



Frequently Asked Questions (FAQ)

Hurricane Sandy Policyholders May Request A Third-Party Reviewer

Background: The Federal Emergency Management Agency's (FEMA) National Flood Insurance Program (NFIP) is reviewing flood insurance claims filed by policyholders affected by Hurricane Sandy who felt they were underpaid by their insurance carrier. While underpayments did not occur in every case, policyholders who filed claims after Sandy may request this new review of their claim so any errors may be identified and corrected.

Sandy policyholders who have not pursued litigation and received less than their individual policy limit were welcome to request the new case file review. FEMA contacted policyholders and explained how to request a review of their NFIP claim. The Sandy Claims Review website is accessible at the following link www.fema.gov/hurricane-sandy-claims-review-process. The deadline to request this policy claim review was Oct. 15, 2015.

FEMA is committed to administering a program that is survivor-centric and helps policyholders recover from flood through a fair, transparent, and expeditious process.

When a policyholder initiates a claim review, a NFIP-certified flood insurance claim adjuster thoroughly reviews the case file and considers any new information provided since the original claim. The adjuster then makes a recommendation on the claim file. If the policyholder does not agree with this adjuster's recommendation, there is yet another opportunity for review by a neutral third-part reviewer with expertise in dispute resolution.

Q: What is reconsideration by a neutral third-party?

A: A neutral third-party reviewer will consider the information contained in the case file, which should be the same information provided to policyholders and their representatives (if applicable) and if so requested. Any discrepancies in the case file copies provided to the neutral reviewers, policyholders and representatives are unintentional and will be remedied upon identification of the discrepancy.

Once assigned, the neutral third-party reviewer considers any demand for correction(s) to the desk reviewer's findings and makes a recommendation that will be afforded substantial weight by the Agency. The recommendations are not a final determination of the FEMA re-review process and are not binding on FEMA. The neutral reviewer – a contractor of the government – does not have the ability to direct payments or bind FEMA to any particular result that requires expenditure of government funds. However, when the finding by the third-party neutral is in compliance with NFIP regulations and policy, FEMA may adopt the recommendation by the neutral reviewer and may authorize the recommendation for payment to the policyholder.

Q: What is a neutral third-party reviewer?

A: The neutral third-party reviewers in this process are individuals with training and expertise in dispute resolution. Their intent is to be independent, impartial, and unbiased in resolving disputes. They issue a recommendation based upon the information in the case file and any clarifications provided by policyholders, their representatives and FEMA personnel during oral presentations, if requested.

Q: Who are the neutral third-party reviewers for the claims review?

A: FEMA has contracted an outside company, Judicial Arbitration and Mediation Services (JAMS), to provide neutral reviewers and coordinate all requests for claims reconsideration. JAMS is an organization made up primarily of retired judges and attorneys who serve as impartial dispute resolution professionals. They serve as mediators, arbitrators, special masters, and neutral reviewers. The JAMS personnel have experience resolving insurance disputes and many have specific expertise in disaster insurance or flood insurance issues. To learn more about JAMS, visit their website at www.jamsadr.com.

Q: How does a policyholder request a claim reconsideration by a neutral third-party reviewer?

A: The policyholder will receive a letter from their assigned claims adjuster indicating the adjuster's recommendation. That letter provides instructions on how a policyholder may seek another review by a neutral third-party reviewer should they disagree with the adjuster's recommendation.

To begin the neutral third-party review, FEMA must have the request in writing. The policyholder may email their adjuster directly, or mail a letter to Sandy File Review – Neutral, PO Box 982, Lanham, MD, 20703-0982 with the following information:

- Your name;
- Phone number or e-mail address;
- Flood insurance policy number;
- How much money you feel the claim should be;
- Your reason(s) for requesting reconsideration;
- Whether you would like to make an oral presentation to the neutral; and
- Whether you would like a copy of your claim file.

Q: Can a policyholder request a neutral review any time, even before the adjuster's written case recommendation?

A: No. Requests for reconsideration by a neutral third-party reviewer can only be registered once the policyholder receives their claim adjuster's recommendation in writing from FEMA,

Q: What if the written request for the neutral reviewer does not include all seven (7) of the items specified above?

A: As long as the policyholder requests a neutral third-party review in writing, it will be registered. It is helpful for the neutral review process if the policyholder explains why they are

requesting the reconsideration of their claim file and the dollar amount requested. This information is useful, but not required, in order for the request for a neutral third-party review to be registered. However, you must specifically request an oral presentation for it to be provided, otherwise the neutral review will be paper only. You also must specify that you wish to receive your claim file, if so desired.

Q: What is an oral presentation with the neutral third-party reviewer?

A: An oral presentation is not intended to be adversarial, but rather an opportunity for the policyholder to engage in an informal session with the policyholder and the adjuster. The purpose of the oral presentation is strictly a review of information provided during the desk review. The neutral third-party reviewer is generally the only individual who may ask questions in order to clarify and/or gain the insight necessary to make his or her recommendation. The length of the presentation can vary based on the neutral reviewer's discretion but typically lasts less than an hour. The focus will be on understanding the policyholder's concerns and working to see what is permitted under their policy, the law and regulation.

Q: Can I provide more information during an oral presentation?

A: Yes. The neutral third-part reviewer will consider the documents previously provided by you and your insurer for the adjuster's review as well as any additional documents that further support issues raised during the review. Please be aware that any documentation submitted and not addressed at the desk review or in your neutral request letter may cause significant delays on your case file, requiring it to be returned to the claims reviewer for technical assessment.

Additional documentation must be submitted within 14 days of the neutral review request, and must be related to issues raised during the desk review. Documentation that goes beyond the scope of the desk review or raises new issues or theories will result in the neutral reviewer returning the claim file to the adjuster for consideration.

Q: What happens if I am unable to attend my scheduled oral presentation?

A: If you or your appointee are unable to join the call as scheduled, JAMS will attempt to reschedule for a more convenient time. If you fail to attend your second scheduled oral presentation, the neutral reviewer will proceed with a paper review and issue a recommendation.

Q: How long will the neutral third-party review process take?

A: The process was designed to be fair, transparent and expeditious. The JAMS reviewer takes the time required to meet the unique needs of the claim file. If a policyholder requests a copy of their claim file, fulfilling that request may significantly add to the length of time for neutral review because of the time required to make the complete claim file compliant with federal privacy regulations. Policyholders may request portions of their claim file that are pertinent to their request for neutral review (e.g., WYO file, engineering report, desk review documents, or previous adjustments and estimates.) Requesting portions instead of the entire file should not lead to significant delays.

Q: Will FEMA have legal representation during the neutral third-party process?

A: No. FEMA will not have any agency attorney participate in the oral presentation. The process was designed to ensure policyholders will not require any additional representation in order to successfully navigate the process. However, should policyholders want support from their own professionals or advocates, they may do so.

Q: Can I appoint a representative to manage the neutral third-party review process for me?

A: Yes. Policyholders are not required to have a representative, but if they wish to have one, they only need to document the designation of a representative. It is important that FEMA and JAMS have this in writing

For more information, visit www.fema.gov/media-library/assets/documents/107795.

Q: What happens after the neutral third-party review process?

A: The neutral recommendation is reviewed to ensure the policyholder receives what is due under the terms of the policy. FEMA gives substantial weight to the recommendations made by the neutral party.