requestor's interpretation that the insured will maintain their eligibility if the AIP determines the incorrect SSN or EIN did not allow the insured to obtain disproportionate crop insurance benefits or avoid an obligation or requirement under any State or Federal Law.

In accordance with section 33(a)(1) of the WFRP Pilot Policy, this FCIC interpretation is generally applicable and binding in any mediation or arbitration. In accordance with section 33(a)(1), any appeal of this interpretation must be in accordance with 7 C.F.R. part 11.