

U.S. Department of Homeland Security
Louisiana Transitional Recovery Office
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FEMA

March 27, 2007

Colonel Thomas Kirkpatrick
State Coordinating Officer
State of Louisiana
415 North 15th Street
Baton Rouge, Louisiana 70802

Re: FEMA-DR-1603/1607-LA Appeals

Dear Colonel Kirkpatrick:

I am writing to provide clarification about the need to comply with the procedures by which Public Assistance (PA) appeals are processed pursuant to the Robert T. Stafford Disaster Relief and Emergency Assistance Act, as amended ("the Stafford Act"). The most basic guidance relating to Stafford Act appeals appears at section 423 of the Stafford Act, 42 U.S.C. 5189a. In addition, the regulations which FEMA uses to implement section 423 are located at 44 CFR 206.206.

Section 423(a) of the Stafford states in pertinent part that appeals relating to FEMA decisions must be filed "within 60 days after the date on which the applicant...is notified of the award or denial of award..." 44 CFR 206.206(a) indicates that appeals must be made in writing and must pass through the State (as grantee) before they are filed with FEMA. The grantee is required to "review and evaluate all subgrantee appeals before submission" to FEMA. In addition to the statutory requirement that applicants file appeals within 60 days of their notice of the decision which they appeal, it is also noteworthy that grantees are required to "review and forward appeals from an applicant or subgrantee, with a written recommendation, to (FEMA) within 60 days of (the grantee's) receipt (of the appeal)." See 44 CFR 206.206(c)(2).

It has come to my attention that the State has received a substantial number of appeals from applicants for PA assistance following Hurricanes Katrina and Rita, and that in the overwhelming majority of these appeals the State has failed to review and evaluate the applicants' appeals within 60 days of receipt of the appeals. If accurate, this is a very serious issue and needs to be addressed immediately due to the time sensitivity of appeals. For all applicant appeals which the State receives in the future it will be incumbent upon the State to forward such appeals, along with an evaluation of the merits of the appeals and a statement of the amount at issue, within 60 days of the State's receipt of each appeal.

Colonel Kirkpatrick

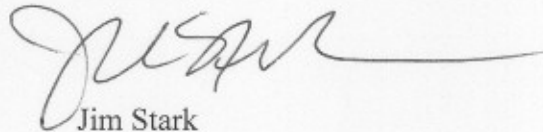
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Pursuant to 44 CFR 206.206, all appeals should be submitted to William Peterson, FEMA's Regional Director for Region VI, through my office.

Thank you for your prompt attention to address this significant concern. Please do not hesitate to contact me if you need any additional information.

Sincerely,

A handwritten signature in black ink, appearing to read "J. Stark", with a long horizontal flourish extending to the right.

Jim Stark

Director

Louisiana Transitional Recovery Office

cc: Mark DeBosier, Infrastructure Branch Chief, GOHSEP

William Peterson, Director, FEMA Region VI