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Introduction

The Appeals process is the opportunity for an Applicant or Subrecipient\(^1\) to request reconsideration of adverse decisions regarding the eligibility of FEMA Public Assistance Grants. The Appeals Process is guided by the following principles:

**Fairness:** The PA Program appeals process should ensure that applicants obtain accurate, fair, and well-reasoned PA eligibility determinations that are consistent with applicable statutes, regulations, and policies.

**Education:** The PA Program appeals process should teach applicants about the appeal process and requirements.

**Correctness:** The PA Program appeals process should ensure that erroneous PA eligibility determinations are corrected and support consistent PA Program decision-making.

**Direction:** The PA Program appeals process should help establish PA Program policy.

**Advancement:** The PA Program appeals process should help improve PA Program operations.

**Timeliness:** The PA Program appeals process should ensure that all appeals are issued within mandatory response timeframes, in order to ensure compliance with the law and to contribute to a community’s ability to quickly recover from a declared event.

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\(^1\) Applicants are entities who applied for Public Assistance, but were denied by FEMA. Common reasons for denial of Public Assistance include private property debris removal, applicant ineligibility, etc. Applicants appeal the decision made by FEMA to deny their Request for Public Assistance (RPA). Subrecipients are entities whose RPA was accepted by FEMA. Subrecipients may appeal decisions made by FEMA that affect their projects. Common appeals include deobligation of funds, denial of time extension, etc.
 Authorities

Section 423 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. §5189a
44 C.F.R. §206.206

Important Deadlines to Remember

The Applicant or Subrecipient must submit an appeal to the Recipient within 60 days after receipt of a notice of the action that is being appealed.

The Recipient will review and forward appeals from the Applicant or Subrecipient with a written recommendation, to the Regional Administrator within 60 days of receipt.

Appeal Drafting Guidance

The written appeal letter should be on official letterhead and addressed to:

Wes Maul, Interim Director,
Florida Division of Emergency Management
Attn: Office of Legal Counsel
2555 Shumard Oak Blvd.
Tallahassee, FL 32399-2100

The Applicant or Subrecipient must include the following in their appeal:
1. The facts surrounding the damage incurred, development of the Request for Public Assistance or the Project Worksheet, and deobligation;
2. Documented justification supporting the Subrecipient’s position;
3. Specify the monetary figure in dispute; and
4. Cite the provisions in federal law, regulation, or policy with which the Subrecipient believes the initial action was inconsistent.

Additional Resources:

Public Assistance Program and Policy Guide
https://www.fema.gov/media-library/assets/documents/111781

How to Submit an Appeal
An Applicant or Subrecipient must initiate an appeal through their account on Florida PA (www.floridapa.org) by requesting an appeal and uploading their original signed letter and supporting documentation. In the event that the Applicant or Subrecipient does not have access to www.floridapa.org, please contact the Appeals Officer. If the Applicant or Subrecipient is unable to upload their appeal and supporting documentation, the documents may emailed to FDEM-PA-APPEALS@em.myflorida.com or mailed to:

Florida Division of Emergency Management
Interim Director West Maul
ATTN: Office of Legal Counsel
2555 Shumard Oak Blvd.
Tallahassee, FL 32399-2100
Within 60 days of receipt of the notice of FEMA’s determination, the Applicant or Subrecipient must submit their original signed appeal to the Florida Division of Emergency Management (Recipient). The Recipient is responsible for reviewing and forwarding the appeal to FEMA. All documents must be sent to the Recipient. The Subrecipient should not directly send their appeal to FEMA. The Recipient has an additional 60 days from receipt of the appeal from the Subrecipient to forward the appeal to FEMA along with the case supporting documentation and a recommendation to FEMA on the merits of the appeal.

Please see below for a step-by-step guide on how to submit your appeal on www.floridapa.org:

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2 44 C.F.R.§206.206
3 Id.
Figure – 1. Log on screen of the Florida Public Assistance website at (www.floridapa.org). Log into your account.
Figure – 2. The welcome screen shows the accounts for which you have been granted access. Select the correct Storm within which the project is located for which you wish to request an Appeal.
Figure – 3. To request a reimbursement an appeal, click on the “New Request” drop down menu and select New Appeal. Note the other requests that you can also initiate from this menu.
Figure – 4. This will open the “Appeal a Federal Determination Dialogue Box”. Select the type of Appeal you wish to make; either a Request for Public Assistance (RPA) or Project Worksheet (PW) Determination. Select either RPA or PW.
Figure – 5. If selecting PW Determination (#1), you must then select the specific Project Worksheet –PW (#2) for which the adverse decision was made. In the Justification Block (#3), write a short summary of your appeal letter; this is not the full appeal, but only a summary to help your Planning Specialist keep track of the appeal. You should attach an electronic copy (PDF) of the formal appeal, with the supporting documentation (#4):

Now click “Submit” (#5), which brings up the confirmation dialogue box; click “OK” and you have officially informed the State of your appeal.
What to Expect After Submitting an Appeal

After you have submitted your appeal, expect to receive an email from the Appeals Officer acknowledging receipt of the appeal. The Appeals Officer will note the date that the appeal was received in a note on [www.floridapa.org](http://www.floridapa.org). This note will generate an email to the people listed as the Applicant’s or Subrecipient’s points of contact.

The Recipient has 60 days from receipt of the appeal from the Subrecipient to review and draft a state recommendation. This state recommendation is written to FEMA and will recommend that FEMA grant or deny the appeal based on the facts and argument presented by the Applicant or Subrecipient. During this process, the Appeals Officer may contact you with questions on the appeal or request additional documentation. It is important to respond to these inquiries as soon as possible so that the appeal can be submitted within the 60 day regulatory timeframe.

Once the Recipient has drafted their recommendation, the recommendation, appeal, and supporting documentation will be sent to FEMA via email. You will be copied on all communication to FEMA regarding the appeal; however, all documentation and emails will be uploaded to the appeals page in [www.floridapa.org](http://www.floridapa.org).

After the appeal has been submitted to FEMA, FEMA has 90 days to render their determination.

If FEMA grants your appeal, funds will be reinstated to your PW or the decision to deny your Request for Public Assistance will be reversed. If FEMA denies your appeal, you have the right to file a second appeal within 60 days of that determination. The process for submitting a second appeal is identical to the process of submitting a first appeal.

Contact Information

If you need further instructions or clarification on drafting an appeal, uploading the documentation, or the appeals process, please contact:

Amanda Campen  
Appeals Officer  
(850)-815-4155  
Amanda.Campen@em.myflorida.com