

Office of the Secretary, USDA

§ 15f.2

15f.7 May I be represented by an attorney?

Subpart C—What Happens After I Send In My Request? May I Seek to Resolve My Complaint Informally With OCR?

15f.8 What does the Docketing Clerk do with my request?

15f.9 What will the Director do to settle my Section 741 Complaint Request when it is received?

15f.10 What if I do not want the Director to review my Section 741 Complaint Request and I want to proceed directly to a hearing?

Subpart D—If I Request A Hearing, What Will Happen? How Will The Hearing Be Conducted?

15f.11 Where must I file a hearing request and what happens to it?

15f.12 Am I entitled to a hearing in all circumstances?

15f.13 What is the function of the ALJ and who may communicate with him?

15f.14 What happens after I file a request for a hearing?

15f.15 What Happens after the Docketing Clerk notifies all parties?

15f.16 Although I request a hearing, may I request the ALJ to issue a decision without a hearing?

15f.17 What happens before the hearing?

15f.18 May I depose potential witnesses?

15f.19 Other than myself, OCR, and the agency, may any other interested party participate in the proceeding?

15f.20 May I subpoena witnesses to the hearing?

15f.21 What rules are applicable to the actual conduct of the hearing?

15f.22 What happens after the hearing?

15f.23 What will constitute the record for the final determination?

15f.24 When and in what form will a final determination be made on my complaint by USDA?

15f.25 Will USDA pay my attorneys fees if I win?

Subpart E—What If I Do Not Agree With The Final Determination By USDA?

15f.26 May I seek judicial review of the final determination?

Subpart F—How Do I Count Days For Purposes Of Deadlines And What Happens If I Miss A Deadline In These Rules?

15f.27 When is something considered “filed” as required by these rules and to whom do I need to give copies of what I file?

15f.28 When I or someone else has to do something within a certain number of

days, how will USDA or the ALJ count the days?

15f.29 May I request an extension of a deadline or may I get relief for missing a deadline in these rules?

AUTHORITY: 5 U.S.C. 301; section 101(a) of Pub. L. 105-277, 112 Stat. 2681; Reorganization Plan No. 2 of 1953 (5 U.S.C. App.).

SOURCE: 63 FR 67394, Dec. 4, 1998, unless otherwise noted.

Subpart A—What Is The Purpose Of These Regulations And To Whom And To What Programs Do They Apply?

§ 15f.1 What is the purpose of these regulations?

These regulations provide the rights of complainants and the procedures for the processing of certain nonemployment related complaints alleging discrimination by USDA that were filed with USDA prior to July 1, 1997, as authorized under section 741(b) of the Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 1999, enacted in Division A, section 101(a) of the Omnibus Consolidated and Emergency Supplemental Appropriations Act, 1999, Pub. L. 105-277.

§ 15f.2 Who may use these procedures for processing their discrimination complaint with USDA?

A person may use these procedures if he or she filed a nonemployment related discrimination complaint with USDA prior to July 1, 1997, that alleged discrimination by USDA at any time during the period beginning January 1, 1981 and ending December 31, 1996 :

(a) In violation of the Equal Credit Opportunity Act (15 U.S.C. 1691 *et seq.*) in administering—

(1) A farm ownership, farm operating, or emergency loan funded from the Agricultural Credit Insurance Program Account; or

(2) A housing program established under title V of the Housing Act of 1949; or

(b) In the administration of a commodity program or a disaster assistance program.