

Eastern Regional Office

(AL, AR, CT, DE, FL, GA, LA, ME,
MA, MD, MS, NH, NJ, NY, NC, PA,
RI, SC, TN, VT, VA, WV)

75 Spring Street, Suite 230
Atlanta, GA 30303
Telephone 404-562-5840
FAX 404-562-5848

Midwestern Regional Office

(IA, IL, IN, KY, MI, MN, MO,
ND, NE, SD, OH, WI)

Room 317
Federal Building
210 Walnut Street
Des Moines, IA 50309
Telephone 515-323-2579
FAX 515-323-2590

Western Regional Office

(AK, AZ, CA, CO, HI, ID, KS, MT,
NV, NM, OK, OR, TX, UT, WA, WY)

One Gateway Centre
3950 North Lewiston, Suite 200
Aurora, CO 80011
Telephone 303-375-4240
FAX 303-371-4609

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Please direct comments or questions about this publication to:

United States Department of Agriculture
Grain Inspection, Packers and Stockyards Administration
1400 Independence Avenue S.W.
Washington DC 20250-3601
(202) 720-0219

www.gipsa.usda.gov

GIPSA Toll-Free HOTLINE
1-800-998-3447



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March 2011

USDA

Grain Inspection,
Packers and Stockyards
Administration

Understanding
Reparation
Proceedings

United States
Department of Agriculture

www.gipsa.usda.gov



A. What is a Reparation or Reparation Proceeding?

A reparation is a claim filed with the Secretary of Agriculture for an award of damages against any stockyard owner, market agency, or dealer under jurisdiction of the Packers and Stockyards Act of 1921.

B. Who Can File a Reparation?

Any interested person (including any agency, of a State, or territory having jurisdiction over stockyards subject to the Act in such State or territory) claiming harm done by a stockyard owner, market agency, or dealer. The Act does not provide for reparations against Packers, Live Poultry Dealers, or Swine Contractors.

C. What Constitutes Harm?

Anything done or omitted to be done related to stockyard services, rates or charges, or general practices which are unreasonable and/or discriminatory and/or violates the order of the Secretary made under Title III of the P&S Act.

D. How Long Do I Have to File a Reparation?

The complaint must be received by the Department within 90 days after the date of alleged cause of harm. Saturday, Sunday, and Holidays count towards the 90 days.

E. How to File a Reparation Complaint.

A written complaint should be filed with any Regional Office of GIPSA or full-time employee of GIPSA or to headquarters (addresses located on the back).

1. The complaint must state: the cause of action, date of transaction, amount of damages, method of computation, place where the transaction occurred, and the names of the parties.

2. The complaint does not need to use any particular form in filing, but the P&SP 5000 form is strongly recommended. This form can be requested from any Regional Office or found at:

www.gipsa.usda.gov.

F. What Happens After I File a Complaint?

1. Once processed and investigated, the complaint will be served on the Respondent. The Respondent will then have 20 days upon receipt to file an answer to the complaint.
2. After the answer has been received, or the time for filing an answer has expired, the complaint will be filed with the Department's Hearing Clerk.
3. The Presiding Officer will then determine whether the hearing procedures will be written or oral. A Hearing will be written unless:
 - a. The Complainant claims damages of \$10,000 or more and either the Respondent or Complainant file a written request for an oral hearing; or
 - b. It is deemed necessary to establish the facts and circumstances giving rise to the controversy.
4. If the Presiding Officer determines that the hearing will be written, each party will be notified in writing and given 20 days to file objections.

G. Written Hearing

1. A written hearing process will give both the Complainant and the Respondent time to file additional evidence and respond to the evidence. Both parties will have 20 days from receipt to file a response.

2. After filing of the last evidence or the time to file has expired, the parties will then be given 20 days from receipt of written notice to file a written argument of brief, proposed findings of fact, conclusions and order.
3. Once the 20 days has expired, a letter is sent to notify the parties that the time for submission of evidence or pleadings is closed. From there, the case and all the additional evidence is reviewed, and a decision and order is prepared and filed with the Hearing Clerk.
4. Grain Inspection, Packers and Stockyards Administration (GIPSA) cannot enforce payment of awards, but the Complainant receiving an award may file for judgment within 1 year in Federal District Court or in any state court having general jurisdiction of the parties. P & SP does not represent either party, but will investigate the complaint. It is the Complainant's burden to prove his or her allegations.

H. Time Length

Due to the variation in the circumstances surrounding reparation claims, GIPSA's workload and investigative procedures, as well as the regulatory process for adjudicating reparation claims, the time required to resolve reparation claims will vary.

I. Can a Reparation Be Withdrawn?

At any time, a complainant may withdraw a complaint terminating the reparation complaint unless there is a counterclaim.