

Unified Public Assistance Project Decision Team  
Eligibility Decision  
Decision Date: May 22, 2009

Dispute #: 54  
Subgrantee: Regional Transit Authority  
DR: 1603  
PW(s): 1319, 13058  
Project: Administrative Building

Description of Dispute

Determine if replacement building is eligible at approximately \$6M, less actual or anticipated insurance proceeds.

Unified PAPDT Decision

The applicant has appealed the determination in accordance with FEMA's appeal process described in Title 44 C.F.R, §206.206. Accordingly, no determination will be made by the Unified PAPDT.

The PAPDT notes the applicant's eligibility dispute related to the extent of damage directly resulting from the event. The current FEMA determination is that work associated with repair only is eligible and the repair versus replacement calculation performed in accordance with FEMA Disaster Assistance Policy 9524.4 appears to be 31.7%, thus eligibility is limited to repair costs since less than 50%. The applicant's position is that the extent of damage resulting from inundation, wind damage, and related impacts directly resulting from the event are greater than those identified in the PWs and result in the requirement for a replacement structure. A primary eligibility dispute related to this project is the ability of FEMA to definitively attribute the impacts to the event versus impacts that occurred subsequent to the event.

The PAPDT will ensure the applicant's position is brought forward to the appropriate officials responsible for the appeal determination under Title 44 C.F.R. §206.206.

  
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Charles R. Axton  
FEMA Lead  
Unified PA Project Decision Team

  
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Mark DeBosier  
Acting Assistant Deputy Director  
Disaster Recovery

- Concur
- Non-Concur