

FREQUENTLY ASKED QUESTIONS

BEFORE THE HEARING

1. What is the purpose of a hearing?

The purpose of a hearing is to decide whether you were eligible for the assistance received from FEMA. If you were eligible, you do not need to repay any money. If you were not eligible, you must repay the money. If you allege someone else filed for the assistance using your information and you are not responsible for the debt, the purpose of the hearing is to analyze your claim that you did not file for the assistance.

2. Why have I been scheduled for a hearing?

Your case has been scheduled for a hearing because FEMA determined there were questions regarding the debt that could not be resolved after reviewing your paper file. Generally, this means there is conflicting evidence in your file, missing documentation, or other similar issues that can best be resolved through verbal testimony.

3. What if I have questions about this debt?

FEMA previously sent you letters explaining why you were ineligible for the assistance provided. A FEMA Representative will also explain the basis of the debt during the hearing. However, if you need additional information or have questions about the debt before the hearing, you can call the FEMA Recoupment Helpline at 1-800-816-1122 between 9:00 AM and 4:00 PM Eastern Time. If you use a video relay service, captioned telephone service, or other communication services, please provide FEMA the specific number assigned for that service.

4. How can I request my FEMA file?

You are highly encouraged to request and review a copy of your FEMA file prior to the hearing. In some cases, your hearing may be rescheduled if you have not requested and received a copy of your file prior to the hearing.

To request a copy of your file, you must submit a written request to FEMA. For your convenience, the Authorization for the Release of Information under the Privacy Act (OMB Form No. 1660-0061) is included in this packet and can be used to request a copy of your file. Please follow the instructions below carefully when completing the two-page form:

Top Section: Enter your full legal name (the name used when you applied for assistance), your FEMA applicant number, and your place of birth and date of birth.

Section A: Enter your own name, and your current telephone number and mailing address. For relationship, indicate "Self." Please note that your current mailing address

must match the address currently on file with FEMA. You may call the Recoupment Helpline listed below to update your mailing address on file with FEMA.

Section B: Check Yes for Option 1 in Section B. This authorizes FEMA to send you a copy of your file.

Section C: Leave blank.

Verification Section: Sign and print your name. Include your current mailing address and add the date to the form.

If you need help completing this form, you may call the FEMA Recoupment Helpline for assistance at 1-800-816-1122 between 9:00 AM and 4:00 PM Eastern Time. If you use a video relay service, captioned telephone service, or other communication services, please provide FEMA the specific number assigned for that service.

If you want a third party, such as an attorney, to access or request your file from FEMA, please send FEMA a written request authorizing this third party's access to your information. You may also use the form at the end of this packet entitled Authorization for the Release of Information under the Privacy Act (OMB Form No. 1660-0061). Follow the same instructions above, replacing your information in Section A with that of the third party.

5. What kind of documents should I submit?

You are not required to submit any documents prior to your hearing. However, if you have documents that were not previously submitted and support your eligibility or identity theft claim, you are encouraged to submit them as soon as possible, but at least one week before the hearing. The Hearing Officer will review any documents that you submit and may request additional documents during the hearing.

If you need help deciding what types of documents may be relevant, please call the FEMA Recoupment Helpline at 1-800-816-1122 between 9:00 AM and 4:00 PM Eastern Time. If you use a video relay service, captioned telephone service, or other communication services, please provide FEMA the specific number assigned for that service.

You may also find it helpful to review the relevant section(s) in the FEMA Individual Assistance Program and Policy Guide. This guide is available online at <https://www.fema.gov>, with a simple search for "IAPPG," or at <https://www.fema.gov/assistance/individual/policy-guidance-and-fact-sheets> (as of February 2022). Other policy information is also available on <https://www.fema.gov/assistance/individual> that may be helpful to you.

6. How can I send documentation to FEMA?

Please submit documents to the contact below as soon as possible. Submitting documents more than one week before your scheduled hearing date improves the likelihood the documents will be added to your file and reviewed prior to hearing.

If you have an existing online Disaster Assistance Account (“DAC”) account with FEMA, you can simply upload the documents to your file. Otherwise, when submitting documents, you must label each page with your last name, the last four digits of your Social Security number, your nine-digit FEMA application number, and the disaster number. **Do not** send these documents to the Oral Hearing Coordination Office as that may result in extensive delay associating your documents with your file. Rather, the documents should be faxed or mailed to:

Fax: 1-800-827-8112

Mailing Address: FEMA Individual & Households Program
National Processing Service Center
P.O. Box 10055
Hyattsville, MD 20782-8055

7. How do I appoint a representative for my hearing?

You can be represented by an attorney or other appointed representative, such as a friend or relative, at the hearing. However, you are required to appear at the hearing to provide testimony, even if you are represented.

To appoint a representative for your hearing, please choose one of the following options:

1. Appointment before the hearing:

- If you have not already done so, send a valid Release of Information to FEMA (see FAQ 4), authorizing FEMA to release information to the person you are appointing as your representative. To submit the release, use the submission instructions in FAQ 6.
- Your representative must also submit a writing to FEMA (using the submission instructions in FAQ 6) accepting the appointment and notifying FEMA the representative will be appearing at the hearing as your representative.

****While not required to accept the appointment, please also send an email regarding the appointment to FEMA-OralHearingCalendar@fema.dhs.gov to ensure the Hearing Officer is notified of the appointment before the hearing.**

2. Appointment at the hearing:

- Once your identity is verified (see FAQ 13), the Hearing Officer will accept a representative’s appearance with you at the hearing as an appointment of representation for the hearing.
- However, if you want your representative to receive any hearing related correspondence, including a copy of your hearing decision, FEMA must receive a valid written Release of Information (see FAQ 4) from you before the decision is issued.

Please be aware that for privacy reasons, the Hearing Officer will mail hearing level correspondence only to you until you follow one of the steps above. For example, if your file did not include a valid Release of Information and your representative’s acceptance to appear

at the hearing as your representative when the hearing was scheduled, the Hearing Officer mailed the scheduling notice only to you. Therefore, if you have a representative, it is important that you communicate directly with your representative as soon as you receive the hearing scheduling notice and any other hearing level correspondence. If all the steps above have been followed and you want a copy of the scheduling notice sent to your representative, please send an email to FEMA-OralHearingCalendar@fema.dhs.gov, making the request.

If you previously appointed a representative as described above and now wish to terminate representation, please do so in writing by sending an email to FEMA-OralHearingCalendar@fema.dhs.gov prior to the hearing. If you appear at hearing without your previously appointed representative, the Hearing Officer will accept a verbal termination of representation for hearing purposes (i.e., the representative will not receive a copy of the hearing decision). However, the representative may still request information about your case unless you submit a written termination of representation to FEMA following the hearing (using the document submission instructions in FAQ 6).

8. Can I bring witnesses?

You may bring any person to testify at the hearing who has personal knowledge of your circumstances at the time of the disaster and who can provide additional information regarding your eligibility for the assistance or your claim of identity theft. If the witness(es) is in a different location than you, the witness(es) may call in to the hearing using the same instructions and phone number set forth in your scheduling letter.

If the witness(es) is unable to appear at the hearing, the witness(es) may also submit a written statement, under penalty of perjury, addressing the issue of which the witness(es) has personal knowledge. To be given full consideration, any written statement from a third party should include:

- The person's name
- The person's statement
- The person's signature
- The person's phone number
- A notarization by an authorized notary, OR the statement, "I hereby declare, under penalty of perjury, that the foregoing is true and correct."

9. How can I request language interpretation or accommodation for a disability?

If you or anyone attending the hearing with you needs a language interpreter, or has a disability or special need requiring accommodation in order to participate fully in the hearing, please notify FEMA immediately, in writing via fax or mail to:

Fax: 1-800-827-8112

Mailing Address: FEMA Individual & Households Program
National Processing Service Center
P.O. Box 10055
Hyattsville, MD 20782-8055

10. Can I request an in-person hearing instead of a telephonic hearing?

You may request an in-person hearing in special situations if you can demonstrate an in-person hearing is necessary. This request must be submitted in writing to FEMA via the fax number or mailing address noted above, at least seven (7) calendar days before the hearing date set forth in your scheduling letter. Again, your written request must explain the reasons why an in-person hearing *is necessary*. If your request is granted, the date of the hearing may change, and this hearing will be held at a FEMA office. You are responsible for all related expenses that you incur, including, but not limited to, travel expenses for yourself, your witnesses, or your appointed representative.

AT THE HEARING:

11. Who will conduct the hearing?

The FEMA Chief Counsel has designated Hearing Officers to conduct the hearings and to exercise independent and impartial decision-making in all aspects of the hearing process. Hearing Officers are attorneys who have had no prior involvement in any aspect of your FEMA case and are independent from the FEMA program component who made the prior decisions in your case.

12. What are the responsibilities of the Hearing Officer?

The Hearing Officer's role is to make a fair and independent decision about whether you were eligible for the disaster assistance FEMA provided to you and/or whether you applied for the disaster assistance at issue. Specifically, the Hearing Officer presides over your hearing, listens to the testimony and reviews all evidence submitted, and issues a final agency determination.

13. What will happen during the hearing?

The telephone hearing may last up to ninety (90) minutes. Confidential information will be discussed during the hearing that will require your full attention. Please ensure that you are in a quiet and private place with no distractions so you can fully participate in the hearing. For example, you are not driving and you are in a place where you can freely discuss personal information.

Before the hearing starts, the Hearing Officer will ask you questions to verify your identity, such as your date of birth, the last four digits of your Social Security number, and your current address. The Hearing Officer will then explain what to expect during the hearing, including the rules and procedures, and will ask all parties testifying in the hearing to affirm the testimony they will give is truthful to the best of their knowledge.

The FEMA Representative will provide the background on why FEMA issued assistance and then initiated recoupment. If a FEMA Investigator prepared a report on your application, the Investigator will present the findings. You will then have the opportunity to explain why you

believe that you were eligible for the disaster assistance or otherwise do not owe the debt. During the hearing, the Hearing Officer may ask questions of you or any other participant.

If the Hearing Officer determines that it would be helpful for you to submit additional evidence to support your case, another hearing may be scheduled. After all hearing proceedings are concluded, the Hearing Officer will end the hearing.

AFTER THE HEARING:

14. What type of decision will the Hearing Officer issue?

Following your hearing, the Hearing Officer will review all the evidence presented and come to a decision regarding your eligibility for assistance and/or the validity and amount of the debt. This decision will be in writing and mailed to you within 45 calendar days following the hearing.

15. What will the Hearing Officer rely on to make the decision?

The Hearing Officer will carefully consider the testimony of all the parties in the hearing as well as the documents and other information in your file, including any new documents you submitted. The Hearing Officer will decide whether it is more likely than not that you were eligible for the assistance provided to you or otherwise do not owe FEMA any money.

16. What happens after the Hearing Officer issues a final decision?

If the Hearing Officer determines that you were eligible for the assistance or otherwise do not owe FEMA any money, the debt will be cancelled. If the Hearing Officer determines you were not eligible for some or all the assistance and you do owe money to FEMA, FEMA's Finance Center will contact you in writing to arrange for payment of the debt (including any interest, penalties, and fees).

17. What happens if I disagree with the Hearing Officer's final decision?

The Hearing Officer's final decision is considered a final agency determination under the Administrative Procedure Act and there is no further appeal option at FEMA. *See* 5 U.S.C. § 701 et seq. If you disagree with the decision, you may want to seek the advice of an attorney.