[Name of Recipient representative]

[Title]

[Recipient]

[Street address]

Include the next steps to follow if the appeal is granted. Some examples are provided.

[City, State Zip Code]

[Name of Applicant’s representative]

[Title]

[Applicant]

[Street address]

[City, State Zip Code]

Re: First Appeal – [Applicant], PA ID: [PA ID #], FEMA-[####]-DR-[XX], Project Worksheet (PW) [#####]/ Grants Manager Project (GMP) [#####] [Issue Keyword(s)]

Dear [Mr./Mrs./Ms. Last Names of Recipient representative and Mr./Mrs./Ms. Last name of Applicant representative]:

This is in response to a letter from [Name of Recipient] (Recipient) dated [Date], which transmitted the referenced first appeal on behalf of [Name of Applicant] (Applicant). The Applicant is appealing the U.S. Department of Homeland Security’s Federal Emergency Management Agency’s (FEMA) denial of funding in the amount of $[Amount] for [Description of project].

As explained in the enclosed analysis, I have determined that [*provide summary of decision giving enough information to convey the rationale for the decision*]. Accordingly, I am [granting, partially granting, or denying] this appeal. [If appeal is granted or partially granted, include next steps – see the following examples: I will direct the Public Assistance staff to work with the Applicant to develop a project worksheet for the disaster related work/I am directing the Federal Coordinating Officer to revise Project Worksheet ##### under FEMA-#####-DR-## to reflect the complete eligible scope of work and the eligible costs incurred for the completed work, project management, site inspections and limited geotechnical assessments/I am directing my staff to complete a version to PW ##### that identifies the eligible scope of work]. This letter constitutes the official notification of this determination to the Applicant.

Under the Robert T. Stafford Disaster Relief and Emergency Assistance Act and applicable regulations, the Applicant is entitled to appeal this decision.[[1]](#footnote-1).  If the Applicant elects to submit a second appeal, the appeal must: 1) contain documented justification supporting the Applicant’s position, 2) specify the monetary figure in dispute, and 3) cite the provisions in federal law, regulation, or policy with which the Applicant believes the initial action was inconsistent.  The Applicant may submit the appeal electronically via the FEMA Grants Portal/Grants Manager System (GM).[[2]](#footnote-2)

Only if appeal is partially granted or denied.

The Applicant must submit the second appeal to the Recipient within 60 days of receipt of this letter.  The Recipient’s transmittal of that appeal, with recommendation, is required to be submitted to my office within 60 days of receipt of the Applicant’s appeal. My office will transmit the second appeal to FEMA headquarters.

If the appeal is submitted electronically in GM, the Applicant should select all relevant supporting documentation associated with this Project, Damage Inventory or Applicant Profile and upload any additional supporting documentation not already in GM. If the Applicant chooses not to submit its appeal through GM, the Applicant must submit all relevant supporting information with its first appeal. For reference, a current index of documents relevant to this determination is enclosed.

Alternatively, the Applicant may seek arbitration pursuant to Section 423 of the Stafford Act, as amended by Section 1219 of the Disaster Recovery Reform Act (DRRA). To determine eligibility for arbitration, see Title 44 of the Code of Federal Regulations (44 C.F.R.) § 206.206, Appeals. The applicant must submit its request for arbitration simultaneously to the [Recipient], the FEMA Regional Administrator, and the Civilian Board of Contract Appeals (CBCA). Requests for arbitration cannot be submitted through GM. The CBCA’s rules of procedure for Section 423 arbitrations can be found at 48 C.F.R. part 6106 and on the CBCA’s website at [www.cbca.gov](http://www.cbca.gov). If you have questions about FEMA’s arbitration process, please contact: [Regional PA Branch Chief].

If the Applicant elects not to submit a second appeal request or request for arbitration within 60 days from the issuance of the first appeal decision, this decision is the final agency determination on the matter, and the Applicant will no longer be able to appeal or arbitrate the matter.

Sincerely,

[Regional Administrator’s Name]

Regional Administrator

[Region ##]

Enclosure:

First Appeal Analysis

**FIRST APPEAL ANALYSIS**

**[Applicant Name, PA ID ###-#####-##**

**FEMA-####-DR-##, Project Worksheet #####/ Grants Manager #####]**

 **[Issue Keyword(s)]**

**Background**

Provide a summary of the event and key actions taken by the applicant and FEMA that are relevant to the appeal. Specific items that should be mentioned are: (1) the date and type of the disaster; (2) the specific damage or emergency work at issue in the appeal; (3) Project Worksheet(s) prepared and the scope of work and funding that correspond to the issue on appeal; and (4) FEMA’s determination that led to the first appeal, and the date the Applicant was notified of the determination.

*First Appeal*

Provide a brief description of the first appeal, including the issue(s) to be addressed. Include: (1) the issues identified by the applicant in the appeal; (2) the applicant’s position with respect to the issue(s); (3) a description of any additional documentation submitted with the appeal; (4) a description of any relevant points made by the recipient that were not made by the applicant; (5) pertinent information if there was a request for information and the applicant’s response.

**Discussion**

*Issue One (e.g. Legal Responsibility)*

This is the substantive discussion of the merits of the request and the documentation provided by the applicant/recipient. The discussion must include the law, regulations, or policies that apply to each issue and an eligibility analysis of the facts with respect to the appropriate law, regulation, or policy. The writer must describe the decision-making process by making specific findings, identifying in the text and/or footnote the factual basis within the administrative record, and explaining how those findings support the ultimate conclusion reached for each issue in the appeal.[[3]](#footnote-3)

*Issue Two*

If multiple issues must be addressed, subdivide the discussion section to allow for a clear discussion of each issue.

**Conclusion**

State FEMA’s findings on first appeal. Did the applicant meet the rule? Conclude with a sentence stating that the applicant/facility/work/costs are eligible/ineligible and list the next steps to follow, if any*.*

1. *See* Robert T. Stafford Disaster Relief and Emergency Assistance Act § 423, 42 U.S.C. § 5189a (2018), Title 44 of the Code of Federal Regulations (44 C.F.R.) § 206.206 (2021) and FEMA Public Assistance Appeals and Arbitration Policy FP XXX-XXX-XX (Date) for a full description of appeal rights and requirements. [↑](#footnote-ref-1)
2. For further guidance on submitting an appeal through GM, please see [XX]. [↑](#footnote-ref-2)
3. Use footnotes for citations. [↑](#footnote-ref-3)