

# Monitor Update: Understanding Who Is Part of the *Pigford* Case

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Update 011

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Office of the Monitor  
*Pigford v. Schafer (D.D.C.)*  
*Brewington v. Schafer (D.D.C.)*  
Post Office Box 64511  
St. Paul, MN 55164-0511  
Phone (toll-free): 1-877-924-7483  
[www.pigfordmonitor.org](http://www.pigfordmonitor.org)

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## Understanding Who Is Part of the *Pigford* Case

### A. Introduction

People who are interested in being part of the *Pigford* case fall into three groups: (1) people who are in the case, (2) people who might get into the case, and (3) people who will not get into the case. This Update explains the rules that determine who is in each group and gives some statistics about each group (as of November 26, 2002).

### B. Definitions

Before explaining the three groups, it is important to explain what some basic terms mean.

- 1. What is the "Consent Decree"?** The Consent Decree is the document that explains what the parties agreed to when they settled the case. The Court approved the Consent Decree after a Fairness Hearing.
- 2. What is a "Claim Sheet"?** The term "Claim Sheet" refers to the Claim Sheet and Election Form—the package of forms that one fills out to file an official claim in the case. The deadline for filing a timely Claim Sheet was October 12, 1999.
- 3. What is a "Petition for Monitor Review"?** Petitions for Monitor Review are the papers that one files to ask the Monitor to review the decision that was made by the Facilitator, Adjudicator, or Arbitrator. There are deadlines for filing Petitions for Monitor Review: people may call the Facilitator's office at 1-800-646-2873 to find out about deadlines.
- 4. What is a "Late Claim Application"?** There are many people who did not file a Claim Sheet on time who believe that they should be part of the case. A person cannot file a Claim Sheet after the deadline (after October 12, 1999) without first getting permission to do so from the Arbitrator. A "Late Claim" application asks the Arbitrator for permission to file a late Claim Sheet. This procedure is sometimes called "5(g)" because it is explained in paragraph 5(g) of the Consent Decree. The Arbitrator is allowed to approve a "Late Claim" application only if he determines that a person was unable to file his or her Claim Sheet on time because of extraordinary circumstances beyond his or her control. The deadline for filing "Late Claim" applications was September 15, 2000.
- 5. What is "Late Claim Reconsideration"?** If a person filed a "Late Claim" application on time (by September 15, 2000) and the Arbitrator rejected his or her application, the

person has a chance to ask the Arbitrator to reconsider his decision. Requests for reconsideration must generally be filed within 60 days after the date of the Arbitrator's rejection letter.<sup>1</sup>

## **C. The Three Groups: Who Is In the Case?**

### **1. Group One: People Who Are In the Case**

In general, the people who are in the case or have permission to join the case consist of those who:

- a. *Filed Claim Sheet On Time.* There are approximately 21,776 people who filed a Claim Sheet by October 12, 1999, and were determined "eligible" by the Facilitator.<sup>2</sup>
- b. *Filed "Late Claim" Application, Request Approved.* There are approximately 1,631 people who did not file a Claim Sheet on time but who did file a "Late Claim" application on time and had the "Late Claim" application approved by the Arbitrator.<sup>3</sup> These people have permission to file a late Claim Sheet. The Facilitator either gave them or will give them a deadline for filing a Claim Sheet. Once the Claim Sheet is filed, if the Facilitator finds them eligible, they will be part of the case.

### **2. Group Two: People Who Might Get Into the Case**

In general, the people who might get into the case consist of those who:

- a. *Filed Timely "Late Claim" Application, No Decision Yet.* There are approximately 7,341 people who did not file a Claim Sheet on time (by October 12, 1999) but who did file a "Late Claim" application on time (by September 15, 2000) and have not yet received a decision on their "Late Claim" application.
- b. *"Late Claim" Application Rejected, Filed "Late Claim" Reconsideration Request.* There are approximately 17,891 people who filed timely requests for reconsideration after they had their "Late Claim" applications rejected by the Arbitrator and have not yet received decisions on their requests for reconsideration.

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<sup>1</sup> When the Arbitrator first officially established a reconsideration policy, the deadline was different. Call the Facilitator at 1-800-646-2873 to find out about reconsideration deadlines.

<sup>2</sup> Approximately 23,148 people filed timely Claim Sheets. Of those, the Facilitator found that approximately 21,776 are eligible. People in certain categories who were found ineligible have the opportunity to file a Petition for Monitor Review up until their petition deadline. The Facilitator has identified approximately 163 people who have the right to petition the Monitor regarding eligibility determinations. Monitor Update No. 5 explains eligibility and the rules and deadlines in the Monitor petition process as it relates to eligibility (available from the Monitor's office; call toll-free, 1-877-924-7483).

<sup>3</sup> Statistics in this Update concerning the "Late Claims" process are current as of October 1, 2002.

### **3. Group Three: People Who Will Not Get Into the Case**

The Consent Decree and Court Orders in this case establish cutoff dates for getting into the case. These Orders provide that the following people will not get into the case:

- a. *Did Not File Timely Claim Sheet and Did Not File Timely "Late Claim" Application.* People who did not file a Claim Sheet on time (by October 12, 1999) and did not file a "Late Claim" application on time (by September 15, 2000) will not get into the case. There are approximately 8,025 people who filed "Late Claim" applications after the deadline (after September 15, 2000)—these people will not get into the case. **IT IS NOW TOO LATE TO FILE A "LATE CLAIM" APPLICATION.**

**ACCORDING TO THE RULES IN THIS CASE, ANYONE WHO DID NOT FILE A CLAIM SHEET BY OCTOBER 12, 1999, OR A "LATE CLAIM" APPLICATION BY SEPTEMBER 15, 2000, CANNOT BE PART OF THE CASE.**

- b. *Filed Timely "Late Claim" Applications, But Lost in "Late Claim" Process.* There are approximately 52,256 people who filed timely "Late Claim" applications that were rejected by the Arbitrator. Some of those people had their deadlines for filing reconsideration requests pass without filing a timely request for reconsideration: those people will not get into the case. Additionally, some people filed timely requests for reconsideration, but the Arbitrator denied their request for reconsideration: those people will not get into the case. There is no Monitor review of decisions in the "Late Claim" process.

### **D. Results for People Who Are In the Case**

Most people who are in the case chose Track A (Adjudication). A chart showing the results for people in Track A is attached to this update. A chart showing the results for people in Track B is available from the Monitor's Office (1-877-924-7483).

People who believe that the decision of the Facilitator, Adjudicator, or Arbitrator in their case is wrong have an opportunity to petition for Monitor review. Deadlines apply in the Monitor review process.<sup>4</sup> Call the Facilitator at 1-800-646-2873 find out about deadlines for petitioning for Monitor review and to request a booklet that explains the Monitor review process.

### **E. Questions**

Individuals may call the Monitor's office toll-free at 1-877-924-7483 with questions.

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<sup>4</sup> The exception is that some decisions made by the Facilitator are not subject to Monitor review. The Facilitator can answer individuals' questions about whether or not they have the right to petition.

## Statistics Regarding *Pigford v. Schafer* Track A Implementation as of November 26, 2002

Prepared by the Office of the Monitor

<b>Item</b>	<b>National</b>
Eligible Class Members	21,776
Number in Track A	21,597

<b>Decisions Sent</b>	<b>National</b>
Total Track A Adjudication Decisions Sent	21,597
Approved	12,951
Percent Approved	60%
Denied	8,526
Percent Denied	40%

<b>Status of Payments</b>	<b>National</b>
Cash Awards (\$50,000)	\$625,200,000
Non-Credit Awards (\$3,000)	1,239,000
Dollars Track A Claimants Are Entitled to As IRS Payments Based on Cash Awards	156,609,750
Debt Relief	14,280,584
<b>TOTAL TRACK A RELIEF</b>	<b>\$797,329,334</b>

For updates, check the Monitor's web site at  
[www.pigfordmonitor.org](http://www.pigfordmonitor.org).