

Fair Market Value Appeal Policy

APHIS may make an initial indemnity valuation estimate based on values included in standardized indemnity tables. Such values may be accepted by the owner (or grower, if applicable) in lieu of obtaining an independent, third-party appraisal of the birds and/or eggs. If the owner/grower does not agree with the initial indemnity valuation, a notice of intent to appeal the initial values may be submitted to the APHIS VS Deputy Administrator within 15 days of the time the initial indemnity valuation is presented to the owner or grower.

To appeal the initial indemnity values, the owner (or grower, if applicable) must obtain an independent, third-party appraisal of the birds and/or eggs. Appraisers should meet the qualification standards for personal property appraisal set by the Congressionally-recognized Appraisal Foundation, or their equivalent.

Acceptance of funds on a 1-23 according to the table values does NOT negate their right to an appeal. They can take the funds offered and if they appeal and are awarded different values, they will get another 1-23 with the difference.

Procedure:

1. The owner of the birds and/or eggs can sign the VS 1-23 with the original appraisal and accept the funds without jeopardizing an appeal.
2. Within 15 days of the FRS presenting the 1-23 to the owner, the owner should notify APHIS about their intent to appeal by sending an email through the Incident Commander or Area Veterinarian in Charge, who will forward the notice through channels to APHIS VSDA. The owner can appeal all or part of the original APHIS appraisal.
3. After submitting their notice of intent to appeal, the owner can obtain a third-party appraisal, making certain that the appraiser meets the qualification standards for personal property appraisal set by the Appraisal Foundation. Although there is no time limit for submitting the appraisal report, we recommend obtaining the appraisal within the same Fiscal Year. The owner pays for the third-party appraisal.
4. If after receiving and considering the appraisal report, VSDA determines that the fair market value of the birds and/or eggs should be revised upward, APHIS will present a VS 1-23 for the difference between the original appraisal and the revised fair market value of the birds and/or eggs.
5. APHIS VSDA's decision regarding fair market value appeal is the USDA's final decision on the matter and is not subject to judicial review under the Animal Health Protection Act.