

How to Appeal Your Claim

Release Date: 3? 26, 2024

Claimants may appeal their determination amounts outlined in their final Letter of Determination (LOD). Please carefully read the information below on how to initiate an appeal.

Letter of Determination

The LOD offers compensation for losses listed on your Proof of Loss and 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.

The Appeals Process

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 through the following options:
 - 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.

Notice of Appeal

A written Notice of Appeal must include:

- A detailed description of the reason for appeal including any citations to the provisions of law, regulation, or policy with which you believe the Claims Office's determination was inconsistent.



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- 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.

Exceptions to the Appeals Process

If you disagree with any of the determinations in your final LOD, you may appeal these portions of your claim, except:

- You may not appeal the Claims Office's decision on whether to provide a partial payment.
- You may not appeal payment claims for which you have already signed a R&C form.

After You Appeal

After receiving your Notice of Appeal and any supplementary information, the Claims Office will provide a decision on your appeal.

If you are dissatisfied with the appeal decision, you may elect to have the dispute resolved through binding arbitration or in United States 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 Administrative Appeal decision. Arbitration decisions are not subject to further review.
- **U.S. District Court:**
 - 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 Administrative Appeal decision.



If you do not either file for arbitration or file a lawsuit within 60 days of the date on the Administrative Appeal decision, or submit a signed R&C form, you are bound by the final LOD.

Receiving Payment

You must sign the R&C form and provide banking information to receive payment on your claims.

If you do not submit the R&C form or initiate an [appeal](#) by the 120-day deadline, you cannot appeal the determination and will not be able to seek arbitration or file a lawsuit. The Claims Office will send your payment when you submit the completed R&C form.

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/ and turn on notifications to stay up to date about the claims process, upcoming deadlines and other program announcements.

