



APPEALS QUICK REFERENCE

WHEN YOU DISAGREE

3 STEPS TO YOUR APPEAL

An appeal can be made at **any time** while participating in the Federal Emergency Management Agency (FEMA) **Public Assistance (PA) Program**.

Any eligible **Recipient** or **Subrecipient** (Applicant) may appeal any determination previously made related to an application for or the provision of **Federal assistance**.

[SOURCE: 44 CFR 206.206]

APPEALS ROLES + RESPONSIBILITIES

1. REVIEW FEMA'S WRITTEN DETERMINATION

When you receive a written determination made by FEMA — and that determination is one with which you **disagree** — you have **60 DAYS** from receipt of a FEMA determination to appeal. The clock starts ticking when you receive a written determination made by FEMA.

2. EXPLAIN IN WRITING

Explain in writing why you think FEMA's decision is incorrect.

Include the following:

- >> Description of historical facts.
- >> Monetary figure in dispute.
- >> Narrative citing provisions in Federal law, Regulation or Policy with which you believe FEMA's determination was inconsistent.
- >> Analysis supporting Subrecipient (Applicant) position.
- >> Documentation supporting your appeal.

Include your FEMA Federal Information Processing Standards (FIPS) ID or PA ID and disaster number (shown at the top of your decision letter) in your letter of appeal.

3. SUBMIT YOUR APPEAL

Submit your appeal letter within **60 DAYS** of receipt of a FEMA determination through GOHSEP to:

Governor's Office of Homeland Security & Emergency Preparedness (GOHSEP)
(ATTENTION: Public Assistance - Appeals Section)
7667 Independence Boulevard
Baton Rouge, LA 70806
OR
Email: gohsepappeal@la.gov

[SOURCE: 44 CFR 206.206]

ACTION	FROM	TO	TIMEFRAME
Written Appeal	Subrecipient (Applicant)	GOHSEP	To be received by GOHSEP within 60 DAYS from your receipt of a FEMA determination.
Review	GOHSEP	FEMA	GOHSEP has 60 DAYS to review your appeal and submit its evaluation and recommendation to FEMA.
Decision	FEMA	Subrecipient (Applicant)	FEMA has 90 DAYS to render a decision or request additional information.

REFERENCES

FEMA Public Assistance Appeals Database (Searchable database)
<https://www.fema.gov/appeals>

FEMA Public Assistance Second Appeals Tracker (Check status of second appeals at HQ)
<http://www.fema.gov/media-library/assets/documents/108588>

Robert T. Stafford Disaster Relief and Emergency Assistance Act (Public Law 93-288) as amended
<https://www.fema.gov/media-library/assets/documents/15271>

Title 44 Code of Federal Regulations
http://www.ecfr.gov/cgi-bin/text-idx?tpl=/ecfrbrowse/Title44/44cfr206_main_02.tpl

For more information relating to an appeal or arbitration, please contact the GOHSEP Appeals Team at gohsepappeal@la.gov.



ARBITRATION QUICK REFERENCE

RIGHT OF ARBITRATION

Arbitration is an **alternative** dispute resolution to the administrative appeals process. It is designed to resolve **higher-value claims** (for disputed amounts greater than **\$500,000**/or more than **\$100,000** for Subrecipients (Applicants) in rural areas with populations less than 200,000 outside an urbanized area). The Civilian Board of Contract Appeals (CBCA) conducts Arbitrations and the decision of such Board shall be binding.

For disasters that occurred after January 1, 2016, Subrecipients (Applicants) participating in the FEMA PA Program now have the option of using the **Arbitration Process** established under the authority granted under **section 601 of Public Law 111-5**. You may participate in Arbitration, provided that:

- >> Your claim must relate to a project with a **value greater** than **\$500,000/\$100,000** (for rural areas).
- >> FEMA has issued a First Appeal Determination but has not yet issued a decision on second appeal.
- >> Your request for arbitration must include your **entire argument**, including documentation from the administrative record for the first appeal. It may also contain additional documentation or other such evidence supporting your position.
- >> Your request must be *simultaneously* submitted to **FEMA, GOHSEP** and the **CBCA**. The CBCA is the sponsor who provides the arbitration services through a panel of three (3) judges. The CBCA hears all requests for arbitration.

ARBITRATION ROLES + RESPONSIBILITIES

[SOURCE: 44 CFR 206.209]

ACTION	FROM	TO	TIMEFRAME
Request for Arbitration	Subrecipient (Applicant)	Arbitration Panel (CBCA)	Request for arbitration must be filed with the CBCA (simultaneously including copies to GOHSEP + FEMA) after FEMA issues a First Appeal Determination (but prior to FEMA's decision on second appeal).
Comments	GOHSEP	Arbitration Panel (CBCA)	GOHSEP has 15 DAYS from receipt of the Subrecipient's (Applicant's) request for arbitration to forward its support or opposition <i>simultaneously</i> to FEMA + CBCA + Subrecipient (Applicant).
Response	FEMA	Arbitration Panel (CBCA)	FEMA has 30 DAYS from receipt of the Subrecipient's (Applicant's) request for arbitration to submit a response in support of its position <i>simultaneously</i> to GOHSEP + CBCA + Subrecipient (Applicant).
Preliminary Conference	Arbitration Panel (CBCA)	FEMA + GOHSEP + Subrecipient (Applicant)	The Arbitration Panel will conduct a preliminary conference within 10 DAYS from receipt of FEMA's response, which establishes a hearing date and the rules relating to the hearing.

The determination issued by the Arbitration Panel is BINDING.

REFERENCES

Robert T. Stafford Disaster Relief and Emergency Assistance Act (Public Law 93-288) as amended <https://www.fema.gov/media-library/assets/documents/15271>

Title 44 Code of Federal Regulations http://www.ecfr.gov/cgi-bin/text-idx?tpl=/ecfrbrowse/Title44/44cfr206_main_02.tpl

Civilian Board of Contract Appeals <https://www.cbca.gov/>

Federal Aviation Administration Reauthorization Act of 2018 <https://www.congress.gov/bill/115th-congress/house-bill/302/text?q=%7B%22search%22%3A%5B%22HR+302%22%5D%7D&r=1>

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