



Agricultural Marketing Service

Understanding Reparation Proceedings

What is a Reparation or Reparation Proceeding?

A reparation is a claim filed for an award of damages against any person operating as a stockyard owner, market agency, or dealer under the Packers and Stockyards Act of 1921 (Act).

Who Can File a Reparation?

As an interested person (including any agency of a State, or territory having jurisdiction over stockyards subject to the Act in such State or territory), you may claim 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.

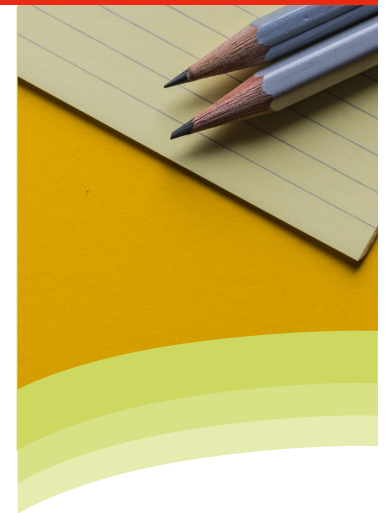
*Note: Being registered under the Act is not a requirement in order to file a reparation claim.

What Constitutes Harm?

- Anything done or omitted to be done related to stockyard services, rates or charges
- General practices that are unreasonable, discriminatory, or both under Title III of the Act
- General practices that violate one or more orders of the Secretary of Agriculture made under Title III of the Act

How Long Do I Have to File a Reparation?

Submit your complaint so that Packers and Stockyards Division (PSD) receives it within 90 days after the date of alleged cause of harm. Saturday, Sunday, and holidays count towards the 90 days.



How to File a Reparation Complaint

File your written complaint with any PSD office or employee. The complaint must clearly state:

- The cause of action,
- The date of the transaction(s),
- The amount of harm or damages (or estimate if exact amount is unknown),
- The method of computation,
- The place where the transaction(s) occurred, and
- The names of the parties involved in the transaction.

You do not have to use any particular form in filing. For convenience, you may use the PSD-5000 form. You may request this form from any Regional Office, or download it at www.ams.usda.gov.

What Happens After I File a Complaint?

1. Once PSD processes and investigates the complaint, PSD serves an investigation report to the accused party, called a Respondent. The Respondent then has 20 days upon receipt to file an answer to the complaint.

2. After PSD receives the Respondent's answer, or the time for filing an answer has expired, PSD will file the complaint with the USDA Hearing Clerk.
3. The Presiding Officer will determine whether the hearing proceedings will be written or oral. A Hearing will be written unless:
 - The Complainant claims damages of \$10,000 or more, and either the Respondent or Complainant file a written request for an oral hearing; or
 - The Presiding Officer deems it necessary to establish the facts and circumstances giving rise to the controversy.
4. The Presiding Officer will notify each party in writing whether the proceedings will be written or oral, and give the parties 20 days to file objections.

Written Hearing

1. A written hearing process gives 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 have 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, the Presiding Officer will notify the parties that the time for submission of evidence or pleadings is closed. Afterwards, the Presiding Officer will review the case and all the additional evidence, prepare a decision and order, and file it with the Hearing Clerk.
4. PSD does not represent either party, but will investigate the complaint(s). PSD does not enforce payment of awards. However, within one year, the complainant receiving an order awarding damages in his or her favor may file for judgment in Federal District Court or in any state court having general jurisdiction over the parties. The complainant has the legal burden to prove his or her allegations.

Time Length

Time required to resolve reparation claims vary, due to circumstances surrounding reparation claims, PSD's workload and investigative procedures, as well as the regulatory process for adjudicating reparation claims. In lieu of a reparation claim, you may file suit in a court of competent jurisdiction to seek damages of a violation of the Act.

Can a Reparation Be Withdrawn?

At any time, a complainant may withdraw a reparation complaint. Unless there is a counterclaim, withdrawal of a reparation complaint terminates the reparation proceeding. Please direct comments or questions about this publication to

United States Department of Agriculture
Agricultural Marketing Service
Fair Trade Practices Program
Packers and Stockyards Division
1400 Independence Avenue S.W., Room 2507
Washington DC 20250-3601
Phone: 202-720-7051
Fax: 202-205-9237
Email: PSDWashingtonDC@usda.gov
AMS Website: www.ams.usda.gov
Toll-Free HOTLINE
1-833-DIAL-PSD (1-833-342-5773)

This publication does not create or confer any rights for or on any person. Nor does it operate to bind the public. You can use an alternative approach, if the approach satisfies the requirements of the P&S Act, and regulations. See 7 U.S.C. 201(c), 205, 208, and 213(a), and 9 CFR 201.39, 201.42, and 201.43(a), which relate to content in this publication. You may also want to see 9 CFR 203.12.