

FEMA APPEALS TRAINING MATERIALS



January 29, 2008

New Orleans Legal Assistance Project

FEMA FORMS

AUTHORIZATION FOR RELEASE OF INFORMATION

Date: _____

Federal Emergency Management Agency
P.O. Box 10055
Hyattsville, MD 20782-7055

I, the undersigned, an applicant for assistance from the FEDERAL EMERGENCY MANAGEMENT AGENCY ("FEMA") as the result of Disaster Number 1603, hereby request and authorize you to release to _____

my authorized representative(s), any and all information, files, documents, and/or records in your possession or under your control which pertain to me or to my application for assistance for the purpose of assisting me in obtaining disaster assistance.

This authorization includes the release of all records or documents deemed confidential and extends to all documents otherwise considered confidential under any State or Federal Privacy Act.

This authorization shall include, but not to be limited to, the right to inspect, copy, or otherwise utilize said records, as may be deemed fit, and to obtain whatever clarification or opinion on said records deemed necessary.

This authorization is submitted pursuant to 28 U.S.C. 1746 under penalty of perjury.

FEMA Application No.

Name (Printed)

Signature

Current Mailing Address

Date of Birth



FEMA



R. David Paulison
Director

Kathleen Babincaux Blanco
Governor
State of Louisiana

National Processing Service Center
P.O. Box 10055
Hyattsville, MD 20782-7055

04/16/2007

FEMA Application No.

Disaster No. 1603

Para obtener una copia de esta carta en Español, por favor llame a la Línea de Ayuda de FEMA al 1-800-621-3362.

Dear

This letter is to notify you that FEMA requires additional information and documentation in order to provide you additional housing assistance beyond May 31, 2007.

If you have a continuing need for housing assistance beyond May 31, 2007, you must supply the following documentation within 14 days of receiving this letter:

- A signed and completed Declaration of Continuing Need for Temporary Housing, which is attached to this letter; AND
- Verifiable rental receipts or copies of canceled checks for rental payments for the months of March and April. (If FEMA is paying your rent directly to your landlord, you are not required to submit rental receipts).

Although the Temporary Housing Assistance Program has been extended until August 31, 2007, you will **not** be eligible for continued housing assistance beyond May 31, 2007 if you do not supply all of the above listed items. To continue your rental assistance payments without an interruption, you must return the above listed items within 14 days of receiving this letter.

NOTE: You are also required to include your current income information (pay stubs, social security information, etc) for all current members of the household over the age of 18 with your submitted Declaration of Continuing Need for Temporary Housing.

FEMA will notify you by mail of your eligibility for continued housing assistance beyond May after review of your submitted documents. Although the Temporary Housing Assistance Program has been extended, you have a responsibility to become independent of this assistance.

Please mail the documents listed above to the following address:

FEMA -National Processing Service Center
P.O. Box 10055
Hyattsville, MD 20782-7055

If you prefer, you may fax copies of the requested documents to (901) 843-2300.

Please call 800-621-3362 (FEMA) if you have any questions regarding FEMA assistance.

Sincerely,

Individuals and Households Program Officer
ALLCLCEXT



FEMA

Declaration of Continuing Need For Temporary Housing (RA) ALLCLCEXT

(A) **APPLICANT INFORMATION** - Complete all applicant information fields.

FEMA Registration No: _____ Disaster No: _____

(Last Name, First Name, Middle Initial)

(Current Address - Street Address)

(City, State, ZIP)

(B) **DECLARATIVE STATEMENTS** - Carefully read the statements below.

I declare that my temporary housing needs are not met by another source. I am not receiving temporary housing assistance from another public agency such as the Department of Housing and Urban Development (HUD), Veterans Affairs (VA), a local housing agency or other designated agency or organization.

I declare that I do not own a secondary or vacation home within reasonable commuting distance of my pre-disaster residence.

I declare that I cannot live in and/or access my pre-disaster primary residence due to the disaster.

I declare that I have not found other adequate, alternate temporary housing.

I declare that I must continue to make efforts to obtain permanent housing and develop a permanent housing plan.

I declare that if I intentionally make false statements or conceal any information in an attempt to obtain additional disaster aid, it is a violation of federal and state laws, which carry severe criminal and civil penalties, including a fine of up to \$250,000, imprisonment, or both. (18 U.S.C. §§ 287, 1001, and 3571)

(C) **CURRENT HOUSING STATUS** - Carefully read each statement and check all that apply.

My current monthly rent and/or mortgage is more than my pre-disaster monthly rent and/or mortgage.

My current household income is less than my pre-disaster household income due to the disaster.

(D) **CURRENT INCOME**

My household's current (Circle One- Weekly/ Biweekly/Monthly) income is \$_____.

You **MUST** attach a copy of the most recent pay statements, social security income statements, unemployment benefit statements, retirement benefit statements, etc for all members of your current household above the age of 18.

(E) **RENT**- Check the statement that applies.

I am paying rent to my landlord. (You must attach rent receipts and/or cancelled checks.)

FEMA is paying rent directly to my landlord.

(F) **SIGNATURE** - You must sign this declaration to be considered for continued temporary housing.

I hereby declare under penalty of perjury that the foregoing is true and correct.

Applicant's Signature

Applicant's Printed Name

Date

SAMPLE FEMA FILE

FEDERAL EMERGENCY MANAGEMENT AGENCY Application/Registration for Disaster Assistance		Registration ID. O.M.B. No. 3 0009 Expires Feb. 28, 2003	DR No. 1603	Language English
1. Name (Last, First, MI)		2. Social Security Number		3. Date of loss 8/29/2005
4A. Damaged phone number (504) 263-0393	4B. Cell phone number None	4C. Current phone number (504) 442-3630	4D. Work phone number (228) 475-2240	4E. Email address
5. Address of Damaged Property	Street Address NEW ORLEANS	City NEW ORLEANS	State Zip+4 LA 70114 -8940	County ORLEANS
6. Do you own or rent your home? Rent	7. Is the address listed in #5 your primary residence? Yes	8. Type of residence: Apartment	9. What is your current location? Family/Friends Dwelling	
10. Cause of Damages: Flood , Power Surge/Lightning				
11. Current Mailing address		MOSS POINT	MS	39563
12. Auto Damage: Yes		Year: 1995	Make: NISSAN	Model: ALTIMA
12B. Is Vehicle Drivable? N		Liability Ins? Y	Comp Ins? N	Is Vehicle Registered? Y
13A. Was your home damaged by the disaster? Yes		13B Personal property damaged? Yes		
13C. Was the access to your home restricted? Due to Disaster				
14. Are any of your essential utilities currently not working as a result of the disaster?				
15. Do you have any disaster-related essential needs for food, clothing or shelter?				Yes
16. Do you own or lease a working farm or ranch that was affected by the disaster ? (Does not include farm home)				No
17. Do you own a business or rental property which was affected by the disaster? (Not farm damage)				No
18. Has anyone in your family lost work or become unemployed due to the disaster? (including self-employed)				Yes
19A. Did you have any disaster related medical expense? No		Was it insured?	Amount of loss?	
19B. Did you have any disaster related dental expense? No		Was it insured?	Amount of loss?	
19C. Did you have any disaster related funeral expense? No		Was it insured?		
19D. Did you have any disaster related moving and storage expenses? No		Were they covered by insurance?		
20. Other / Miscellaneous disaster related damages				
21. Names of all persons living in home at the time of disaster				
		Relationship	Social Security Number	Age
		Registrant		33
		Friend/Relative		9
		Friend/Relative		1
22. Employer/Source of income: SODEXHO		23. Total number of dependents claimed (including applicant): 3		24. Would you like to use the EFT option if eligible for assistance? (Electronic funds Transfer into your bank account) No
25. Annual pre-disaster gross income for all members of the family: \$ 10800				
26. Insurance Type		Company Name		Policy Number
Automobile Liability		DIRECT INS		
No RP or PP Insurance				
27. You have been referred to the following sources for Disaster Aid. For more information, refer to the enclosed program guide as well as the disaster assistance program information sheet. Disaster Unemployment Assistance, Emergency Assistance (ARC), Housing Assistance (Renter), Other Personal Property, Other Transportation				
If you have any questions or feel our information is incorrect, please call the Disaster Helpline at 1-800-621-FEMA, or for the speech or hearing impaired only, call 1-800-462-7585			28. Date of Application: 09/07/2005	29. Information taken by: ATORRES1

**Federal Emergency Management Agency
Individual and Family Grant Program
Inspection Information Report
Data Reported as of 06/04/2007**

DR- 1603-LA
Region 6
Declaration Date: 08/29/2005
Program Closed Date

NEMIS.IFG - 5.0
06/05/2007 08:56
Page 1 of 3

Applicant: _____ **SSN:** _____ **Rgsn ID:** _____ **Insp. #: 3**

Application Info

Damaged Address:

Mailing Address:

Inspection Information

Issue Date: 09/08/2005 Priority: N Language: English
Return Date: 12/17/2005 Review Reason:
Inspection Date: 12/16/2005 Inspection Type: Initial Inspector: 424 INSPECT P21204

Property Information

Residence Type: Aptmt/Condo/Twnhse/A Bedrooms: 2 Degree of Damage:
Occupancy Verification: Driver's License # Req Clothing: 0 Signature Obtained: Obtain
Ownership Verification: Essential Util: OK Signature Required:
Ownership: Renter Size [Sq. Ft.]: 950 High Water: 0 ft 0 in

I.F.G. Information

Medical: N Transportation: Y Other: N
Funeral: N Moving/Storage: N Ess.Tools: N
Dental: N Medical PP:

Vehicle

Year	Make	Model	Comp Ins	Liability Ins	Registered	License Plate	St	Drivable	Dama
1995	NISSAN	ALTIMA	N	Y	Y			N	Y

ROOMS

Room	Location	Degree	Damage Cause	Room Cost
Bedroom	Third Floor	Replace	Rain/Wind Driven Ra	\$0.00
Bedroom	Third Floor	Replace	Rain/Wind Driven Ra	\$0.00
Bathroom	Third Floor	Replace	Rain/Wind Driven Ra	\$0.00
Bathroom	Third Floor	Replace	Rain/Wind Driven Ra	\$0.00
Exterior	First Floor	Not Affected	Rain/Wind Driven Ra	\$0.00
Kitchen	Third Floor	Replace	Rain/Wind Driven Ra	\$0.00

**Federal Emergency Management Agency
Individual and Family Grant Program
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NEMIS.IFG - 5.0

Region 6

06/05/2007 08:56

Declaration Date: 08/29/2005

Page 2 of 3

Program Closed Date

Applicant:

SSN:

Rgsn ID:

Insp. #: 3

ROOMS

Room	Location	Degree	Damage Cause	Room Cost
Living Room	Third Floor	Replace	Rain/Wind Driven Ra	\$0.00
Total:				\$0.00

Insurance Information

No RP or PP Insurance
Automobile Liability

Real Property

Room	Description	Damage Cause	Unit of Measure	QTY	Cost	Amount
Bedroom	Insulation, replace	Rain/Wind Driv	FLOOR SI	250		
Bedroom	Insulation, replace	Rain/Wind Driv	FLOOR SI	250		
Bedroom	Paint	Rain/Wind Driv	WALL SF	250		
Bedroom	Paint	Rain/Wind Driv	WALL SF	250		
Bedroom	Sheetrock, replace	Rain/Wind Driv	WALL SF	250		
Bedroom	Sheetrock, replace	Rain/Wind Driv	WALL SF	250		
Living Room	Sheetrock, replace	Rain/Wind Driv	WALL SF	300		
Living Room	Paint	Rain/Wind Driv	WALL SF	300		
Living Room	Insulation, replace	Rain/Wind Driv	FLOOR SI	300		
Exterior	FEMA Housing Unit - OFF Site	Rain/Wind Driv	EA	1		
Total:						\$0.00

Appliances

Description	Location	Room	Degree	Damage Cause	QTY	Item Cost	Amount
3180	Thrd Floor	Bedroom	Replace	Rain/Wind Driv	1		
3000	Third Floor	Kitchen	Landlord Ov	Rain/Wind Driv	1	\$0.00	\$0.00
3010	Third Floor	Kitchen	Landlord Ov	Rain/Wind Driv	1	\$0.00	\$0.00
3090	Third Floor	Living Room	Replace	Rain/Wind Driv	1		
3110	Third Floor	Living Room	Replace	Rain/Wind Driv	1		
3130	Third Floor	Living Room	Replace	Rain/Wind Driv	1		
Total:							\$0.00

FEMA POLICIES



Important Information For Louisiana Evacuees

Release Date: December 6, 2005

Release Number: 1606-096

AUSTIN, Texas -- Some Louisiana residents who were affected by Hurricane Katrina and chose to evacuate to Texas should be aware that the Department of Homeland Security's Federal Emergency Management Agency (FEMA) is planning to provide assistance to eligible applicants based on damage information obtained through satellite images. These images provide geospatial mapping data as to the depth of water in a particular area. The maps can also view the location and condition of individual homes by zip code.

Currently, verification of home damage in some areas has been impossible for inspectors because of widespread inaccessibility and victims evacuating to other parts of the country.

On-site visual inspections have been conducted in more than 200 locations within the defined areas of the geospatial maps. The results of these inspections support the water levels reported on the maps and offer assurance that awards will be made with the highest degree of accuracy. Previous studies performed by the National Geospatial Intelligence Agency, the National Oceanic and Atmosphere Association and Louisiana State University have proven this method to be a reliable form of damage assessment.

Presently, FEMA has contracted with Baker Inc., to provide the imagery and mapping data for this process. To date, Baker Inc. has all the detailed information to provide assistance to residents of these five parishes: **Orleans, St. Bernard, Jefferson, St. Tammany and Plaquemines**. Homes that have had two feet or more of standing water will be deemed destroyed; uninsured homeowners may be eligible for the real-property replacement grant of \$10,500. Homes with standing water levels between one foot and two feet will be deemed as major damage; uninsured homeowners may be eligible for the real-property repair grant of \$5,200. Homes in these designated areas with standing water levels of less than one foot will be deemed as having suffered moderate damage and uninsured homeowners may be eligible for the established "moderate" damage real property repair award of \$2,600.

Louisiana residents of these designated areas also may be awarded personal property awards based on the following:

- If they are uninsured
- If they failed the SBA income test or have been denied a low-interest loan by SBA
- Damage level
 - Homes with two feet or more standing water will receive between \$10,000 and \$13,000*
 - Homes with between one to two feet of standing water will receive between \$5,000 and \$6,500*
 - Homes with less than one foot of standing water will receive between \$2,000 and \$3,000

*replacement award based on two-bedroom home with complete furnishings

Last Updated: Wednesday, 07-Dec-2005 09:52:53

Exhibit 1



When an Insurance Claim Doesn't Fully Cover Disaster Losses

Release Date: January 9, 2006

Release Number: 1605-154

MONTGOMERY, Ala. -- Many who may have failed to register for federal aid after Hurricane Katrina, now find the settlement of their insurance claim did not cover their disaster losses. If so, they may be eligible for disaster assistance from the U.S. Department of Homeland Security's Federal Emergency Management Agency (FEMA).

Alabama residents and evacuees should register before the March 11 deadline and talk to a FEMA disaster specialist even if they were insured for storm losses. The toll-free teleregistration number is 800-621-FEMA (3362) or TTY 800-462-7585.

Policies purchased many years ago may pay less than is needed to get repairs done today. And many insurers only cover very specific items. Disaster assistance may include grants for temporary housing and repairs to make a home safe and habitable. The programs may also include a U.S. Small Business Administration (SBA) low-interest loan for things like debris removal on personal property, damaged and destroyed fences, tree trimming services, tree replacement, landscaping losses and damaged or destroyed sheds and other outbuildings.

"Disaster assistance is designed to cover both uninsured and under-insured disaster losses," said Federal Coordinating Officer Michael Bolch. "By law FEMA cannot duplicate services or funds compensated by an insurance claim or provided by another assistance program but we can help with unmet needs."

Individuals are advised to file their insurance claim at the same time they register with FEMA in order not to delay the process and they will be given a FEMA file number. Once they receive the insurance settlement information they should call to complete the application, referring to the file number.

"We want to remind homeowners, renters and business owners who found they were not adequately compensated by insurance not to miss out on the assistance they may be eligible for," said State Coordinating Officer Bruce Baughman. "Every bit of help to individuals and families will contribute to Alabama's recovery from Hurricane Katrina."

The deadline to register for disaster assistance was extended to March 11 to give disaster survivors more time to apply. The insurance settlement may have been too little to cover losses, but it's not too late to apply for help.

Last Updated: Monday, 09-Jan-2006 15:38:59

Exhibit 2



Extended Families Living Together May Be Eligible For FEMA Disaster Assistance

Release Date: November 26, 2005
Release Number: 1606-089

AUSTIN, Texas -- Some extended families may not be receiving all the aid they are eligible for because they are living together temporarily and have applied from the same address according to the U.S. Department of Homeland Security's Federal Emergency Management Agency (FEMA).

These applications may be considered to be duplicates. In such cases, each head of household or roommate should call the FEMA Help Line and ask for the applications to be unlinked. FEMA may consider separate applications from:

- Families who lived together before a disaster but who have been displaced in different geographical locations.
- Extended families who lived in different dwellings on the same property.
- Extended households who lived in separate homes before the hurricane and are now temporarily sharing quarters.
- Roommates who lived together before a disaster but who have been displaced in different geographical locations.

Extended families sharing living quarters away from home or those who have been separated in different geographical locations may apply separately for disaster assistance.

Applicants are encouraged to check on the status of their applications if they haven't had a response from FEMA within 25 days. To do so, they may visit a Disaster Recovery Center, log onto www.fema.gov or call 800-621-FEMA (3362) or TTY 800-462-7585 for the hearing- and speech-impaired.

Individuals can use the toll-free number to access the Automated Status Update and make changes in their application. Using voice-activated prompts, applicants can check on personal registration, eligibility status, financial compensation, the appeal process and other information.

Callers will need to provide their FEMA registration ID number, date of birth and the last four digits of their social security number. In case of an error, applicants will be forwarded to FEMA Help Line staff.

Last Updated: Monday, 28-Nov-2005 11:34:51

Return to the article

Revised Ineligibility Codes

1. **Housing Assistance Has Been Provided To Another Household Member:** Our records show that you were living with another FEMA applicant at the time of the disaster and FEMA provided temporary housing assistance, either rental assistance or a travel trailer, to that applicant. Only one member of a household may receive housing assistance from FEMA because assistance to another household member would be considered a duplication of benefits. If you were in fact living in a separate location prior to the disaster, are currently living in a separate location due to the disaster, or believe the size and nature of your household requires assistance for more than one residential unit, you may submit documents to establish this fact. For example, to prove you were not living at the same pre-disaster household as the applicant named above, or to prove you are living in a separate post-disaster dwelling as a result of the disaster, please provide a copy of a lease, a rental agreement or rent receipts or to show the address or fax number provided below. (Authority: 44 CFR 206.117(b)(1)(i)(A))
2. **Your Housing Damage Is Not Disaster Related:** Damage to your home must be caused by the disaster for you to be eligible for FEMA assistance. Based on FEMA's inspection, the damage to your home was not caused or made worse by the disaster. If you believe this is not true, you must send documents, such as statements from local building officials, to back up your report that your home was damaged by the disaster to the address or fax number provided below. (Authority: 44 CFR 206.113(a)(1) and 206.110(a))
3. **Your Use Of Previous Rental Assistance Was Not Verified By Rental Receipts:** Persons who receive rental assistance from FEMA must provide FEMA with receipts that show they used all of the assistance on rent in order to receive additional assistance. You were denied continued rental assistance because you did not provide rental receipts to show that you used the previous rental assistance given to you by FEMA on rent. If you did use all the previous FEMA assistance on rent, you can send copies of your rent receipts to the address or fax number below. (Authority: 44 CFR 206.114(b)(2))
4. **Your Identity Could Not Be Verified:** FEMA could not match your name with the social security number you provided on your application. You can send documents to verify your name and social security number, such as federal or state tax documents, U.S. military identification, Social Security Administration letter, or a marriage license, to the address or fax number provided below. If you need help determining whether a document that includes your name and social security number can be considered proof of identity, please call FEMA's Helpline at 1-800-621-FEMA. (Authority: 44 CFR 206.110(a))
5. **Direct Housing Assistance Has Been Provided to Your Household:** A household cannot receive both rental assistance and direct assistance (a mobile home or travel trailer) at the same time. You have requested rental assistance but our records indicate that we provided you with a FEMA mobile home or travel trailer. If this is inaccurate, please provide an explanation that you did not receive a travel trailer or mobile home, and send documents to prove where you are currently living to the address or fax number provided below. (Authority: 44 CFR 206.110(a))

Revised Ineligibility Codes

6. **FEMA Does Not Have a Signed Copy of FEMA Form 90-69B – “Declaration and Release”:** All applicants must complete a FEMA Form 90-69B, “Declaration and Release,” which is a required part of your FEMA application. We have included a copy of Form (90-69B) with this letter. If you would like us to reconsider your application, please mail or fax the completed and signed Form 90-69B to the address or fax number provided below. (Authority: Personal Responsibility and Work Opportunity Reconciliation Act of 1996, 8 U.S.C. §§1601 et seq.)
7. **Housing Assistance Has Been Provided To You by Another Agency or Organization:** FEMA cannot duplicate assistance provided by somebody else. FEMA determined that your temporary housing needs are being met by another public agency such as the Department of Housing and Urban Development (HUD), Veterans Administration (VA), a local housing agency or other designated agency or organization. If this is not true, please send documents, such as a rental agreement, proving where you are currently living to the address or fax number provided below. (Authority: 44 CFR 206.110(h))
8. **The Housing Damages Are Not Enough to Qualify for Disaster Assistance:** Based on FEMA’s inspection, the damage to your home does not prevent you from living in the dwelling. If this is not true, you must send documents, such as statements from local building officials to back up your report that your home was not livable OR if while you evacuated your landlord rented your apartment to another person, you need to complete a self-declaration form that FEMA is mailing to you separately (the form is also available on the Internet located at <http://www.fema.gov/assistance/after.shtm>. Click on “Declaration of Need for Rental and/or Personal Property Assistance”) and return it to FEMA at the address or fax number provided below. (Authority: 44 CFR 206.113(a)(8))
9. **You Reported That You Have Insurance on Your Home:** FEMA cannot provide assistance where there is adequate insurance coverage. FEMA determined that your insurance would cover your disaster-related losses. If your insurance did not cover your disaster related losses, you must send insurance settlement documents to the address or fax number provided below. If your insurance did not cover the specific type of loss you incurred, you must send documents such as a copy of your insurance policy that demonstrates these losses were not covered by insurance. If you do not have insurance, you must send an official notarized statement from you stating that you did not have insurance on your property to the address or fax number provided below. (Authority: 44 CFR 206.113(b)(6))
10. **FEMA cannot provide assistance where there is adequate insurance coverage.** FEMA determined that the amount of your insurance settlement (the amount you were paid by your insurance company for losses) exceeded what FEMA could provide to you for your losses. FEMA cannot provide disaster assistance when FEMA disaster related losses are exceeded by insurance settlements because this would be a duplication of

Revised Ineligibility Codes

benefits. If you believe that your insurance settlement did not cover your FEMA disaster related losses, you must send a copy of your insurance settlement documents and a written statement explaining the losses not covered by your insurance to the address or fax number provided below. (Authority: 44 CFR 206.113(b)(6))

11. **The Insurance Information You Provided to FEMA is Incomplete:** FEMA must verify insurance coverage because FEMA cannot provide assistance where there is adequate insurance coverage. If your insurance did not cover your disaster related losses, you must send a copy of insurance settlement documents and a written statement explaining the losses not covered by your insurance to the address or fax number provided below. (Authority: 44 CFR 206.113(a)(3), 206.113(a)(4), 206.113(a)(5), 206.113(a)(6), 206.113(b)(6))

12. **You Told FEMA That You No Longer Needed Housing Assistance:** If this is not true, you must send a written appeal explaining why you need housing assistance to the address or fax number provided below. (Authority: 44 CFR 206.113(b)(2))

13. **You Reported That You Are Not A U.S. Citizen, Non-Citizen National, Or Qualified Alien:** To receive temporary housing assistance, either you or a household member must be a U.S. Citizen, a Non-Citizen National or a Qualified Alien. Based on FEMA's records, neither you, an adult member of your household, nor your child are a U.S. Citizen, Non-Citizen National, or Qualified Alien. If this is incorrect, please submit a completed and signed Declaration and Release (FEMA Form 90-69B) to the address or fax number provided below. We have included a copy of FEMA Form 90-69B with this letter. (Authority: Personal Responsibility and Work Opportunity Reconciliation Act of 1996, 8 U.S.C. §§1601 et seq.)

14. **FEMA can only provide assistance if your primary residence was damaged.** You have not provided enough documentation to prove that the home that was damaged was where you lived during the major portion of the calendar year (your primary residence). You must send one of the following verifiable documents to the address or fax number provided below to prove that the damaged home was your primary residence:

Driver's License (Copy)	Merchant's Statement (Credit Card Bill)
Statement from your employer	Official Statement from the postmaster
Federal or State Tax Return (Copy)	Utility Bill
Statement from your landlord	
Voter's Registration Card (Copy)	

15. **You Did Not Prove You Lived In Your Home At The Time Of The Disaster:** To receive temporary housing assistance, you must have occupied the damaged home at the time of the disaster. FEMA has not received adequate documentation from you to

(Authority: 44 CFR 206.110(a), 206.113(a)(8))

Revised Ineligibility Codes

verify that you occupied the dwelling at the time of the disaster. If you would like FEMA to reconsider its decision, please send at least one of the following documents to the address or fax number provided below:

Driver's License (Copy)	Merchant's Statement (Credit Card Bill)
Statement from your employer	Official Statement from the postmaster
Federal or State Tax Return (Copy)	Utility Bill
Statement from your landlord	
Voter's Registration Card (Copy)	

(Authority: 44 CFR 206.110(a), 206.113(a) (8))

16. **You did not prove you owned your home:** FEMA assistance for repair or replacement requires proof that you own the home that was damaged. FEMA has not received adequate documentation from you to support your application. If you would like FEMA to reconsider its decision, please send a copy of at least one of the following documents to the address or fax number provided below to establish that you are: 1) the legal owner; 2) a person who does not hold formal title to the home and pays no rent but is responsible for the payment of taxes or maintenance; or 3) a person who has lifetime occupancy rights:

Bill of Sale	Pre-Disaster Maintenance Receipts
Deed of Trust	Quit Claim Deed
Mobile Home Title	Structural Insurance
Real Estate Tax Receipts	Will
Mortgage Payment Coupon	
Notarized Affidavit	

(Authority: 44 CFR 206.117(b) (2) (i), 206.117(b) (3))

17. **You Reported That You Have Found Permanent Housing:** You notified FEMA that you have purchased a new home, located affordable housing, or returned to your pre-disaster home. You are not eligible for continued housing assistance once you have established permanent housing. If you have not purchased a new home, located affordable housing, or returned to your pre-disaster home, you must submit a written statement and supporting documentation showing that you did not purchase a home or cannot afford your current rent to FEMA to the address or fax number provided below. Documentation you should submit include current rent receipts, a copy of your lease, and pay stubs or employment searches if you are not currently employed. (Authority: 44 CFR 206.113(b)(2), 206.114(b)(3), 206.113(b)(4))

18. **You Have Reached the Maximum Amount of Financial Assistance:** Based on FEMA's records, you have been provided \$26,200, which is the maximum amount of financial assistance allowed for disaster assistance. Therefore, you are not eligible for any further financial assistance, but you may still qualify for other forms of housing assistance. If you think that you have not received the maximum amount of assistance,

Revised Ineligibility Codes

or if you still have a need for temporary housing, please submit an appeal documenting the amount of FEMA financial assistance you have received and the reason why you require more housing assistance. (Authority: 44 CFR 206.110(b))

19. **Your Primary Residence Was In A County/Parish That Was Not Covered For Federal Assistance:** When a federal disaster is declared, there is a list of counties/parishes in your state that are designated as federal disaster areas. You must reside in one of these counties/parishes to be eligible for FEMA assistance. Based on FEMA's records, your home is not located in one of these counties/parishes. If this is not true, please contact the FEMA Helpline to verify that the address on file is the correct address where your damages or losses occurred. (Authority: 44 CFR 206.110(a))
20. **We Have Not Been Able To Contact You About Your Application For Assistance:** Your application has not been processed further because we have not been able to contact you. If you would like to be reconsidered for assistance, you must submit a written statement explaining why you need housing assistance to the address or fax number provided below.
21. **You Asked To Have Your Application Withdrawn or You Failed to Meet with a FEMA Inspector:** Your application for housing assistance was withdrawn because you made a personal request to withdraw your application or because you failed to meet with a FEMA inspector and complete the inspection process. If this is not true, and you would like to be reconsidered for housing assistance, you must send a written request to reopen your application to the address or fax number provided below.

SAMPLE FEMA LETTERS



FEMA



R. David Paulison
Director

Kathleen Babineaux Bianco
Governor
State of Louisiana

National Processing Service Center
P.O. Box 10055
Hyattsville, MD 20782-7055

11/16/2006

FEMA Application No: [REDACTED]
Bill For Collection No: [REDACTED]
Amount Owed: [REDACTED]

Disaster No: 1603
11/16/2006

[REDACTED]

Dear [REDACTED]

This letter is in response to your appeal concerning FEMA's decision that some or all of the money you received for disaster assistance must be returned.

After reviewing your case and the documents you submitted, FEMA has found that we are sorry to inform you that this review confirms that you are not eligible for the amount of Disaster Assistance specified above. If you have already paid this amount in full, or have already started a payment plan, we thank you for your cooperation.

If you have not paid this debt, or have not established a payment plan, you should contact the Disaster Finance Center (DFC) immediately. Note: in addition to the amount identified above, the interest charges that have been accruing since the date of the letter notifying you of this debt must also be paid. The DFC can be reached at 1-800-816-1122 between 8:00 a.m. and 6:00 p.m. EST, Monday through Friday.

All payments should be made payable to FEMA and sent to FEMA, PO BOX 198355, Atlanta, GA 30384-8355. Please use the enclosed FEMA Debt Repayment Form when submitting payments.

Please note that this decision is about FEMA's Individuals and Households Program only. If you have applied to other disaster relief agencies, they will contact you separately.

If you have any questions or would like information about other assistance programs, please call the FEMA Helpline at 1-800-621-FEMA (3362) or (hearing/speech impaired ONLY, call 1-800-462-7585).

Sincerely,

CAC

Individuals and Households Program Appeals Officer

Debt Collection Officer



FEMA



R. David Paulison
Acting Director
Emergency Preparedness and Response

Kathleen Babineaux Blanco
Governor
State of Louisiana

National Processing Service Center
P.O. Box 10055
Hyattsville, MD 20782-7055

12/24/2005

FEMA Disaster Helpline: 1-800-621-FEMA (3362)
Fax No.: 1-800-827-8112

FEMA Application No.

Disaster No.1603

NEW ORLEANS, LA 70114-8940

Dear

The Federal Emergency Management Agency (FEMA) and the State of Louisiana have reviewed your request for disaster assistance. Listed below is our decision regarding your request. This initial determination will not preclude you from receiving future assistance.

<u>CATEGORIES</u>	<u>DETERMINATION</u>
Personal Property	\$9,563.14
Transportation	\$500.00
<hr/>	<hr/>
Total Grant Amount:	\$10,063.14

For a more detailed explanation of this decision, please refer to "HELP AFTER A DISASTER", the FEMA Applicant's Guide which was mailed to you after you applied for assistance. The section entitled "If You Are/Are Not Eligible for Help" (pages 6-9) explains the reasons which support our decision. You may also access "HELP AFTER A DISASTER" online at www.fema.gov/about/process.

PLEASE READ THE FRONT AND BACK OF THE "NOTICES" INCLUDED WITH THIS LETTER FOR ADDITIONAL IMPORTANT INFORMATION.

Applicants with Insurance: Your application for assistance may be placed on hold to allow you time to file your insurance claim. Federal law prohibits FEMA or the State from duplicating assistance that may be available from insurance. A \$0 amount listed above does not necessarily mean that you are ineligible for assistance. It means that FEMA needs to know the amount of your insurance settlement and your unmet needs before we can process your application further.

If a decision results in a monetary award, you will soon receive a check at your current mailing address, or an electronic funds transfer to your bank. To help us communicate with you in a timely manner, please contact FEMA and the U.S. Postal Service to update your current mailing address. Remember, in order to have your mail forwarded, you need to submit a Postal Service Change of Address each time you relocate, whether it is temporary or permanent. If you need to contact the Postal Service, you may

go to www.usps.gov on the web, or call 1-800-ASK-USPS, or pick up a Change Address form at any Post Office.

If you disagree with this decision, you have the right to appeal within 60 days of the date of this letter. If you have any other disaster-related questions, please read the NOTICES included in this letter, call the FEMA Disaster Helpline at 1-800-621-FEMA (3362) (hearing/speech impaired only, call 1-800-462-7585), or visit www.fema.gov and click on FAQ's for Disaster Assistance.

Sincerely,

SUPER

Individuals and Households Program Officer



FEMA



R. David Paulison
Acting Director
Emergency Preparedness and Response

Kathleen Babineaux Blanco
Governor
State of Louisiana

National Processing Service Center
P.O. Box 10055
Hyattsville, MD 20782-7055

01/13/2006

FEMA Disaster Helpline: 1-800-621-FEMA (3362)
Fax No.: 1-800-827-8112

FEMA Application No..

Disaster No.1603

NEW ORLEANS, LA 70114-8940

Dear

The Federal Emergency Management Agency (FEMA) and the State of Louisiana have reviewed your request for disaster assistance. Listed below is our decision regarding your request. This initial determination will not preclude you from receiving future assistance.

<u>CATEGORIES</u>	<u>DETERMINATION</u>
Rental Assistance	\$2,028.00
<hr/>	<hr/>
Total Grant Amount:	\$2,028.00

For a more detailed explanation of this decision, please refer to "HELP AFTER A DISASTER", the FEMA Applicant's Guide which was mailed to you after you applied for assistance. The section entitled "If You Are/Are Not Eligible for Help" (pages 6-9) explains the reasons which support our decision. You may also access "HELP AFTER A DISASTER" online at www.fema.gov/about/process.

PLEASE READ THE FRONT AND BACK OF THE "NOTICES" INCLUDED WITH THIS LETTER FOR ADDITIONAL IMPORTANT INFORMATION.

Applicants with Insurance: Your application for assistance may be placed on hold to allow you time to file your insurance claim. Federal law prohibits FEMA or the State from duplicating assistance that may be available from insurance. A \$0 amount listed above does not necessarily mean that you are ineligible for assistance. It means that FEMA needs to know the amount of your insurance settlement and your unmet needs before we can process your application further.

If a decision results in a monetary award, you will soon receive a check at your current mailing address, or an electronic funds transfer to your bank. To help us communicate with you in a timely manner, please contact FEMA and the U.S. Postal Service to update your current mailing address. Remember, in order to have your mail forwarded, you need to submit a Postal Service Change of Address each time you relocate, whether it is temporary or permanent. If you need to contact the Postal Service, you may

go to www.usps.gov on the web, or call 1-800-ASK-USPS, or pick up a Change Address form at any Post Office.

If you disagree with this decision, you have the right to appeal within 60 days of the date of this letter. If you have any other disaster-related questions, please read the NOTICES included in this letter, call the FEMA Disaster Helpline at 1-800-621-FEMA (3362) (hearing/speech impaired only, call 1-800-462-7585), or visit www.fema.gov and click on FAQ's for Disaster Assistance.

Sincerely,

SUPER

Individuals and Households Program Officer

NOTICES

1. This letter is about your request for help from FEMA only. Money received from FEMA should be used as specified in the category above. If you do not use the money as specified, you and/or your household may not be eligible for additional help from FEMA.
2. If you have funds available or have received funds from another source for disaster losses that duplicates money received from FEMA, you may be required to return all or part of the money received from FEMA.
3. This program will not cover all of your losses from damage to your property (home, personal property, household goods) that resulted from the disaster.
4. This program is not intended to restore your damaged property to its condition before the disaster.
5. This program does not cover business-related losses that resulted from the disaster.
6. Before you begin any repairs, check with your local building department to find out what local permits or inspections are required.
7. If you have hotel/motel expenses and receipts, due to the disaster, call the FEMA Helpline for information on how you may be reimbursed.
8. Filing an Appeal: To file an appeal, you must:

Explain in writing why you feel FEMA's decision is wrong. Send any new or additional information that you have to show the Appeals Officer that you are eligible for this money. Be sure to include your FEMA Application Number, shown at the top of this letter, when you write to FEMA.

Mail your letter and the documents to FEMA Appeals Officer, National Processing Service Center, P.O. Box 10055, Hyattsville, MD 20782-7055. Your appeal must be postmarked within 60 days of the date of this letter. Appeals will not be accepted after this date.

9. Insured Applicants: If you have not already contacted your insurance agent to file a claim, please do this as soon as possible. Failure to file a claim with your insurance company may affect your eligibility for assistance from the FEMA-State Individuals and Households Program. After filing your claim, if any of the following situations occur, please call the FEMA Disaster Helpline for additional information. **Note to Insured Applicants. You have up to twelve (12) months from the date you registered with FEMA to submit your insurance information for review.**

*Your insurance settlement is delayed.

*Your insurance settlement is insufficient to meet your disaster-related needs.

*You have exhausted the Additional Living Expenses (ALE) provided by your insurance company.

*You are unable to locate rental resources in your area.

By law, FEMA cannot provide money to you for losses that are covered by your insurance.

NOTICES, [page 2]:

For a more complete explanation of eligible/ineligible decisions, please read "HELP AFTER A DISASTER", the FEMA Applicant's Guide (pages 6-9, "IF YOU ARE/ARE NOT ELIGIBLE FOR HELP"). Also, "I WANT TO HAVE MY CASE REVIEWED AGAIN (APPEAL)" on pages 10-11 of the FEMA Applicant's Guide.

If You are Not Eligible for Help

If your application for help under IHP has not met the required conditions and has been denied, read below for an explanation of the most common ineligible reasons:

INS-Insured: Your insurance should cover your disaster-related losses. If your insurance settlement is delayed or insufficient, or if you have exhausted the Additional Living Expenses (ALE) provided by your insurance company, or if you are unable to locate rental resources in your area, you may appeal our decision for further review. See "NOTICES" for more information on how to file an appeal.

IID-Ineligible-Insufficient Damage: Based on an Inspection, there was not enough damage to your home or property for you to qualify for this program.

I AW-Ineligible-Assisted with Household Member: Our records show that another member of your pre-disaster household applied and received help for your losses.

IDUPA-Duplicate Application: Our records show that a member of your pre-disaster household has already registered for help.

IINSI-Ineligible: All categories have appropriate insurance excluding flood, inspection completed -Your insurance should cover your disaster-related losses.

INFI-Ineligible-Has Flood Insurance: Your insurance should cover your disaster-related losses.

INO-Ineligible-Other: Your application for assistance is denied. Please see specific reason on the letter.

INP-Ineligible-Not Primary Residence: You have not provided enough documentation to prove the home that was damaged was the home where you were living at the time of the disaster.

W69D-Withdrawn-Signature not Obtained (90-69D): Your application has been withdrawn because we have not received the required signature or documents requested.

WNC-Withdrawn-No Contact: Your application for assistance has been withdrawn because we have not been able to contact you.

RENTAL ASSISTANCE



FEMA



R. David Paulison
Acting Director
Emergency Preparedness and Response

Kathleen Babineaux Blanco
Governor
State of Louisiana

National Processing Service Center
P.O. Box 10055
Hyattsville, MD 20782-7055

04/18/2006

FEMA Disaster Helpline: 1-800-621-FEMA (3362)
Fax No.: 1-800-827-8112

FEMA Application No.

Disaster No.1603

NEW ORLEANS, LA 70114-8940

Dear

The Federal Emergency Management Agency (FEMA) and the State of Louisiana have reviewed your request for disaster assistance. Listed below is our decision regarding your request. This initial determination will not preclude you from receiving future assistance.

<u>CATEGORIES</u>	<u>DETERMINATION</u>
Rental Assistance	INO - Ineligible - Other
Total Grant Amount:	\$0.00

Ineligible Other Reason: Insufficient Substantiation Submitted

For a more detailed explanation of this decision, please refer to "HELP AFTER A DISASTER", the FEMA Applicant's Guide which was mailed to you after you applied for assistance. The section entitled "If You Are/Are Not Eligible for Help" (pages 6-9) explains the reasons which support our decision. You may also access "HELP AFTER A DISASTER" online at www.fema.gov/about/process.

PLEASE READ THE FRONT AND BACK OF THE "NOTICES" INCLUDED WITH THIS LETTER FOR ADDITIONAL IMPORTANT INFORMATION.

Applicants with Insurance: Your application for assistance may be placed on hold to allow you time to file your insurance claim. Federal law prohibits FEMA or the State from duplicating assistance that may be available from insurance. A \$0 amount listed above does not necessarily mean that you are ineligible for assistance. It means that FEMA needs to know the amount of your insurance settlement and your unmet needs before we can process your application further.

If a decision results in a monetary award, you will soon receive a check at your current mailing address, or an electronic funds transfer to your bank. To help us communicate with you in a timely manner, please contact FEMA and the U.S. Postal Service to update your current mailing address. Remember,

in order to have your mail forwarded you need to submit a Postal Service Change Address each time you relocate, whether it is temporary or permanent. If you need to contact the Postal Service, you may go to www.usps.gov on the web, or call 1-800-ASK-USPS, or pick up a Change of Address form at any Post Office.

If you disagree with this decision, you have the right to appeal within 60 days of the date of this letter. If you have any other disaster-related questions, please read the NOTICES included in this letter, call the FEMA Disaster Helpline at 1-800-621-FEMA (3362) (hearing/speech impaired only, call 1-800-462-7585), or visit www.fema.gov and click on FAQ's for Disaster Assistance.

Sincerely,

SUPER

Individuals and Households Program Officer

NEW ORLEANS LEGAL ASSISTANCE

An office of Southeast Louisiana Legal Services
1010 Common St., Suite 1400A
New Orleans, Louisiana 70112
Phone: (504) 529-1000 Fax: (504) 529-1008
Web Address: www.nolac.org

March 20, 2007

FEMA Appeals Officer (IHP)
National Processing Service Center
P.O. Box 10055
Hyattsville, MD 20782-7055
Fax: 1-800-827-8112

Re: Client: Sue Smith
FEMA #(1603)

APPEAL OF DENIAL OF RENTAL ASSISTANCE

Dear FEMA Appeals Officer:

Ms. Sue Smith, a victim of Hurricane Katrina, has retained our office to assist her with an appeal of a your agency's denial of her request for Rental Assistance. (See attached Exhibit 1: **Authorization for Release of Information and Legal Representation**) By letter dated February 20, 2007, Ms. Smith was advised that your decision was based on a finding that:

"INO – Ineligible – Other"

The letter further explains: **"Ineligible Other Reason: You were incorrectly awarded assistance which makes you ineligible for rental assistance."**

To date, Ms. Smith has received \$2,358 in Transitional Housing Assistance, \$2574 as rental assistance in January 2006, and \$1650 as rental assistance in May 2006. This letter serves as a formal appeal of your recent determination and urges review and reconsideration of the matter.

ARGUMENT

1. **FEMA has no authority to deny Ms. Smith rental assistance for which she is eligible based on an alleged ineligibility determination for monies already received.**

Pursuant to instructions from FEMA representatives on September 26, 2006, Ms. Smith submitted an appeal of the agency ruling on her initial appeal of the recoupment claim. The record clearly reflects that the reviewer of the file misinterpreted the first appeal submitted by Ms. Smith. Further, additional evidence was submitted with the supplemental appeal submitted on November 2, 2006 further supporting Ms. Smith's eligibility status. As of date, no ruling has been made on the latest appeal. In the meantime, Ms. Smith continues to struggle to make ends meet. She is doing all she



A Partner

can to obtain and maintain stable housing for herself and her family. It's a challenge because of your agency's continued denial of assistance for which she is eligible and the delay in ruling on the appeal.

Ms. Smith has been denied assistance since July 2006. The February 20, 2007, notice is the first written reasons for your denial that she has received. This is a violation of her right to due process and has impeded her ability to defend herself against your findings. Further, according to agency administrative officials, FEMA issued a policy in the Fall of 2006 whereby assistance would continue to be awarded to eligible applicants pending review of the appeal. However, representatives responsible for reviewing such requests are not applying the rule. Nothing in the regulations pertaining to continuing need for assistance (44 CFR 206.114) nor the Recovery of Funds (44 CFR 206.116) provides for the suspension of all assistance because of an alleged overpayment. Therefore, you must find in favor of Ms. Smith and recertify her for rental assistance because she meets the eligibility criteria as set forth in 44 CFR 206.115(b).

CONCLUSION

For these reasons, Ms. Smith respectfully requests that you find that she is eligible continued rental assistance. She further reserves her right to supplement this appeal. Again, if any information is needed during the review process, we have been retained by the applicant to supply needed information. You may contact me via email at rtthompson@nolac.org, by phone at 504-529-1000 ext. 254, or by mail at the above address.

Sincerely,

Attorney Ranie T. Thompson
Equal Justice Works Katrina Legal Fellow

Enclosure(s)

cc. Ms. Sue Smith



FEMA



R David Paulison
Director

Kathleen Babineaux Blanco
Governor
State of Louisiana

National Processing Service Center
P O. Box 10055
Hyattsville, MD 20782-7055

05/31/2007

FEMA Disaster Helpline: 1-800-621-FEMA (3362)
Fax No.: 1-800-827-8112

FEMA Application No 940768076

Disaster No.1603

NEW ORLEANS, LA 70119-6814

Dear

The Federal Emergency Management Agency (FEMA) has reviewed your request for continued rental assistance

You have been determined to be ELIGIBLE for continued FEMA rental assistance to cover an additional time period of up to three months. Attached is the information you will need to submit to be considered for continued assistance beyond the three months mentioned above. You will receive notification in the upcoming weeks detailing how and when to submit the required information

Any rental assistance provided for your rent will be applied against the maximum amount of FEMA financial assistance you are eligible for as allowable under the law. You will be notified before you reach the program limit, at which time your case will be evaluated for consideration of other forms of housing assistance.

If you have any disaster-related questions, please call the FEMA Disaster Helpline at 1-800-621-FEMA (3362) (TTY, call 1-800-462-7585), or visit www.fema.gov and click on FAQ's for Disaster Assistance.

Sincerely,

Individuals and Households Program Officer



FEMA



R David Paulison
Director

Kathleen Babineaux Blanco
Governor
State of Louisiana

National Processing Service Center
P O Box 10055
Hyattsville, MD 20782-7055

06/06/2007

Para obtener una copia de esta carta en Español, por favor llame a la Línea de Ayuda de FEMA al 1-800-621-3362.

FEMA Application No 940768076

Disaster No 1603

NEW ORLEANS, LA 70119-6814

Dear MS :

The Federal Emergency Management Agency (FEMA) and the State of Louisiana have reviewed your request for disaster help and/or the inspection done on your home. Listed below are the decisions that have been made regarding your request for help. For a full explanation of the decisions, please refer to the section called "If You Are Not Eligible For Help" in HELP AFTER A DISASTER, Applicant's Guide to the Individuals & Households Program mailed to you after you applied for assistance.

<u>CATEGORIES</u>	<u>DETERMINATION</u>
Rental Assistance	\$1,485.00
<hr/>	<hr/>
Total Grant Amount:	\$1,485.00

PLEASE READ THE NOTICES FOR IMPORTANT INFORMATION

Applicants with Insurance: Your application for assistance may be placed on hold to allow you time to file your insurance claim. Federal law prohibits FEMA or the State from duplicating assistance that may be available from insurance. A \$0 amount above does not mean that you are ineligible for assistance. It means FEMA needs to know what your insurance settlement is and what your unmet needs are before we can continue processing your application.

If a decision results in a monetary award, you will soon receive a check at the mailing address you provided when you registered or electronic funds transfer to your bank for the Total Grant Amount listed above.

If you disagree with the decision(s) above, you have the right to appeal within 60 days of the date of this decision letter. If you have any questions about writing an appeal please read the Notices on the back of this letter, call the FEMA Disaster Helpline at 1-800-621-FEMA (3362) (hearing/speech impaired only, call 1-800-462-7585), or visit us on the web at www.fema.gov and click on the "Online Individual Assistance Center."

Sincerely,
Individuals and Households Program Officer

SUPER

SAMPLE 2-28-07 LETTER



FEMA



R. David Paulison
Administrator
Federal Emergency Management Agency

Kathleen Babineaux Blanco
Governor
State of Louisiana

National Processing Service Center
P.O. Box 10055
Hyattsville, MD 20782-7055

08/16/2007

FEMA Application No

Disaster No. 1603

Para obtener una copia de esta carta en Español, por favor llame a la Línea de Ayuda de FEMA al 1-800-621-3362.

NEW ORLEANS, LA 70119-6814

Dear

FEMA has reviewed your request for continued Rental Assistance. Due to the extraordinary circumstances of Hurricanes Katrina and Rita, the period of housing assistance was extended for those victims who had met FEMA's criteria for continued rental assistance based on their individual circumstances and were still receiving assistance as of February 28, 2007. As you were not receiving assistance at that time, FEMA is unable to extend you any further housing assistance.

If you have any questions please call the FEMA Disaster Helpline at 1-800-621-3362 (hearing/speech impaired) only; call 1-800-462-7585), or visit www.fema.gov and click on FAQ's for Disaster Assistance.

Sincerely,

Individuals and Households Program Officer

KRINELCRNT

RECOUPMENT NOTICES

(Overpayment of Assistance)



FEMA

R. David Paulison
Acting Director

National Processing Service Center
P.O. Box 10055
Hyattsville, MD 20782-7055

07/03/2006

Para obtener una copia de esta carta en Español, por favor llame a la Línea de Ayuda de FEMA al 1-800-621-3362.

FEMA Application No..
Bill For Collection No.:

Disaster No.:1603

HARVEY, L.A 70058-3907

Dear

Following every federally declared disaster, FEMA conducts an audit of disaster assistance payments to individuals to ensure that the taxpayer dollars were provided in an appropriate manner and in an amount to meet the eligible needs of the applicant. FEMA has provided you funds as a result of your application for disaster assistance. These funds were provided based upon the disaster-related need that you indicated in your application to FEMA. However, during our audit, a review of your case showed that you were not eligible for some or all of the funds that FEMA provided to you. These funds must now be returned because:

You registered more than once with FEMA and, as a result, received more than one assistance check. We must ask that you return the duplicated amount identified above. This does not mean that you may not be eligible for further disaster housing assistance, but such additional assistance must be evaluated according to eligible need, not duplicate payments. (DUPAPP)

Based upon your individual case, it has been determined that you must return **\$16,973.51**. To avoid any interest or any penalty charges, you must return the amount in full within 30 days of this letter. Should you need to speak with someone about a payment plan, please contact the Disaster Finance Center at 1-800-816-1122 between 9:00 a.m. and 4:00 p.m. Eastern Time, Monday - Friday. You will need your FEMA application number or Social Security number when you call.

Please note that if you have made or make repayment in full, this repayment of your disaster assistance will resolve only your civil liability. If you have made or if you make any false or fraudulent statements in connection with disaster assistance, you may be subject to liability under other federal, state or local laws.

You have the right to appeal this determination, request information from your file, or contact us to further discuss your case. Instructions are included as to how to proceed in this manner. However, should you choose to appeal, FEMA strongly encourages you to pay the debt or set up a repayment plan to avoid penalty charges and minimize interest. If FEMA approves your appeal, all of the money you have repaid will be returned promptly.

We apologize for any inconvenience this may cause, and urge you to respond to this letter as outlined in the

			93-1181655 : ..(CONTINUE PROCESSING))
04/11/06	Timothy Wilder	92 RECERTIFICATION = RDOC	WP CAME INTO QUEUE BECAUSE APP SENT RECEIPTS FOR 2ND RENTAL RECERTIFICATION BUT DID NOT SEND ALL REQUIRED DOCUMENTS GENERATED AN RDOC LETTER REQUESTING NECESSARY DOCS SET TIMER ROUTING CASE TO INFO CONTROL PENDING RECEIPT - AWAITING ALL DOCS
04/14/06	Ronda Reese	91 RECOUP REVIEW	SEE "JOHN DOE" . BOTH LIST EACH OTHER AS COREG BUT HAVE DIFFERENT DD AND CMA.
04/25/06	Maricruz Ortiz		LEASE FOR 1 YRS APP CURRENTLY UNEMPLOYED APP SENT IN RENT RECEIPT FOR JAN- MARCH 2006 LL STATEMENT LETTER IN FILE FROM PREVIOUS ADDRESS ON STOTT ST IN TX APP REQUESTING RECERT 3
04/25/06	Ruby Mcdowell	91 NFAR	ALL ISSUES ADDRESSED NFAR RT COMPLETE
04/28/06	Samira Ramos	94 ER RECERTIFICATION REQUEST	APP HAVE SUBMMIT THE REQUETED DOCUMENTATION FOR HER RENTAL ASSISTANCE PLEASE REVISE DOC ID NUM 9002608178 FOR POSSIBLE ASSISTANCE APP STATED HER RENT WILL BE DUE ON MAY 1 PLEASE REVIEW HER REGISTRATION
04/28/06	Mountaga Bah	92-SECOND RECERT=ELIGIBLE	Review Reason ? Applicant has sent docs (Note: insert Doc #) related to requesting funds

			ER SUPP2 \$2,574.00 BFC#R06B085261 ONAP/PP RECOUPMENT AMOUNT = \$10,391.51 BFC#R06B085264 HA/ONA TOTAL RECOUPMENT AMOUNT = \$16,973.51 ROUTING TO SUP REVIEW / RECOUPMENT
07/03/06	Renee Spahr feathers	93 CDH LETTER SENT DUPP APPLICATION	SUPERVISOR APPROVAL SET TO YES RECOUP TOTAL 16,973.51 BFC # CDH LETTER MAILED DATABASE UPDATED ROUTING THIS CASE TO COMPLETE
07/07/06	Herbert Knapp	91 RECERTIFICATION	DOC#9002937849 DOC HAS APP LL NAME AND PHONE NUMBER PLEASE REVIEW FOR RA NFAR
07/19/06	MARY FRAILEY	91 RT TO COMPLETE NFAR	91 RT TO COMPLETE NFAR FEMA RETURNED MAIL NO DOCS FOR RECERT =IN RECOUP 91 RT TO COMPLETE NFAR
07/20/06	Christina Hall	91 CORRESPONDENCE FROM APP	APP SENT A LETTER STATING THAT HER AND F. DOE LIVED TOGETHER BEFORE THE DISASTER AND HAVE NOW SEPARATED. ANOTHER LETTER FROM THE LL STATED THAT MR BURSE DID NOT LIVE THERE. INFORMATION IS CONTRADICTORY NFAR ROUTE TO COMPLETE
07/22/06	Barbara Bennett	94 HA = INO = ROUTE TO INELIGIBLE	APP SUBMITTED DOC FOR RECERT RECEIVED ON 7/19/06 APP NEEDS TO SUBMIT PROPER DOCS WORKSHEET COMPLETED STATUS

JULY 11, 2006

FEMA: NO.

TO WHOM IT MAY CONCERN

I WAS Living At 50. SCOTT ST
New, ORLEANS, LA, 70119. When HURRICANE KATRINA
CAME ON 8-29-05. AND WAS Living AT
71. VILLIER ST N.O. LA, WE LEFT N.O. LA together
BUT WAS NOT Living AT THE SAME address. I had
Reported this ONCE BEFORE TO A FEMA WORKER
WHEN I WAS IN DALLAS TEXAS AND I WAS INFORM
THAT INFORMATION WAS put INTO THE COMPUTER
AND HIS NAME WAS TAKING OFF MY APPLICATION
FOR DISASTER ASSISTANCE.

New Orleans Legal Assistance
An Office of Southeast Legal Services
1010 Common St., Suite 1400A
New Orleans, LA 70112
(504) 529-1000 Phone / (504) 529-1008 Fax

November 2, 2006

FEMA Appeals Officer (RECOUP)
National Processing Service Center
P.O. Box 10055
Hyattsville, MD 20782-7055

via fax: 1-800-827-8112
Certified Mail Return Receipt Requested

Re: Client: SUE SMITH
FEMA #
Bill for Collection No.:

REQUEST FOR RECONSIDERATION OR NOTICE THAT
RECONSIDERATION IS NOT PENDING

Dear FEMA Appeals Officer:

Ms. Sue Smith, a victim of Hurricane Katrina, has retained our office to assist her with an appeal of a FEMA Recoupment claim. (See attached **Exhibit 1: Authorization for Release of Information and Legal Representation**) Ms. Smith filed an appeal of the Recoupment Claim and has received a final notice from FEMA advising her that she must repay \$16,973.51 she received from FEMA as disaster assistance following Hurricane Katrina. We believe that this claim is without merit and cannot be supported by the evidence. As such, FEMA should dismiss this claim pursuant to 44 CFR 11.50.

A review of the file you provided in response to Ms. Smith's request indicates that her recoupment claim is again under review. (See **FEMA Contact Report – 09/26/2006**) However, Ms. Smith has received nothing in writing from your agency to confirm this. As legal representative for Ms. Smith, I request that you contact me no later than Friday, November 17, 2006, to advise me of the status of Ms. Smith's claim. You may contact me via email at rtthompson@nolac.org by phone at (504) 529-1000 ext. 254, or by mail at the above address. Be advised that we are willing to represent Ms. Smith in court in a challenge to FEMA's recoupment claim. Thus, if we do not hear from you by the date above, we will assume FEMA stands by its decision and recommend Ms. Smith file suit in federal court.

November 2, 2006

If Ms. Smith's claim is under review, I request that you consider the following:

HISTORY

By letter dated July 3, 2006, Ms. Smith was advised that she would have to repay \$16,973.51 she received from FEMA as disaster assistance following Hurricane Katrina because your office determined that she *"registered more than once with FEMA and, as a result, received more than one assistance check."*

On July 11, 2006, Ms. Smith went to DRC#54 to inquire about the recoupment notice she received. She was advised of the basis of your findings and told to appeal. (See **FEMA Contact Report – 7/11/06; FEMA MR-01 Comments Report – 07/20/06**) On that day, she faxed from DRC#54 her appeal. (See **Exhibit 2: Appeal Letters**) On July 19, 2006, Ms. Smith contacted FEMA to inquire about the status of her request for continued rental assistance. After being advised that the documents she'd previously submitted weren't in the system, Ms. Smith faxed them again. (See **FEMA Contact Report – 7/19/06**)

By letter dated September 21, 2006, Ms. Smith was advised that FEMA had reviewed her appeal of the recoupment notice and confirmed that she was not eligible for the \$16,973.51 she received as disaster assistance. (See **Exhibit 3**) She was again told to repay the money. On September 26, 2006, Ms. Smith went to DRC#54 to inquire about the recoupment claim. Based on the notes in FEMA's file regarding Ms. Smith, FEMA representatives Angel Santos and Donna Johnson determined that Ms. Smith was being recouped against erroneously. A complete review of the case was to be done and the matter submitted to a PGM specialist for review by FEMA representative Angel Santos. (See **FEMA Contact Report – 9/26/06**) Ms. Smith faxed another appeal from DRC#54 again describing her living situation prior to the disaster wherein she specifically states that she and Mr. Doe did not live together at her pre-disaster home. (See **Exhibit 2: Appeal Letters - 9/26/06**)

On that same day, Ms. Smith and I contacted the FEMA help line for assistance with this matter. FEMA representative, Bonnie Moore, was unable to offer any more information than what was in the file. Only scant information was given in response to questions regarding the basis for FEMA's findings. Finally, Ms. Moore advised us that the matter was civil and that Ms. Smith could file yet another letter of appeal.

MS. SMITH WAS ELIGIBLE FOR THE ASSISTANCE SHE RECEIVED UNDER THE INDIVIDUALS AND HOUSEHOLDS PROGRAM.

A review of the FEMA file suggests that your decision to initiate a recoupment claim against Ms. Smith was based upon a finding that she and Mr. John Doe (FEMA

applicant #) lived together at the time of the disaster and thus, only one FEMA application should have been submitted for the household. Ms. Smith has refuted this charge on numerous occasions. **(See Exhibit 2 and FEMA Contact Notes)** Her position remains the same and is re-averred in this appeal. Ms. Smith and Mr. Doe did not share a household at the time of the disaster. In fact, prior to Hurricane Katrina, Ms. Smith lived at _____ Scott Street in New Orleans. She shared the home with her two children, SON and DAUGHTER. Ms. Smith's landlord has previously submitted statements to FEMA indicating who lived in the residence. **(See Exhibit 4: Letters from Landlord)** Ms. Smith and Mr. Doe were companions at the time of the disaster, but maintained separate households. Mr. Doe primary residence at the time of the storm was _____ N. Villere Street in New Orleans. **(Exhibit 5: Statement from John Doe)**

Like hundreds of others who complied with the mandatory evacuation orders issued by governmental officials, Ms. Smith and her children left the city in a vehicle shared with several other people, including Mr. John Doe. They evacuated temporarily to the home of a family friend. On or about September 2, 2006, Ms. Smith applied for FEMA disaster assistance at a relief center in Baton Rouge. According to Ms. Smith, she responded to questions posed by the FEMA representative at the disaster relief center and believed that the representative wanted to know with whom she was living at that time, not who lived in her pre-disaster residence. **(See Ridgley Declaration ¶6)** Because of this, Ms. Smith listed her children as dependents and Mr. John Doe was listed as a co-registrar.

On or about September 3, 2005, Ms. Smith, her daughter and Mr. Doe left Baton Rouge to find temporary housing in Dallas, Texas. Both sought rental assistance upon arriving in Dallas. At that time, Ms. Smith was advised that Mr. Doe was listed on her application as a co-registrar and that only one grant of rental assistance would be available for her household. She explained to the FEMA worker at that time that she and Mr. Doe did not live together prior to the disaster and requested that he be removed from her application as a co-registrar. **(See Contact Report – 12/29/06)** Without having reviewed Mr. Doe's FEMA file, we presume that FEMA removed him from Ms. Smith's application because he was eventually granted assistance under FEMA's Individuals and Households Program and obtained separate housing in Dallas.

According to the FEMA Comments Report MR-01 – 07/20/06, a FEMA representative reviewed the appeal letter submitted by Ms. Smith on 7/11/06 and determined that Ms. Smith admitted that she and Mr. Doe lived together at the pre-disaster address. Thus, recoupment was in order. This interpretation was completely in error. Your attention is drawn to the letter submitted by Ms. Smith on 7/11/06 wherein she specifically states that John Doe was living on N. Villere St. in New Orleans at the time of the disaster. Similarly, in letters dated 7/19/06, 08/07/06, and 09/26/06, Ms. Smith reiterates her position that she and Mr. Doe were not living together at the time of the disaster. **(See Exhibit 2: Appeal Letters)**

Ms. Smith and Mr. Doe have returned to New Orleans and continue to maintain separate households as they did prior to the disaster. (See **Exhibit 5: Doe statement and Smith Declaration**) Ms. Smith has submitted a request for continued rental assistance but has been denied because of your recoupment claim. Clearly, she is eligible and should be immediately awarded the assistance.

RES JUDICATA AND DUE RPROCESS PRECLUDE FEMA FROM REVERSING ITS REASONABLE DETERMINATION THAT MS. SMITH WAS ELIGIBLE FOR ASSISTANCE.

Administrative agencies cannot just change an administrative determination. Agency decisions, once issued, are entitled to deference and repose, unless there is clear evidence warranting they be set aside. These concepts are encompassed in the doctrine of administrative res judicata, and an element of due process. Given the evidence before the agency, reversing the earlier determination that Ms. Smith is eligible for assistance is uncalled-for and improper.

FEMA CANNOT PROCEED WITH RECOUPMENT UNLESS AND UNTIL IT AFFORDS MS. SMITH AN EVIDENTIARY HEARING

Ms. Smith asserts her right to due process of law under the Fourteenth Amendment of the U.S. Constitution and requests that she be granted an evidentiary hearing to defend, by confronting her accusers and responding to any evidence against them. The current appeals process (44 C.F.R. 11.1 et seq. and 44 C.F.R. 206.116(b)) used by FEMA for recoupment claims is constitutionally inadequate. The process is insufficient and does not afford her an adequate opportunity to defend herself against the claim.

"The fundamental requisite of due process of law is the opportunity to be heard." *Grannis v. Ordean*, 234 U.S. 385, 394 (1914). The hearing must be "at a meaningful time and in a meaningful manner." *Armstrong v. Manzo*, 380 U.S. 545, 552 (1965). In the present context these principles require that a recipient have timely and adequate notice *detailing the reasons* for a proposed termination, and an effective opportunity to defend by *confronting any adverse witnesses* and by *presenting his own arguments and evidence orally*. These rights are important terminations as resting on incorrect or misleading factual premises or on misapplication of rules or policies to the facts of particular cases.

Goldberg v. Kelly, 397 U.S. 254, 267-68 (1970).

As we understand FEMA's process, claimants are forced to present a defense to your reviewer without an opportunity to present oral evidence and to present his/her argument in a manner that addresses facts/issues that are important to the decisionmaker. Most

New Orleans recipients are going to be unrepresented, with limited education and to a large extent, even limited literacy. Your agency's decision rests primarily on facts gathered through your investigative process. Claimant has had no opportunity to cross-examine or question the witnesses or bases for FEMA's conclusions. Claimants faced with recoupment claims are prevented from receiving continued desperately needed assistance from FEMA while resolution of the claim is pending.

MS. SMITH HAS NOT BEEN PROVIDED WITH ADEQUATE PRE-DEPRIVATION PROCESS, YET FEMA IS BARRING HER FROM ELIGIBILITY FOR OTHER NEEDS ASSISTANCE.

Claimants faced with recoupment claims are prevented from receiving continued desperately needed assistance from FEMA while resolution of the claim is pending. On or about May 31, 2006, Ms. Smith submitted a request for recertification for continued rental assistance. From June 1, 2006 to August 4, 2006, Ms. Smith contacted FEMA's help line approximately 17 times to inquire about the status of her request for continued rental assistance. She was always told that the matter was pending or under review. At the request of various FEMA representatives, she submitted documents requested and was led to believe that the matter was pending and she was still eligible for the assistance. It wasn't until August 4, 2006, on month after FEMA's recoupment notice went out that she learned her request was denied because of duplication of benefits and the recoupment claim. Noted is the fact that she had already filed an appeal twice of the recoupment notice and still had not been provided notice of FEMA's policy to bar her from receiving any further assistance while the recoupment claim is pending. (See **FEMA Contact Report and FEMA MR-01 Comments Report**)

The process that has been accorded her is inadequate to allow this deprivation of ongoing assistance to remain in place. Ms. Smith continues to face the difficult task of finding a job in a city with limited resources at her disposal. She desperately needs the assistance as she continues to struggle to rebuild her life in New Orleans. Further, barring her from other disaster benefits is not specifically authorized by any statute or regulation, especially when no final resolution has been made on the recoupment claim.

ANY CLAIM THAT FEMA HAS AGAINST MS. SMITH SHOULD BEREVERSED, OR AT THE LEAST COMPROMISED.

FEMA has a duty to initiate recovery claims only if proper and to terminate collections if a claim is without legal merit and cannot be supported by the evidence. 44 C.F.R. § 11.50 In this instance, the evidence is clear. Ms. Smith maintained a home separate from Mr. Doe prior to the disaster. FEMA workers have failed to properly consider all of the evidence previously submitted by Ms. Smith to defeat this claim. Finally, FEMA's

November 2, 2006

representative have reviewed the evidence as late as September 26, 2006 and admitted that this recoupment claim is in error.

CONCLUSION

In conclusion, Ms. Smith avers that for the reasons previously described, she was eligible for the assistance she received from FEMA following the disaster of Hurricane Katrina. As such, we believe that FEMA's claim for recoupment should be terminated because this claim is without legal merit and cannot be supported by the evidence. Again, be advised that our office is willing to represent Ms. Smith in court in a challenge to FEMA's recoupment claim. You are asked to advise me of the status of Ms. Smith's claim on or before Monday, November 6, 2006. You may contact me via email at rtthompson@nolac.org by phone at (504) 529-1000 ext. 254, or by mail at the above address. Otherwise, we will assume FEMA stands by its decision and recommend Ms. Smith file suit in federal court.

Sincerely,

Attorney Ranie T. Thompson
Equal Justice Works Katrina Legal Fellow

Enclosure(s)

cc. Sue Smith

DECLARATION OF SUE SMITH

I, **SUE SMITH**, hereby declare as follows:

1. I know the following facts of my own personal knowledge unless stated upon information and belief, and as to those matters, I believe them to be true. If called to testify, I would state the following facts under penalty of perjury.
2. From May 2003 up to the date of the disaster on August 29, 2005, I rented an apartment from Landlord located at ____ South Scott Street in New Orleans, Louisiana.
3. At the time of the storm, only my two children, Son and Daughter, lived with me.
4. It is my belief that at the time of the storm, Mr. Doe lived at ____ N. Villere Street in New Orleans, Louisiana. Mr. Doe has executed an Affidavit to this effect and provided a copy of his driver's license both of which are attached to and made apart of this appeal.
5. On or about August 28, 2005, I evacuated to Baton Rouge, Louisiana along with my children, Mr. Doe and several others in the same vehicle in anticipation of Hurricane Katrina hitting the city of New Orleans. While there, I applied for FEMA assistance on or about September 2, 2005 at the Disaster Relief Center.
6. At the time I applied for assistance, I understood the FEMA representative to have asked who was living with me at that time and thus, listed my children and Mr. Doe on my application because we were together at the home of a family friend where we stayed temporarily, not because of anything before that time.
7. Because of the unexpected level of damage caused by hurricane Katrina, my children and I were forced to travel to Dallas, Texas to find temporary housing until we could return to my home in New Orleans.
8. Mr. Doe also traveled to Dallas, Texas to find separate temporary housing for himself.
9. On or about December 28, 2005, I received \$2,358 as transitional housing assistance through FEMA's Individuals and Households Program, and \$10,391.51 to replace personal property through its Individuals and Households Program.

10. While in Dallas, Texas, I learned that Mr. Doe was considered a co-registrar on my application and I requested that he be removed from my application and explained that we did not live together in New Orleans at the time of the disaster.
11. I believed this request had been granted because Mr. Doe was eventually able to get help from FEMA and get his own place to live.
12. My children and I established temporary housing at _____ Chesterfield Drive, in Dallas, Texas with the help we received from FEMA for rental assistance.
13. In November 2005, I returned to New Orleans to assess the damage to my pre-disaster home. It was then that I learned that my home was severely damaged because of the storm and that all of my personal property was lost because of the storm and flood waters. However, because of the lack of available affordable housing and having no other place to go, I returned to my temporary home in Dallas, Texas and began to search for a place in New Orleans because my children and I wanted to return home.
14. On or about May 30, 2006, my children and I returned to New Orleans with and moved into our present home _____ Clydes Bank in Harvey, Louisiana where we are renting from Boston Investment Corporation at a rental rate of \$700 per month. A copy of the lease agreement is attached to this appeal.
15. Mr. Doe has since returned to New Orleans and maintains a separate home as he did prior to the storm as he has declared in the Affidavit attached to my appeal.
16. In addition to the documents previously submitted by me and now made part of my FEMA file, including but not limited to my letters of appeal, receipts, declarations, and statements from third parties in support of my claim for FEMA assistance, I have attached an Affidavit from John Doe, a copy of his state issued identification card, and a copy of my current lease as additional support of my defense and request that all of this be made a part of my file with your agency.
17. I declare under penalty of perjury that the foregoing is true and correct and this declaration was executed on March 20, 2007, at New Orleans, Louisiana.

SUE SMITH



FEMA

R. David Paulison
Director

National Processing Service Center
P O Box 10055
Hyattsville, MD 20782-7055



Kathleen Babineaux Blanco
Governor
State of Louisiana

05/25/2007

FEMA Application No:
Bill For Collection No:

Disaster No: 1603

NEW ORLEANS, LA 70119-6814

Dear MS

FEMA has considered your appeal and the documents you submitted for the Federal Assistance to Individuals and Households Program. We are pleased to inform you that FEMA has found you eligible for the money you received.

YOU DO NOT NEED TO RETURN ANY MONEY TO FEMA.

If you have already sent money in to FEMA, you will soon receive a U S Treasury check or an electronic funds transfer for the amount you returned to us.

We apologize for any problems this may have caused you.

If you have any questions, please call the FEMA Helpline at 1-800-621-FEMA (3362) (hearing/speech impaired ONLY, call 1-800-462-7585)

Sincerely,

CAR

Housing Officer



FEMA



R. David Paulison
Director

Kathleen Babineaux Blanco
Governor
State of Louisiana

National Processing Service Center
P.O. Box 10055
Hyattsville, MD 20782-7055

09/28/2006

FEMA Application No.:
Bill For Collection No.:

Disaster No.:1603

Para obtener una copia de esta carta en Español, por favor llame a la Línea de Ayuda de FEMA al 1-800-621-3362.

NEW ORLEANS, LA 70115-1227

Dear .

Following every federally declared disaster, FEMA conducts an audit of disaster assistance payments to individuals to ensure that the taxpayer dollars were provided in an appropriate manner and in an amount to meet the eligible needs of the applicant. FEMA has provided you funds as a result of your application for disaster assistance. These funds were provided based upon the disaster-related need that you indicated in your application to FEMA. However, during our audit, a review of your case showed that you were not eligible for some or all of the funds that FEMA provided to you. These funds must now be returned because:

RECEIVED AWARD FOR OWNER REPLACEMENT HOUSING AND YOU ARE A RENTER

Based upon your individual case, it has been determined that you must return \$10,500.00. To avoid any interest or any penalty charges, you must return the amount in full within 30 days of this letter. Should you need to speak with someone about a payment plan, please contact the Disaster Finance Center at 1-800-816-1122 between 9:00 a.m. and 4:00 p.m. Eastern Time, Monday - Friday. You will need your FEMA application number or Social Security number when you call.

Please note that even if you made or make repayment in full, the United States does not waive its right to pursue any applicable civil or criminal remedies. In addition, if you make any false or fraudulent statements in connection with your application for disaster assistance, you may be subject to liability under other federal, state or local laws.

You have the right to appeal this determination, request information from your file, or contact us to further discuss your case. Instructions are included as to how to proceed in this manner. However, should you choose to appeal, FEMA strongly encourages you to pay the debt or set up a repayment plan to avoid penalty charges and minimize interest. If FEMA approves your appeal, all of the money you have repaid will be returned promptly.

We apologize for any inconvenience this may cause, and urge you to respond to this letter as outlined in the instructions within 30 days, to avoid penalties or fees as prescribed by law. This correspondence serves to notify you of a debt owed to the Federal Government. Failing to respond to this debt notice may also affect your ability to

have applied to other disaster relief agencies, they will contact you separately.

If you have any questions or would like information about this notice, please call the FEMA Helpline at 1-800-621-FEMA (3362) (hearing/speech impaired ONLY, call 1-800-462-7585).

Sincerely,

Individuals and Households Program Officer

Attachments

APPEAL PROCEDURES AND OTHER IMPORTANT INFORMATION

Filing an Appeal: If you disagree with FEMA's decision, you have the right to appeal. To file an appeal, you must:

1. Explain in writing why you feel FEMA's decision is wrong.

Send any new or additional information that you have to show the Appeals Officer that you are eligible for this money. Be sure to include your FEMA Application No., shown at the top of this letter, when you write to FEMA.

2. Mail your letter and the documents to:

FEMA Appeals Officer (RECOUP)
National Processing Service Center
P.O. Box 10055
Hyattsville, MD 20782-7055

Important: Your appeal letter must be postmarked within 60 days of the date of this letter. If someone writes to FEMA on your behalf, you must sign a letter of permission for your file information to be given to this person. It is important to remember that although you have 60 days to file an appeal, interest charges will start from the date of this letter if you do not win the appeal. So that you do not accrue this interest during the appeals process, we encourage you to pay this debt now even if you plan to file an appeal. Should your appeal be successful, all funds submitted, including interest payments, will be returned.

All appeals are reviewed by FEMA. Decisions are usually made within 30 days of receiving the appeal. You will be notified by mail of FEMA's response to your appeal. To check on the status of your appeal, please call FEMA's Helpline 1-800-621-FEMA (3362).

Requesting Information from Your File: Before you write your appeal letter, you or your authorized representative may ask FEMA for a copy of the information in your file. This request must be made in writing and sent to:

FEMA Records Management Chief
National Processing Service Center
P.O. Box 10055
Hyattsville, MD 20782-7055

Repayment: To re-pay this amount in full, please use the enclosed FEMA DEBT REPAYMENT FORM to either:

- a. Return the U.S. Treasury check(s) sent to you (if the amount of the check is the amount to be returned and has not been cashed or deposited) Or
- b. Mail a personal check or money order in the amount of \$10,500.00 made out to FEMA to:

Federal Disaster Relief Fund
P.O. Box 70941
Charlotte, NC 28272-0941

Repayment Plan Procedure: If you cannot pay the full amount now, FEMA will work with you on a repayment plan. To set up a repayment plan, call the FEMA Disaster Finance Center at 1-800-816-1122 between 9:00 a.m. and 4:00 p.m. Eastern time, Monday through Friday. You will need your FEMA Application Number or Social Security number when you call.

FEMA Debt Collection Measures: Under law, FEMA must take the following actions and levy the following charges relating to your debt if you do not take appropriate steps to return funds to the Federal Government.

- a. If you fail to pay your debt in full within 30 days of the date of this letter:**
Interest on the debt will be charged at the rate of 4% per year starting from the date of this letter.
Administrative fees for the cost of processing and handling the debt will also be charged.

- b. If you fail to pay your debt in full or agree to a repayment plan within 90 days of the date of this letter:**
Penalty charges will be added at the rate of 6% per year on the amount of your debt, plus any interest and administrative charges that are due. The penalty charges will be assessed from the date of this letter.

- c. If you fail to pay your debt in full or agree to a repayment plan within 120 days of the date of this letter:**
FEMA must refer your debt to the Department of the Treasury. The Treasury may take the following actions to recover the debt:
 - Through the Treasury Offset Program (TOP), reduce or withhold any of your eligible Federal payments by the amount of your FEMA debt. Federal payments include income tax refunds, Federal and military salary and retirement pay, and certain benefit payments such as Social Security. Additional collection fees will be added to the amount of the debt.

 - Refer the debt to national credit bureaus, private collection agencies, and the Department of Justice for litigation.

Your name and social security number may be subject to computer matching to identify sources to recover this debt through the methods listed above.

Note: Please be sure to write your name, the FEMA Bill for Collection Number, Disaster and Application number shown at the top of this letter on the enclosed repayment form, and on all correspondence and check(s) you send to FEMA to ensure proper crediting.

Sincerely,

CDH

Housing Officer
Debt Collection Officer

Attachment

Bill for Collection no. R06B217891

Please return this form with your payment

FEMA Application No.: 939539233

Disaster No.: 1603

MS KIMBERLY D FRANKLIN
747 LOUISIANA AVE
NEW ORLEANS, LA 70115-1227

Amount Owed: \$10,500.00

Amount Enclosed: \$ _____

To pay your debt in full, please either:

- Return the U.S. Treasury check(s) sent to you (if the amount of the check is the required return amount and has not already been cashed or deposited), or
- Send a personal check or money order made payable to FEMA.

Please put the FEMA Bill for Collection Number on your check/money order to ensure proper crediting.

If you prefer to pay your bill by Credit Card, please fill out the following:

Method of Payment: MasterCard Visa

Card no.

Expiration Date:
Month Year

Signature: _____

Please mail this form along with your payment to:

**FEMA Disaster Relief Fund
P.O. Box 70941
Charlotte, NC 28272-0941**

If you have any questions, please call the FEMA Disaster Finance Center at 1-800-816-1122 between 9:00 a.m. and 4:00 p.m. EST, Monday through Friday.

AMNREPAY



FEMA

R. David Paulison
Director

National Processing Service Center
P O. Box 10055
Hyattsville, MD 20782-7055



Kathleen Babineaux Blanco
Governor
State of Louisiana

09/06/2006

FEMA Application No.:
Bill For Collection No.:

Disaster No.:1603

Para obtener una copia de esta carta en Español, por favor llame a la Línea de Ayuda de FEMA al 1-800-621-3362.

NEW BEDFORD, MA 02745-2158

Dear

Following every federally declared disaster, FEMA conducts an audit of disaster assistance payments to individuals to ensure that the taxpayer dollars were provided in an appropriate manner and in an amount to meet the eligible needs of the applicant. FEMA has provided you funds as a result of your application for disaster assistance. These funds were provided based upon the disaster-related need that you indicated in your application to FEMA. However, during our audit, a review of your case showed that you were not eligible for some or all of the funds that FEMA provided to you. These funds must now be returned because:

APP HAS NOT PROVED OCCUPANCY

Based upon your individual case, it has been determined that you must return \$19,759.36. To avoid any interest or any penalty charges, you must return the amount in full within 30 days of this letter. Should you need to speak with someone about a payment plan, please contact the Disaster Finance Center at 1-800-816-1122 between 9:00 a.m. and 4:00 p.m. Eastern Time, Monday - Friday. You will need your FEMA application number or Social Security number when you call.

Please note that even if you made or make repayment in full, the United States does not waive its right to pursue any applicable civil or criminal remedies. In addition, if you make any false or fraudulent statements in connection with your application for disaster assistance, you may be subject to liability under other federal, state or local laws.

You have the right to appeal this determination, request information from your file, or contact us to further discuss your case. Instructions are included as to how to proceed in this manner. However, should you choose to appeal, FEMA strongly encourages you to pay the debt or set up a repayment plan to avoid penalty charges and minimize interest. If FEMA approves your appeal, all of the money you have repaid will be returned promptly.

We apologize for any inconvenience this may cause, and urge you to respond to this letter as outlined in the instructions within 30 days, to avoid penalties or fees as prescribed by law. This correspondence serves to notify you of a debt owed to the Federal Government. Failing to respond to this debt notice may also affect your ability to



FEMA

Department of Homeland Security
Federal Emergency Management Agency
Individuals and Households Program

DECLARATION OF OCCUPANCY

I declare that due to Hurricane Katrina and/or Hurricane Rita, I am unable to provide the following proof of occupancy documents (Please check the boxes that apply):

- Driver's license that includes my name and damaged address;
- First-class mail that includes my name and damaged address;
- Utility bill in my name at my damaged address;
- Merchant's statement, such as a credit card bill that includes my name and damaged address;
- Employer's statement, such as a pay stub that includes my name and damaged address; or
- Voter's registration card that includes my name and damaged address.

If you have any of the documents above in your control, please submit to the address provided.

I understand that:

- I must be a resident of the household at the time of the disaster in order to be eligible to receive FEMA Disaster Assistance.
- FEMA will verify all information given by me about my place of residence in order to determine my eligibility for disaster assistance.
- If I intentionally make false statements or conceal any information in an attempt to obtain disaster aid, it is a violation of Federal and State laws, which carry severe criminal and civil penalties, including a fine up to \$250,000, imprisonment, or both (18 U.S.C. §§287, 1001, and 3571).

By my signature, I declare under penalty of perjury that:

- I was residing at the damaged address listed below at the time of disaster; and
- The abovementioned is true and correct.

Name (Print):		FEMA Application #:	
Address of Damaged Property:	City:	State:	Zip Code:
Signature and Date			

HARDSHIP WAIVERS

NEW ORLEANS LEGAL ASSISTANCE

(An office of Southeast Louisiana Legal Services)
1010 Common • Suite 1400A
New Orleans, Louisiana 70112-2635
PHONE: (504) 529-1000 FAX: (504) 529-1009

January 16, 2007

Mt. Weather Disaster Finance Center
P.O. Box 800
Mt. Weather, VA 22611-0800
ATTN: Hardship Waiver Review

Re: Client: Jane Doe
FEMA #

REQUEST FOR HARDSHIP WAIVER REVIEW

Dear Sir or Madam:

Our office represents the above-reference individual, who was a victim of Hurricane Katrina. (See **attached Authorization for Release of Information and Legal Representation**) Mrs. Doe has received a notice of Recoupment from FEMA and sought our help with resolving the matter.

Jane Doe's family income has been severely reduced since the disaster. The family's sole source of support is the earnings of husband, John Doe, since Jane Doe is no longer able to work because of health problems. Jane Doe is experiencing continuing health problems since a recent stroke, and would like to return to work, but cannot. In addition to the money they are continually spending to get their home in livable condition, Jane Doe and her husband are also burdened with large medical and credit card bills. Jane Doe's own medical bills are currently too high for them to afford, and have been sent to a collection agency.

Jane Doe asserts that she was not at fault in the assessment of eligibility made by your agency and the recovery would deprive her of income needed for necessary living expenses. If any information is needed during the review process, I have been retained by the applicant to discuss this matter with you and to supply needed information. You may contact me via email at rtthompson@nolac.org, by phone at 504-529-1000 ext. 254, or by mail at the above address.

Sincerely,

Attorney Ranie T. Thompson
Equal Justice Works Katrina Legal Fellow

Enclosure(s)
cc. Ms. Jane Doe



Sample

U.S. Department of Homeland Security
P.O. Box 800
Mt. Weather, VA 22611-0800



FEMA

September 22, 2006

RE: Bill for Collection:

Dear

The Federal Emergency Management Agency requests the following information in order to process a review of your account. Please send to the address above within 30 days from the date of this letter.

- EXPLANATION OF HOW FEMA'S ASSISTANCE WAS USED INCLUDING RECEIPTS.
- HOUSEHOLD INCOME VERIFICATION (Pay Stubs, SSI, AFDC, Social Security, Retirement, Unemployed, Disability Statements, Pension)
- TAX RETURNS (last two years or a signed note stating that you do not pay income tax.)
- BANK STATEMENTS (Checking and Savings, most recent Three Months)
- MORTGAGE STATEMENT or LEASE
- ITEMIZED LIST OF EXPENSES (copies of all monthly bills, such as: Electric, Phone, etc)
- DEBT COLLECTION FINANCIAL STATEMENT (complete and sign enclosed form)
- INSURANCE BILLS (Car, Home, Health, Life) and MEDICAL BILLS
- MEDICAL CERTIFICATION SIGNED BY PHYSICIAN STATING CONDITION/DIAGNOSIS AND LENGTH OF ILLNESS

If you have any questions, please call 1-800-816-1122 between 9:00 AM and 4:00 PM, Eastern Time, Monday through Friday

Si necesita asistencia en Espanol por favor llame al 1-800-816-1122 Ext. 7351

Sincerely,

Jeannie Goforth
Debt Collection Officer

JG:jn
Enclosures

www.fema.gov

**U.S. DEPARTMENT OF HOMELAND SECURITY
FEDERAL EMERGENCY MANAGEMENT AGENCY
DEBT COLLECTION FINANCIAL STATEMENT**

*See reverse side for
Paperwork Burden
Notice*

O.M.B. No. 1660-0011
Expires April 30, 2008

PRIVACY ACT STATEMENT

This information is provided to Public Law 93-579 (Privacy Act of 1974), December 31, 1974. Authority for solicitation of the requested information is 31 U.S.C. 3711 et seq. Debt Collection Act of 1982, Public Law 97-365 and Debt Collection Improvement Act of 1996, Public Law 104-134. The principal purpose for gathering this information is to evaluate your ability to pay the government's claim or judgment against you. Disclosure of the information is voluntary. If the requested information is not furnished, the Federal Emergency Management Agency has the right to such disclosure of the information by legal methods.

Solicitation of the Social Security Number (SSN) is authorized under the provisions of 31 U.S.C. 7701. The SSN is needed to facilitate the collection of delinquent debt. Pursuant to 31 U.S.C. 3711 FEMA is required to transfer delinquent debts over 180 days old to the Department of the Treasury (Treasury) for collection. Once the debt is submitted to Treasury for collection, the debtor's name and SSN will be subject to computer matching with sources of payments that may be due to debtor. Treasury will reduce or withhold any of debtor's eligible Federal payments by the amount of the debt. Treasury may also refer the debt to the Department of Justice, a private debt collection agency, and report debtors information to a consumer credit reporting agency.

NAME OF DEBTOR			NAME OF SPOUSE	
DATE OF BIRTH	HOME PHONE	SOCIAL SECURITY NUMBER	DATE OF BIRTH	SOCIAL SECURITY NUMBER
COMPLETE ADDRESS (Including zip code and country)			COMPLETE ADDRESS (Including zip code - Complete if different from spouse)	
MARITAL STATUS	NO OF CHILDREN (give ages)	NO OF DEPENDENTS (Other than children)		
NAME OF EMPLOYER			NAME OF EMPLOYER	
ADDRESS			ADDRESS	
POSITION (Give No. of years there)		GROSS INCOME (Hr. Mo. Yr)	POSITION (Give No. of years there)	
OTHER INCOME (Source)		INCOME (Mo.)	OTHER INCOME (Source)	
		\$		
		\$		

HOUSING
 RENT BY MO
 OWN (Title in Name of)

MO PYMT or RENT	YR PUR	COST	MKT VALUE	AMT MORTGAGE
\$		\$	\$	\$

DO YOU OWN ANY REAL ESTATE? <input type="checkbox"/> NO <input type="checkbox"/> YES	DO YOU OWN ANY STOCK OR BONDS? <input type="checkbox"/> NO <input type="checkbox"/> YES (Value) \$
Address (Include country)	
AMT OWNED	MKT VALUE
\$	\$
MO PYMT	
\$	

CAR(S) OWNED (Make Model & Year)	AMT OWED	MO PAYMENT
	\$	\$
	\$	\$

NAME OF BANK(S) (include Address and account number)	HOW DO YOU PROPOSE TO PAY YOUR DEBT TO THE UNITED STATES?
<input type="checkbox"/> CHECKING - AVG BALANCE \$	I WILL PAY:
<input type="checkbox"/> SAVINGS - BALANCE \$	\$ per Mo Beginning , 20
	I WILL PAY:
	a Lump Sum of \$ on , 20

NAME OF CREDITORS (Use reverse side if more space is needed)	AMT. OWED	MO PAYMENT	AMT. PAST DUE
1.	\$	\$	\$
2.	\$	\$	\$
3.	\$	\$	\$

WARNING

Title 18 Sec 1001 U.S. Code: "Whoever knowingly and willfully falsified, conceals or covers up by any trick, scheme, or device a material fact or makes any false, fictitious statements or representations shall be fined not more than \$10,000 or imprisoned not more than five years or both."

I Declare Under the Penalties Provided for by Title 18, Section 1001 of the U.S. Code that all Answers and Statements Contained Herein are to the Best of my Knowledge and Belief. True Correct and Complete

Signature

Date

NEW ORLEANS LEGAL ASSISTANCE

An office of Southeast Louisiana Legal Services
1010 Common St., Suite 1400A
New Orleans, Louisiana 70112
Phone: (504) 529-1000 Fax: (504) 529-1008
Web Address: www.nolac.org

March 2, 2007

DHS - FEMA- Building 708
Disaster Finance Center
P.O. Box 800
Mt. Weather, VA 22611-0800
ATTN: Hardship Waiver Review

Certified Mail - Return Receipt Requested

Re: Client: Jane Doe
FEMA
Bill for Collection:

Response to Request for Information for Hardship Waiver

Dear Sir or Madam:

Our office represents the above-reference individual, who was a victim of Hurricane Katrina. (See attached Authorization for Release of Information and Legal Representation) Enclosed please find the documents and other information you requested in your letter to Mrs. Price dated January 25, 2007.

Mrs. Doe's family income has been severely reduced since the disaster. The family's sole source of support is the earnings of Husband, John Doe, since Mrs. Doe is no longer able to work because of health problems. Mrs. Doe is experiencing continuing health problems since a recent stroke, and would like to return to work, but cannot. She has applied for disability benefits but has not been approved. In addition to the money they are continually spending to get their home in livable condition, Mrs. Doe and her husband are also burdened with large medical and credit card bills. Mrs. Doe's own medical bills are currently too high for them to afford, and have been sent to a collection agency.

Due to financial hardship, Mrs. Doe is unable to pay this debt and submits the requested documents in support of her request for a hardship waiver. If any information is needed during the review process, I have been retained by the applicant to discuss this matter with you and to supply needed information. You may contact me via email at rtthompson@nolac.org, by phone at 504-529-1000 ext. 254, or by mail at the above address.

Sincerely,

Attorney Ranie T. Thompson
Equal Justice Works Katrina Legal Fellow



A Partner

DECLARATION OF JANE DOE

I, JANE DOE, hereby declare as follows:

1. I know the following facts of my own personal knowledge unless stated upon information and belief, and as to those matters, I believe them to be true. If called to testify, I would state the following facts under penalty of perjury.
2. At the time of the disaster, I lived at _____ in New Orleans, Louisiana with my husband, John Doe. This house was mortgaged by Standard Mortgage Corp. of New Orleans and insured by Allstate Insurance Company of Northbrook, IL.
3. The money I received from FEMA was used for to cover my living expenses and to buy personal items, food, clothing, and other basic necessities all of which were lost when Hurricane Katrina destroyed my pre-disaster home.
4. My family income has been severely reduced since the disaster. Our sole source of support is the earnings of my husband, John Doe.
5. I suffered a stroke after Hurricane Katrina and am no longer able to work because of the effects of the stroke and other health problems.
6. My husband and I are using all of our meager resources to get our home in livable condition.
7. We are also burdened with large medical and credit card bills. My medical bills are currently too high for and we cannot to afford to pay them. Therefore, they have been sent to a collection agency.
8. I am unable to repay FEMA because of my limited income and resources. Repayment of any money would deprive me of essential funds needed for basic living expenses.
9. In addition to this declaration, the attached documents are now made part of my FEMA file and serves as additional support of my case.
10. I declare under penalty of perjury under the laws of the State of Louisiana that the foregoing is true and correct and this declaration was executed on _____, 2007, at _____, Louisiana.

JANE DOE

HTTN: NANNIE J. K... ..

FPA, 5-27-1007



FEMA



R. David Paulison
Director

Kathleen Babineaux Blanco
Governor
State of Louisiana

National Processing Service Center
P O. Box 10055
Hyattsville, MD 20782-7055

04/18/2007

FEMA Application No:
Bill For Collection No: BFC#

Disaster No: 1603
04/18/2007

NEW ORLEANS, LA 70127-2930

Dear Sir,

FEMA has considered your appeal and the documents you submitted for the Federal Assistance to Individuals and Households Program. We are pleased to inform you that FEMA has found you eligible for the money you received.

YOU DO NOT NEED TO RETURN ANY MONEY TO FEMA.

If you have already sent money in to FEMA, you will soon receive a U.S. Treasury check or an electronic funds transfer for the amount you returned to us.

We apologize for any problems this may have caused you.

If you have any questions, please call the FEMA Helpline at 1-800-621-FEMA (3362) (hearing/speech impaired ONLY, call 1-800-462-7585).

Sincerely,

CAR

Housing Officer

OTHER NEEDS
ASSISTANCE
(Sample Appeal)
AND
GENERIC FEMA
APPEAL LETTER

NEW ORLEANS LEGAL ASSISTANCE

An office of Southeast Louisiana Legal Services
1010 Common Street, Suite 1400A
New Orleans, Louisiana 70012
Phone (504) 529-1000 Fax (504) 529-1009
Web Address: www.nolac.org

October 10, 2006

FEMA
Individuals and Households Program
National Processing Center
Hyattsville, MD 20782-7055

Via fax: 800-827-8112

Re: Client: (Claimant)
FEMA Application #-

Appeal of denial for assistance for personal property losses

Dear Sir or Madam,

Our office represents Mr. (Claimant) in regard to his FEMA application (see enclosed signed release.) At the time of the Katrina disaster, (Claimant) lived alone at Independence Street, in New Orleans, LA 70117. (Claimant)'s apartment was on the lower level of the building. Since that time, the (Claimant) has been unable to return to his home and because of the damage it sustained.

(Claimant) was denied personal property assistance due to "Insufficient Damage," (letter from FEMA attached.) According to (Claimant), FEMA did not conduct an inspection of the damaged property. (Claimant) was in contact with his landlord shortly after the storm, but has had no communication with him since _____. (Claimant) returned to his home on _____ to assess the damage and to salvage his property. Unfortunately, the place was damaged to an extent that he was unable to salvage his personal property. Mold and other environmentally unsafe conditions had overtaken the place. Nothing was salvage. Attached is a list of items (Claimant) lost because of the storm and the *FEMA Declaration of Need for Rental and/or Personal Property Assistance*. **FEMA did not request that (Claimant) complete a SBA application.**

We request your immediate attention to these modest requests. (Claimant)'s appeal needs Priority Processing, a program FEMA refers to in its January 10, 2006, Memorandum, because he is in desperate need of personal property assistance. We ask that you provide (Claimant) the assistance he rightfully and desperately needs to begin the process of

rebuilding his life. If you have any further questions, you may contact me at (504) 529-1000 ex. 254.

Very Truly Yours,

Ranie T. Thompson
Staff Attorney

cc. (Claimant)

Date: _____

By Fax: (800) 827-8112

FEMA Appeals Officer (RECOUP)
P.O. Box 10055
Hyattsville, MD 20782-7055

Applicant: _____

FEMA Application No.: _____

Dear FEMA Appeals Officer:

FEMA sent me a bill for recoupment for assistance funds granted to me. I believe that FEMA is wrong for the reasons listed below. This letter is a formal appeal of FEMA's decision that I am not eligible for this assistance and/or that I must repay this assistance. I seek the termination of the recoupment under 44 CFR §11.51(b)(1), which provides:

Collection action may be terminated and the Agency file closed for the following reasons: (i) No substantial amount can be collected; (ii) the debtor cannot be located; (iii) the cost will exceed recovery; (iv) the claim is legally without merit; or (v) the claim cannot be substantiated by evidence.

There are three reasons why FEMA can terminate recoupment. One or more of these three reasons apply to me. I should not be required to repay the funds that FEMA issued to me. First, in light of a recent federal court decision, the Recoupment Letter is inadequate. Second, I may be eligible for the funds I received. Third, I may not be able to afford to pay the amount of money FEMA wants me to repay.

1. The Recoupment Should Be Stopped Because The Recoupment Letter is Deficient.

The recoupment should be stopped because the Recoupment Letter is deficient. The letter is inadequate because it does not legally tell me enough information about why and how to appeal. The letter does not inform me of all the reasons the Recoupment can be stopped under the federal regulations. I can appeal the recoupment and request it be terminated under 44 CFR §11.51(b)(2) if no substantial recovery is possible. The regulation states no substantial recovery is possible if at the time that collection is attempted, a debtor is without assets or actual or potential income.

In a recent case out of the USDC for the District of Columbia, *Action Alliance of Senior Citizens vs. Leavitt*, wherein the Court enjoined DHHS recoupment of funds given

in error to Medicare recipients because DHHS did not notify the recoupment defendants of the availability of a hardship waiver. Likewise, this recoupment should be terminated because FEMA did not notify me of all the reasons for termination under the regulation.

- 2. The Recoupment Should Be Stopped Because I Am Eligible for FEMA assistance.** The recoupment claim legally without merit and cannot be substantiated by evidence and should be terminated according to according to 44 CFR §11.51(b)(1). One or more of the situations below may apply to me:

ELIGIBILITY

Check this box if FEMA denied you for "Duplicate Address" "Shared Household" or "Assisted with Family Member"

- Rental and Personal Property Assistance** - FEMA said someone else applied for FEMA with the same address I did. I lived with roommates or family before the disaster. Now those people that shared my household are evacuated to another city, or if they are in the same city as me, I cannot live with them because the home is too small, or I am disabled and cannot live at the new home because it is inaccessible. If they have returned to the pre-disaster address we shared, I can't live with them. Please unlink my application from these other people I used to live with:

List the adults you lived with before the disaster and their contact information. If you do not know where they are, write "Unknown." If the person and you evacuated to different locations, give FEMA their new address or city. You do not have to explain why you are not living with them. If the person is living in the same city as you, you will need to explain why you can't live with person now. Some reasons are:

- The person's new home is too small for you to live with them. Tell FEMA how many bedrooms are in their home and how many people are living with them.
- You are disabled and the person lives in a home you that is not accessible. If the person has returned to the pre-disaster address, explain that:
- The person has returned to the disaster area but the home is not fixed for you to return to it
- The person is living in a trailer and it already has too many people in it
- You cannot live in the disaster area because of medical reasons.

1. _____
 Name of Household Member Phone Number

Address of Household Member

Explanation why I can't live with this person if they are in the same city as me

2. _____
 Name of Household Member Phone Number

Address of Household Member

Explanation why I can't live with this person if they are in the same city as me

3. _____
 Name of Household Member Phone Number

Address of Household Member

Explanation why I can't live with this person if they are in the same city as me

Check this box if you were a renter and FEMA denied you because of "Insufficient Damage." Fill out the *FEMA Declaration of Need for Rental and/or Personal Property Assistance*.

Check this box if you were NOT a renter and FEMA denied you because of "Insufficient Damage." Show proof of the damage to FEMA, such as pictures or a letter from the insurance company or contractor. Tell FEMA when and if you were or will be able to move back into the home.

Rental and Personal Property Assistance - FEMA said I had "Insufficient Damage" to the address where I lived before the disaster, but I was a renter and my landlord told me I could not rent the apartment after the disaster. The landlord re-rented the apartment to someone else or I could not afford it. I sent FEMA the *FEMA Declaration of Need for Rental and/or Personal Property Assistance*, or I am sending it with this Appeal.

Rental and Personal Property Assistance - FEMA said I had "Insufficient Damage" to the address where I lived before the disaster, but it was and I could not live in it. I was not a renter but I could not live in the home because it was too damaged. I have proof that the home was too damaged to live in:

- Pictures
- Statement from Insurance Company or Contractor
- Damage Assessment from www.cityofno.com
- Other _____

I am eligible for rental assistance until the home is livable. The home:

- Is still not livable but it is being fixed and I should be able to move in on _____, 200__.
- Is still not livable and it is totally destroyed.
- Became livable and I moved in on _____, 200__. I am eligible for rental assistance from the date of the disaster until that date.

Other Needs Assistance - FEMA said I was not eligible for Other Needs Assistance. However, I have shown FEMA that I had Other Needs caused by the disaster.

AMOUNT

The Recoupment should be stopped because I am eligible for the funds I received. Altogether, I received \$ _____ from FEMA. I am eligible for at least this much because I am eligible for these types of assistance:

Expedited Assistance of \$2000.00 - I am eligible for the \$2000.00 because I was displaced from my primary residence because of the hurricane. If I did not receive the Expedited Assistance, it is either because:

Check this box if you applied for FEMA before 9/20/05 but you did not get the \$2000.

I applied for FEMA before September 20, 2005, but FEMA decided for no reason that I would not get the benefit. The Stafford Act's regulation for equitable and impartial relief operations, §301, states:

The President shall issue, and may alter and amend, such regulations as may be necessary for the guidance of personnel carrying out Federal assistance functions at the site of a major disaster or emergency. Such regulations shall include provisions for insuring that the distribution of supplies, the processing of applications, and other relief and assistance activities shall be accomplished in an equitable and impartial manner, without discrimination on the grounds of race, color, religion, nationality, sex, age, or economic status.

FEMA's decision to not give me the \$2000.00 Expedited Assistance for no reason is against the above section of the Stafford Act. I am eligible for the \$2000.00 Expedited Assistance grant.

Check this box if you did not apply for FEMA before 9/20/05.

I did not apply for FEMA before September 20, 2006, but I am still eligible for the FEMA \$2000.00 Expedited Assistance grant. FEMA did not notify me that if I applied for FEMA benefits after September 20, 2006 I would not get the benefit.

Expedited Rental Assistance Grant of \$2358 for Essential Needs Use I was displaced from my primary residence because of the hurricane. FEMA allows applicants to use the Expedited Rental Assistance Grant of \$2358 for essential needs, not just for rent, if the applicant signs FEMA's ***Declaration of Funds Use and Need***. I am eligible for the Expedited Rental Assistance Grant of \$2358 for Essential Needs Use because of one of these reasons:

I got the \$2358 Expedited Rental Assistance Grant for Essential Needs Use and I already signed and returned the ***Declaration of Funds Use and Need***.

Check this box if you got the \$2358 but did not send in the ***Declaration of Funds Use and Need***. Fill out the form and send it in with this Appeal.

I got the \$2358 Expedited Rental Assistance Grant for Essential Needs Use but I did not sign and return the ***Declaration of Funds Use and Need*** because I did not know about the ***Declaration of Funds Use and Need***. FEMA did not notify me that the form was available, and I did not have access to legal assistance. I now attach a completed ***Declaration of Funds Use and Need***. Ensuring access to legal services is FEMA's responsibility under 42 USC § 5182 (the Stafford Act), which provides:

Whenever the President determines that low-income individuals are unable to secure legal services adequate to meet their needs as a consequence of a major disaster, consistent with the goals of the programs authorized by this Act, the President shall assure that such programs are conducted with the advice and assistance of appropriate Federal agencies and State and local bar associations.

I should not be penalized by FEMA for not having help that FEMA is supposed to make sure I have access to. I am eligible for the Expedited Rental Assistance Grant of \$2358 for Essential Needs Use and have used it as allowed with the ***Declaration of Funds Use and Need***.

Check this box if you did not get the \$2358. Send in the *Declaration of Funds Use and Need* with this Appeal.

- I did not get the \$2358 Expedited Rental Assistance Grant for Essential Needs Use because FEMA decided for no reason that I would not get the benefit. 42 USC § 5151 states:

The President shall issue, and may alter and amend, such regulations as may be necessary for the guidance of personnel carrying out Federal assistance functions at the site of a major disaster or emergency. Such regulations shall include provisions for insuring that the distribution of supplies, the processing of applications, and other relief and assistance activities shall be accomplished in an equitable and impartial manner, without discrimination on the grounds of race, color, religion, nationality, sex, age, or economic status.

FEMA's decision to not give me the \$2358.00 for no reason is against the Stafford Act's regulation for equitable and impartial relief operations. I am eligible for the \$2358.00 Expedited Rental Assistance grant, and have used it for essential needs as allowed by FEMA. I attach the *Declaration of Funds Use and Need*.

Figure out the amount you are eligible for. Look up the Fair Market Rent (FMR) of an apartment with the number of bedrooms you have in your city. The FMR is the average cost of an apartment. Use the link on the femaanswers.org site. FEMA will pay the FMR or the actual rent, whichever is less. Multiply the number of months you paid rent times the FMR or the actual rent you paid (whichever is less). Send receipts or a landlord statement with Landlord's name and contact information.

- Rental Assistance** - I am eligible for rental assistance for the time period when my rent was more than 30% of my income. Even if I was approved for an SBA loan or did not apply for an SBA loan, I am eligible for rental assistance. Even if I had insurance on my home, I am eligible for rental assistance.

The apartment I rented or am renting has _____ bedrooms.

It is in this city: _____

The FMR for my apartment in the city I am in is: \$ _____

The actual rent I paid every month is: \$ _____

The smaller amount (FMR or the actual rent) is \$ _____
Monthly Rental Assistance

\$ _____ X _____ = \$ _____
Monthly Rental Assistance No. of Months Rental Assistance Grant

- Other Needs Assistance - Personal Property Grant** - I lost personal property in the disaster. I have listed the items of personal property I lost. FEMA did not request me to complete a SBA Application or I was denied an SBA loan. According to FEMA's Press Release Number: 1606-096 (Release Date: December 6, 2005), a personal property grant for a two-bedroom home with two feet or more standing water will receive a Personal Property grant of

between \$10,000 and \$13,000. See Exhibit 1. One of these situations applies to me:

Check this box if you lost your property in your home and you did not have insurance to replace it. Make a list of the items you lost.

I did not have insurance to replace the property destroyed by the disaster. I received less than the proper amount of personal property replacement assistance and I used the grant to buy essential items that I needed to have for a household.

Check this box if you lost your property in your home and you did have insurance to replace it but it was not enough. Make a list of the items you lost. Send the letter from your insurance company that shows how much you received to replace your contents.

I did have insurance to replace the property destroyed by the disaster, but it was not enough to replace the property I lost. I received the proper amount of personal property replacement assistance and I used the grant to buy essential items that I needed to have for a household. In FEMA's Press Release Number 1605-154 (Release Date: January 9, 2006), Federal Coordinating Officer Michael Bolch states "Disaster assistance is designed to cover both uninsured and under-insured disaster losses." See Exhibit 2. I was underinsured for my loss.

Other Needs Assistance - Transportation Replacement - My car was destroyed by the disaster. I had liability insurance. FEMA did not request me to complete a SBA Application or I was denied an SBA loan. If the car was a second car, my household needs the car. One of these situations applies to me:

Check this box if you lost your car because of the disaster and you did not have insurance to replace it. Send proof that you had liability insurance.

I did not have comprehensive coverage on the car. I am eligible for the Other Needs Assistance for Transportation Replacement, which is generally \$4500.00.

- This car is the only one for my household.
- This car is the second car in my household, but my household needs the car because:

Check this box if you lost your car because of the disaster and you did have insurance to replace it, but the total cash you got to replace the car was less than \$4500.00. Send the letter from your insurance company that shows how much you got to buy another car. Subtract the amount of the insurance check from \$4500.00 to find out how much transportation assistance you are eligible for.

I did have comprehensive coverage on the car, but the check from the insurance company did not give me enough money to replace my car. FEMA grants \$4500.00 to replace a car. Transportation Assistance provides a grant to replace a vehicle lost in a disaster when an insurance claim does not replace the vehicle. I was underinsured for my vehicle. My insurance did not replace my vehicle; therefore a Transportation Assistance grant is not a prohibited "duplication" of funds by FEMA. I should not be penalized for maintaining comprehensive insurance coverage on my vehicle and I am eligible for Other Needs Assistance for Transportation Replacement, which is generally \$4500.00, minus the amount of the check to me from my

insurance company (after the lienholder was paid). The check I got from my insurance company to buy another car was \$ _____.

\$4500.00 - \$ _____ = \$ _____
Amount of Insurance Check Grant Amount I Am Eligible For

- This car is the only one for my household.
- This car is the second car in my household, but my household needs the car because:

- Other Needs Assistance - Home Replacement Grant** - My home was destroyed by the disaster. FEMA did not request me to complete a SBA Application or I was denied an SBA loan. One of these situations applies to me:

- I did not have insurance. I am eligible for the Other Need Assistance Home Replacement Grant of \$10,500.00. See Exhibit 1.

Check this box if you lost your home and you did have insurance to replace it but it was not enough. Send the letter from your insurance company that shows how much you received to replace your home. Send a copy of the letter from your insurance adjuster that shows how much damage was done to your home and how much your payout was.

- I did have insurance, but it did not cover the losses to my home. In FEMA's Press Release Number 1605-154 (Release Date: January 9, 2006), Federal Coordinating Officer Michael Bolch states "Disaster assistance is designed to cover both uninsured and under-insured disaster losses." See Exhibit 2. I was underinsured for my loss. I am eligible for my uninsured loss, up to \$10,500.00:

\$ _____ - \$ _____ = \$ _____
Pre-Disaster Value of My Home Insurance Check to Me Uninsured Loss

- Other Needs Assistance Home Repair Grant** - My home was damaged by the disaster. FEMA did not request me to complete a SBA Application or I was denied an SBA loan. One of these situations applies to me:

- I did not have insurance. I am eligible for the Other Need Assistance Home Repair Grant of \$5,200.00. See Exhibit 1.

Check this box if you lost your home and you did have insurance to replace it but it was not enough. Send the letter from your insurance company that shows how much damage was done to your home and how much your payout was.

- I did have insurance, but it did not cover the losses to my home. In FEMA's Press Release Number 1605-154 (Release Date: January 9, 2006), Federal Coordinating Officer Michael Bolch states "Disaster assistance is designed to cover both uninsured and under-insured disaster losses," See Exhibit 2. I was underinsured for my loss. I am eligible for my uninsured loss, up to \$5,200.00:

$$\text{\$} \frac{\text{Pre-Disaster Value of My Home}}{\text{Insurance Check to Me}} - \text{\$} \frac{\text{Uninsured Loss}}{\text{Insurance Check to Me}} = \text{\$} \frac{\text{Uninsured Loss}}{\text{Insurance Check to Me}}$$

Check this box if you paid medical expenses because of the disaster. Send a letter from your doctor stating the condition is disaster-related due to stress or depression.

- Other Needs Assistance - Medical Expenses Reimbursement Grant** - I have disaster-related medical expenses. FEMA did not request me to complete a SBA Application or I was denied an SBA loan. One or more of these situations applies to me:
 - I was injured while I was preparing for the disaster or evacuating from the disaster area and I have paid medical bills for treatment.
 - I have developed a medical condition due to the stress of the disaster and I have had to pay additional medical bills because of it.

Check this box if you paid dental expenses because of the disaster. Send a letter from your dentist stating the condition is disaster-related.

- Other Needs Assistance - Dental Expenses Reimbursement Grant** - I have disaster-related dental expenses. FEMA did not request me to complete a SBA Application or I was denied an SBA loan. I was injured while I was preparing for the disaster or evacuating from the disaster area and I have paid dental bills for treatment.

Check this box if you paid funeral expenses because of the disaster. Send funeral receipts.

- Other Need Assistance - Funeral Expenses Reimbursement Grant** - I paid funeral expenses for someone who died because of the disaster. FEMA did not request me to complete a SBA Application or I was denied an SBA loan.

TOTAL ELIGIBILITY AMOUNT	
Expedited Assistance.....	\$2000.00
Expedited Rental Assistance Grant for Essential Needs Use.....	\$2358.00
Rental Assistance for Rent Paid.....	\$ _____
Other Needs Assistance - Personal Property Grant.....	\$ _____
Other Needs Assistance - Transportation Replacement.....	\$ _____
Other Needs Assistance - Home Replacement Grant.....	\$ _____
Other Needs Assistance - Home Repair Grant.....	\$ _____
Other Needs Assistance - Medical Expenses Reimbursement Grant...\$	\$ _____
Other Needs Assistance - Dental Expenses Reimbursement Grant....\$	\$ _____
Other Needs Assistance - Funeral Expenses Reimbursement Grant...\$	\$ _____
TOTAL.....	\$ _____

3. The recoupment should terminate under 44 CFR §11.51(b)(1) because the cost to pursue the funds will exceed the recovery. It is unlikely FEMA will recoup any funds from me because I am eligible for most, if not all, of the assistance amount I received.

The recoupment should be terminated under 44 CFR §11.51(b)(2):

If there is little likelihood that collection efforts will result in any substantial recovery, then collection efforts may be terminated. Costs of recovery may be a factor in determining whether any recovery would be substantial. Normally, costs of recovery would be more important in cases of small debts than in cases of large ones.

I have submitted income information with this Appeal. I am on a fixed income or I am not able to pay the recoupment amount because:

I have filled out *FEMA's Hardship Waiver Request Form* and I am filing it with this Appeal. I hope that I have provided you with sufficient information to support the termination of FEMA's recoupment claim. Please do not hesitate to contact me should you have any questions or require additional information.

Sincerely,

Applicant



Important Information For Louisiana Evacuees

Release Date: December 6, 2005

Release Number: 1606-096

AUSTIN, Texas -- Some Louisiana residents who were affected by Hurricane Katrina and chose to evacuate to Texas should be aware that the Department of Homeland Security's Federal Emergency Management Agency (FEMA) is planning to provide assistance to eligible applicants based on damage information obtained through satellite images. These images provide geospatial mapping data as to the depth of water in a particular area. The maps can also view the location and condition of individual homes by zip code.

Currently, verification of home damage in some areas has been impossible for inspectors because of widespread inaccessibility and victims evacuating to other parts of the country.

On-site visual inspections have been conducted in more than 200 locations within the defined areas of the geospatial maps. The results of these inspections support the water levels reported on the maps and offer assurance that awards will be made with the highest degree of accuracy. Previous studies performed by the National Geospatial Intelligence Agency, the National Oceanic and Atmosphere Association and Louisiana State University have proven this method to be a reliable form of damage assessment.

Presently, FEMA has contracted with Baker Inc., to provide the imagery and mapping data for this process. To date, Baker Inc. has all the detailed information to provide assistance to residents of these five parishes:

Orleans, St. Bernard, Jefferson, St. Tammany and Plaquemines. Homes that have had two feet or more of standing water will be deemed destroyed; uninsured homeowners may be eligible for the real-property replacement grant of \$10,500. Homes with standing water levels between one foot and two feet will be deemed as major damage; uninsured homeowners may be eligible for the real-property repair grant of \$5,200. Homes in these designated areas with standing water levels of less than one foot will be deemed as having suffered moderate damage and uninsured homeowners may be eligible for the established "moderate" damage real property repair award of \$2,600.

Louisiana residents of these designated areas also may be awarded personal property awards based on the following:

- If they are uninsured
- If they failed the SBA income test or have been denied a low-interest loan by SBA
- Damage level
- Homes with two feet or more standing water will receive between \$10,000 and \$13,000*
- Homes with between one to two feet of standing water will receive between \$5,000 and \$6,500*
- Homes with less than one foot of standing water will receive between \$2,000 and \$3,000

*replacement award based on two-bedroom home with complete furnishings

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Exhibit 1



When an Insurance Claim Doesn't Fully Cover Disaster Losses

Release Date: January 9, 2006

Release Number: 1605-154

MONTGOMERY, Ala. -- Many who may have failed to register for federal aid after Hurricane Katrina, now find the settlement of their insurance claim did not cover their disaster losses. If so, they may be eligible for disaster assistance from the U.S. Department of Homeland Security's Federal Emergency Management Agency (FEMA). Alabama residents and evacuees should register before the March 11 deadline and talk to a FEMA disaster specialist even if they were insured for storm losses. The toll-free teleregistration number is 800-621-FEMA (3362) or TTY 800-462-7585.

Policies purchased many years ago may pay less than is needed to get repairs done today. And many insurers only cover very specific items. Disaster assistance may include grants for temporary housing and repairs to make a home safe and habitable. The programs may also include a U.S. Small Business Administration (SBA) low-interest loan for things like debris removal on personal property, damaged and destroyed fences, tree trimming services, tree replacement, landscaping losses and damaged or destroyed sheds and other outbuildings.

"Disaster assistance is designed to cover both uninsured and under-insured disaster losses," said Federal Coordinating Officer Michael Bolch. "By law FEMA cannot duplicate services or funds compensated by an insurance claim or provided by another assistance program but we can help with unmet needs."

Individuals are advised to file their insurance claim at the same time they register with FEMA in order not to delay the process and they will be given a FEMA file number. Once they receive the insurance settlement information they should call to complete the application, referring to the file number.

"We want to remind homeowners, renters and business owners who found they were not adequately compensated by insurance not to miss out on the assistance they may be eligible for," said State Coordinating Officer Bruce Baughman. "Every bit of help to individuals and families will contribute to Alabama's recovery from Hurricane Katrina." The deadline to register for disaster assistance was extended to March 11 to give disaster survivors more time to apply. The insurance settlement may have been too little to cover losses, but it's not too late to apply for help.

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Exhibit 2