

**Attachment C: Sample Contract Termination – Payment Recovery Letter**

VIA CERTIFIED MAIL -- RETURN RECEIPT REQUESTED

DATE

(Name and address of contract participant)

RE: Contract Termination and Payment Recovery -- (<<insert program>>) Contract Number (<<enter contract number>>)

Dear (contract participant name):

The Natural Resources Conservation Service (NRCS) previously sent you a notice dated (<<enter date of Certification Letter>>) requesting that you update or provide certifications of compliance with the Highly Erodible Land Conservation (HELCS), Wetlands Conservation (WC), and Adjusted Gross Income (AGI) provisions of the Food Security Act of 1985, as amended. These certifications were needed to verify your eligibility to participate in the <<enter program acronym>>) as provided by statute and regulation. By letter dated <<enter date of the Certification Letter>>, you were to provide or update the required certifications not later than 30 days from receipt of that letter or your contract would be terminated.

Your failure to provide the required certifications within the requested timeframe has resulted in termination of your contract due ineligibility to participate in accordance with the <<enter date of certification letter>> notification. This contract termination is effective with receipt of this notice. In addition, ineligibility to participate requires that NRCS require you repay all cost-share payments previously received under this contract. Finally NRCS must assess liquidated damages in accordance with the contract provisions.

The total amount owed to NRCS is \$<<enter the amount of repayment of CS>> repayment of previously received financial assistance and \$<<enter the amount of Liq. Damages>> of Liquidated Damages for a total payment due NRCS of \$<<enter total of repayments and LD>>. Please make a check out to NRCS and submit to the following address:

<<Enter the address to send the check to>>

If payment is not received in 30 days, we will refer the debt to the USDA National Finance Center (NFC) for collection. NFC will apply interest to the collection of this debt, so it is in your best interest to repay the amount requested.

This decision meets the definition of an adverse decision under the National Appeals Division (NAD) Rules of Procedure. As such, NRCS is hereby providing you with the following appeal rights. You may appeal this decision by making a written request, including this notice, to any of the following review authorities:

**Informal Appeals:** You may request either the FSA County Committee or the NRCS State Conservationist, but not both.

- Farm Service Agency (FSA) County Committee (<<enter address, fax>>)\*  
\*In the event that the FSA County Committee finds merit in your appeal, the committee must, in accordance with 7 CFR 614.10 and 7 CFR 780.11 refer the case to the NRCS State Conservationist for review of the Committee's findings and any evidence and testimony submitted by the participant. The State Conservationist's decision on review of the case must be incorporated into and form the basis of the County Committee's decision.
- Natural Resources Conservation Service, State Conservationist (<<enter the NRCS state Conservationist address, fax>>)

Appeal decisions issued by either FSA or NRCS will include further appeal rights to the National Appeals Division (NAD).

**Formal Appeals:**

- National Appeals Division (NAD) for the <<enter the NAD Region applicable to your state – see the NAD Website at: [http://www.nad.usda.gov/contact\\_us.html](http://www.nad.usda.gov/contact_us.html) for the applicable regional office address>>)

All requests for appeal must be in writing to the review authority. The request for review must include this notice as well as your reasons why the decision to terminate your <<enter the program acronym>> contract and collect all previously received financial assistance as well as liquidated damages is in error and does not comport with the program regulation (7 CFR <<enter the program part number, i.e., 1466 for EQIP; 636 for WHIP; and 1469 for CSP>>). **All requests for appeal must reach the reviewing authority no later than 30 days from the date that you received this notice.**

**Mediation:**

You may request mediation from: <<enter the source of mediation and address, fax>>

You may select any of these options in any order; however, if you select appeal to the National Appeals Division (NAD) you will be precluded from appeal to either FSA or NRCS. If mediation is selected, your appeal rights will be preserved as of the date that the mediation service receives your request as time will be tolled as of that date.

If you have questions about this notification, please contact this office.

Sincerely,

(Enter DC Name)

District Conservationist

Cc:  
CED, FSA