

Public Assistance Appeals Fact Sheet

When FEMA denies an application for or the provision of Public Assistance (PA), 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 first appeal results in a denial or partial approval, the applicant may submit a second appeal to FEMA in accordance with the applicable regulation and policy.¹ Title 44 of the Code of Federal Regulations (C.F.R.) § 206.206, which implements Stafford Act Section 423, describes these submission processes.²

PA Eligibility Determinations

When FEMA denies assistance, it will provide written notice in a Determination Memorandum (DM) or a letter that explains the basis for the denial and sets forth an applicant's appeal rights. Generally, FEMA will electronically transmit eligibility determinations through its web-based system, Grants Manager/Grants Portal (GM).

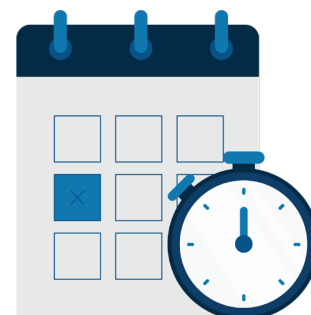
Appeal Submission Deadlines

For disasters declared after January 1, 2022, an applicant must electronically submit its appeal to the recipient (i.e., State, Territory, or Tribe) within 60 days from the date FEMA electronically transmits its eligibility 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.

For disasters declared prior to January 1, 2022, an applicant must submit its appeal to the recipient within 60 days of receiving notice of FEMA's eligibility determination or first appeal decision. The recipient has 60 days from the date it receives the appeal to review and forward it with a written recommendation to the appropriate FEMA RA.

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

- Know your deadline:
 - 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.
 - Disasters declared 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.



¹ In certain instances, an applicant may request arbitration in lieu of a second appeal. See 44 C.F.R. § 206.206(b)(3).

² The version of the regulation applicable to the appeal depends upon whether the disaster declaration date for the appeal at issue was before or after January 1, 2022. For further guidance on submitting an appeal through Grants Manager/Grants Portal (GM), please see The Appeals Process in Grants Portal tutorial [Grants Portal - Appeals - YouTube](#) .



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 is transmitted simultaneously to the applicant and the recipient and 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, and eligibility determinations or first appeal decisions in cases when an applicant does not submit a timely first or second appeal request, constitute the agency’s final decision.³

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 of the 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 Audits, Arbitration and Appeals: <https://www.fema.gov/assistance/public/audits-arbitration-appeals>
- Public Assistance Tools and Resources for Stakeholders: <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

³ Alternatively, a decision of the majority of the Civilian Board of Contract Appeals (CBCA) panel constitutes a final decision.