

HOW TO APPEAL A FEMA DENIAL OR PAYMENT OF LESS THAN THE AMOUNT YOU CLAIMED

Respond quickly. You have 60 days from the date of the decision letter you get from FEMA to respond to a FEMA denial or an inadequate payment. Your appeal letter must be in writing and must be faxed or postmarked within 60 days of the date of the decision letter's date. Remember to date your letters.

Request your FEMA file. If you are denied assistance or get less than you claimed, you should immediately request your file from FEMA so you can see what information they used to decide your application. To request your file, fax FEMA at 1-800-827-8112. Do this right away - it may take several weeks. All file copy requests must be in writing, be signed by you, and include your name, your social security number, the disaster number and the FEMA registration number. Once the request is approved, your file will be mailed to you at the current mailing address on your registration. A sample request form is attached for your use.

Find out why you were denied. Next figure out why FEMA has determined you are not eligible for any benefits or for less than you claimed. FEMA's reason will be listed on your decision letter under the heading "Determinations." FEMA uses codes to explain the reason, such as "IID - Ineligible - Insufficient Damage". Find the code on your denial letter and look it up on list attached to these instructions. If you need additional information from FEMA about the decision, you can call the FEMA helpline at 800-821-FEMA.

Gather information. Now you must gather information to explain to FEMA why the decision was wrong or did not cover lost property. Gather as much information as possible to explain to FEMA why you are eligible for what you have claimed.

- Document damage to your house or property;
- Gather bills, receipts or estimates for repairs;
- Document medical needs or expenses;
- Get letters from your landlord, neighbors or other persons who can confirm what you are telling FEMA. It is best if you can get their signatures notarized and/or have them write that they "declare under penalty of perjury that the foregoing is true and correct".

Fill out the attached appeal letter: You must explain to FEMA in writing why the decision is wrong. Complete the attached appeal letter explaining to FEMA why they should reconsider your request. List all of the documents you are sending with your appeal letter.

Include all required information on each page of your appeal letter: You must include your FEMA registration number and disaster number on **every page** of your appeal and **every page** of any supporting information that you include with your appeal. You can find both numbers on your denial letter. Also, you must include a copy of the page of the eligibility notification that you received from FEMA with the bar code on it.

Make sure you sign the appeal letter. Your appeal letter must be signed by you or an authorized representative. If you want someone else to sign the appeal for you, make sure to submit an authorization form with the appeal.

Keep records. Make sure to keep a copy of everything you send and keep a phone log of any calls or meetings with FEMA.

Appeal again if necessary: FEMA has 90 days to issue a written decision to an appeal but often responds more quickly, sometimes in 30 days or less. If FEMA denies your appeal, you can appeal again. It often can take several appeals to obtain the assistance to which you are entitled. If you have new arguments or additional information or documents to submit, you may supplement your appeal by sending the information to FEMA in the same manner as you wrote your first appeal letter.

Ask questions. If you are not sure how to document the loss you have suffered, call one of the Hurricane Sandy hotline numbers or go to a legal clinic at one of the NYC Restoration Centers.

Here is a list of the most common reasons that FEMA denies or reduces a claim:

- *Shared Household Rule:* FEMA accepts only one application from a household, so if more than one member of your household submits an application, FEMA will only consider the first one it has received. There are limited circumstances where you can convince FEMA that the household members had to separate or were evacuated to different addresses.
- *Insufficient Documentation:* If this is the reason for FEMA's decision, include with your appeal letter as much documentation as possible to support your losses and the value of your losses.
- *Ineligibility:* If your claim is denied because of ineligibility, include as much documentation as possible to show that you meet the eligibility requirements.
- *Duplication of Benefits:* If you have insurance, FEMA will often automatically deny your claim. If you find that insurance is insufficient to cover your losses, you should appeal and include the notice of final loss from your insurance provider with your appeal letter.
- *Referral to SBA to cover other than housing needs:* If you are applying for other than housing needs and have not applied to the Small Business Administration (SBA) for a loan, FEMA will automatically deny your application until you do so – even if you are not a small business. If you are low-income (for example, your only income is public assistance or SSI), you may be able to resolve the issue without a formal appeal by calling the FEMA Service Center at 800-621-FEMA to explain your circumstances.

REMINDER: FEMA assistance is a program of last resort to meet basic needs of you and members of your household brought on by the disaster. It is not a program to make you whole or to improve conditions that existed before the disaster.