



# Food Distribution National Policy Memorandum

United States  
Department of  
Agriculture

Food and  
Nutrition  
Service

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Alexandria, VA  
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**DATE:** December 10, 2008

**POLICY NO:** FD-082: The Emergency Food Assistance Program (TEFAP), Commodity Supplemental Food Program (CSFP), and Food Distribution Program on Indian Reservations (FDPIR)

**SUBJECT:** Responsibilities for Claims for Food Losses

This memorandum describes Food and Nutrition Service (FNS) policy regarding the handling of claims for food losses.

Distributing Agencies (DA) are responsible for pursuing and making final determinations on claims against subdistributing agencies, recipient agencies, processors, warehousemen, carriers, and other entities, when the value of lost food does not exceed \$2,500. However, in cases where the DA itself is responsible for the loss, and the loss does not exceed \$250, the DA must provide restitution.

Food and Nutrition Service Regional Offices (RO) are responsible for pursuing and making final determinations on claims against subdistributing agencies, recipient agencies, processors, warehousemen, carriers, and other entities, when the value of lost food is between \$2,500 and \$100,000; and against DAs, when the value of lost food is between \$250 and \$100,000. However, in instances when the DA and RO are in disagreement regarding the liability assessment of a claim over \$50,000 and less than \$100,000, the matter will be referred to the Food Distribution Division (FDD) for a final determination. ROs must submit copies of all correspondence relating to claims over \$50,000, including the final settlement of any such claims, to FDD.

In cases where the value of lost food exceeds \$100,000, ROs will refer claims to FDD. In addition, please note that FDD is available to assist ROs during the initial pursuit of any claim.

If you have any questions, please contact Rogelio Carrasco or Laura Castro at (703) 305-2662.

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