

Public Assistance Appeals Fact Sheet

Public Assistance Appeals



Figure 1. Appeals Process

Most Public Assistance (PA) projects are free of eligibility disputes or, if eligibility issues arise, they are quickly resolved. When FEMA denies an application for or the provision of PA assistance, applicants are provided a two-tiered administrative appeal process. The Regional Administrator (RA) of the applicable FEMA Region decides the first level appeal. If the applicant chooses to appeal that decision, the applicant may submit a second appeal to the Assistant Administrator for Recovery at FEMA Headquarters.¹ Title 44 Code of Federal Regulations (C.F.R.) § 206.206, which implements Stafford Act Section 423, describes these processes.

Talk It Out

In some cases, eligibility issues may arise from a lack of mutual understanding. Clear, open lines of communication can often resolve misconceptions and provide a path forward. When such discussions reach an impasse, PA staff may offer the opportunity to participate in a facilitated discussion led by a FEMA dispute resolution specialist. These types of informal discussions, led by a trained facilitator, can provide participants with different perspectives, clarity, and possible avenues for resolution. Take advantage of them when offered.

PA Eligibility Determinations

When FEMA denies assistance, it will provide written notice, often in the form of a Determination Memorandum (DM), which sets forth an applicant's appeal rights and explains the basis for the denial. For many disasters, and all disasters declared after January 1, 2022, FEMA will electronically transmit eligibility determinations through its web-based system, Grants Manager/Grants Portal (GM).

Appeal Submission Deadlines

For disasters declared prior to January 1, 2022, an applicant must submit its appeal to the recipient (e.g., State or Tribe) within 60 days of receiving notice of FEMA's determination (eligibility determination or first appeal decision).

¹ In certain instances, an applicant may request arbitration in lieu of a second appeal. See FEMA Policy #104-22-0001, *Public Assistance Appeals and Arbitration*, February 24, 2022 (<https://www.fema.gov/sites/default/files/documents/fema-public-assistance-appeals-arbitration-policy.pdf>).



FEMA

The recipient has 60 days from the date it receives the appeal to review and forward it, along with a written recommendation, to the appropriate FEMA RA.

For disasters declared after January 1, 2022, an applicant must submit its appeal through GM within 60 days from the date FEMA electronically transmits its determination or first appeal decision. The recipient has 120 days from the determination or first appeal decision transmission date to submit the applicant's appeal through GM to FEMA. FEMA will not accept hard copy submissions for appeals related to disasters declared after January 1, 2022.

If either the applicant or recipient does not meet the respective appeal submission deadlines, FEMA will deny the appeal as untimely.

- Know your deadline
 - Prior to January 1, 2022: an applicant has 60 calendar days from the date it receives notice of a determination or first appeal decision to submit an appeal.
 - Disasters declared after January 1, 2022: An applicant has 60 calendar days from the date FEMA electronically transmits its determination or first appeal decision to submit an appeal.

Appeal Content

Appeals must be made in writing, contain documented justification supporting the applicant's position, specify the amount in dispute (as applicable), and cite relevant statutes, regulations, or policies with which the applicant believes FEMA's determination was inconsistent.

Appeal Review and Response

Once received, FEMA reviews the appeal content, the information in the record, and applicable laws, regulations, and policies to determine the outcome of the appeal. Within 90 days, FEMA will request additional information, submit the appeal to an expert for technical review, or make its appeal decision. The appeal response will explain the decision and in the case of first appeal decisions, provide notification of further appeal or arbitration rights.

Applicants and recipients can check the status of second appeals on the FEMA PA Second Appeals Tracker (see Resource Links below). All second level appeal decisions are posted in the PA Appeals Database (see Resource Links below) so that applicants can review previous decisions FEMA has made on similar issues.

Final Agency Decision

All second appeal decisions, or eligibility determinations or first appeal decisions in cases when an applicant does not submit a timely first or second appeal request, represent the agency's final administrative decision.²

² Alternatively, a decision of the majority of the Civilian Board of Contract Appeals (CBCA) panel constitutes a final decision.

Resource Links

- Robert T. Stafford Disaster Relief and Emergency Assistance Act (Public Law 93-288) as amended: <https://www.fema.gov/disaster/stafford-act>
- Title 44 Code of Federal Regulations (use the version of CFR from the year of disaster declaration): <https://www.ecfr.gov/current/title-44/chapter-I/subchapter-D/part-206?toc=1>
- Public Assistance Appeals and Audits: <https://www.fema.gov/assistance/public/tools-resources-statistics>
- Public Assistance Policy & Guidance: <https://www.fema.gov/assistance/public/policy-guidance-fact-sheets>
- Public Assistance Appeals Database (Searchable database): <https://www.fema.gov/assistance/public/appeals>
- FEMA Public Assistance Second Appeals Tracker (Check status of second appeals at HQ): <https://www.fema.gov/about/openfema/data-sets#public8>
- FEMA HQ Public Assistance Appeals email address: FEMA-Recovery-PA-Appeals@fema.dhs.gov
- FEMA PA Grants Portal – Grants Manager Channel: [Grants Portal - Appeals - YouTube](#)