

WHAT IS A LETTER OF DETERMINATION?

The Letter of Determination (LOD) offers compensation for losses listed on your Proof of Loss (POL). You can work with your Navigator for further explanation of offer amounts. Although determinations may have been divided into several partial payments, **loss line items (LLIs) may be appealed only when the final LOD is issued.**


You have **120 days** from the date on the final LOD to either:


1. **Accept the determination** by submitting a signed Release and Certification (R&C) form to the Claims Office; or
2. **Dispute the compensation amount** by submitting a written Notice of Appeal (NOA).


RECEIVING PAYMENT

You must sign the R&C form and provide banking information to receive payment. If you do not submit the R&C form or initiate an appeal by the **120-day deadline**, you will be conclusively presumed to have accepted the Authorized Official's determination, cannot appeal the determination, and cannot seek arbitration or file a lawsuit (44 CFR 296.32).

FOR MORE INFORMATION

 Claimants are encouraged to reach out to their Navigators with questions regarding the appeals process or call the Helpline at **505-995-7133**.

 For information and updates regarding the Claims Office, please visit the Hermit's Peak/Calf Canyon Claims Office website at fema.gov/hermits-peak. For information in Spanish, visit fema.gov/es/hermits-peak.

 Follow our Facebook page at facebook.com/HermitsPeakCalfCanyonClaimsOffice/ to stay up to date about the claims process, upcoming deadlines, and other program announcements.

HOW TO APPEAL YOUR CLAIM

A Guide for Claimants

May 2024

Individuals who filed a claim seeking compensation for damages resulting from the Hermit's Peak/Calf Canyon Fire may file an appeal if they disagree with the compensation amount identified in their **final** Letter of Determination (LOD).

This guide provides key information about the appeals process, including how to initiate an appeal, what information and documents are needed, and what to do if you still disagree with the decision.



FEMA

THE APPEALS PROCESS

If you disagree with the compensation amount in your final Letter of Determination (LOD), you have **120 days** from the date on the final LOD to submit a Notice of Appeal (NOA).

There are two ways an NOA may be filed. The first is by using the form found on the Claims Office website and the second is by providing your own written documentation and submitting in one of the following ways:



In-person through your Navigator.



By email: fema-hermits-peak-appeals@fema.dhs.gov.



By mail: Appeals Docket,
FEMA Hermit's Peak/Calf Canyon
Claims Office, P.O. Box 1329
Santa Fe, NM 87504.

EXCEPTIONS

In some cases, a claim cannot be appealed:

- Payments for LLIs which already have a signed Release and Certification (R&C) cannot be appealed.
- Partial Payments cannot be appealed. *If the Claims Office offers a partial payment and you disagree with the determination, **you can appeal the amount when you receive the final LOD.***

NOTICE OF APPEAL

A written Notice of Appeal must include:

- A detailed **description of the reason for appeal** for which you believe the Claims Office's determination was inconsistent.
- Any **additional documentation supporting your position** may be submitted as an attachment to the Notice of Appeal or submitted up to 60 days* after transmission of the appeal to supplement the record. You can submit any additional relevant documents, even if you did not previously submit them to the Navigator or Claims Reviewer for consideration.
- To the extent possible, the Notice of Appeal should specify **the amounts in dispute by loss line item.**

**The Director of the Claims Office may extend this timeframe if the claimant demonstrates good cause.*

AFTER YOU APPEAL

The Claims Office will provide a decision on your appeal after receiving your Notice of Appeal and any supplementary information. If you are dissatisfied with the decision, you may elect to have the dispute resolved through binding arbitration or in U.S. District Court for the District of New Mexico.

Arbitration:

You may initiate arbitration by submitting a written request to the Claims Office Arbitration Administrator by email or mail **no later than 60 days** after the date that appears on the Appeal Decision Memorandum (ADM). Arbitration decisions are not subject to further review.

U.S. District Court:

As an alternative to arbitration, you may file a lawsuit against the Federal Emergency Management Agency in Federal District Court for the District of New Mexico. This lawsuit must be brought **within 60 days** of the date that appears on the ADM.

**NOTICE: If you do not file for arbitration or a lawsuit within 60 days of the date on the ADM, or submit a signed R&C form, the disputed compensation amounts are bound by the final LOD.*

