Requests for Information Determination Memos And Appeals
Request for Information - RFI

• Applicants are required to answer Essential Elements of Information (EEI) and upload documents to their projects in Grants Portal.

• If FEMA requires additional information to determine eligibility, and this information is not provided in response to EEI questions, then FEMA will submit an RFI.

• Applicants typically have 15 days to respond to an RFI.

• Failure to respond to an RFI can result in a Determination Memo (DM) being issued.
Determination Memos

• FEMA will issue a determination memo when eligibility issues arise. A copy of the determination memo is also sent to SDOEM.

• Determination memos are issued when:
  • An applicant’s Request for Public Assistance is denied.
  • An applicant, their facility, work, or cost is deemed wholly or partially ineligible.
  • An applicant has not complied with the terms of the grant program.

• An explanation for the basis of the determination memo is included with the memo.

• Information regarding an applicant’s right to appeal is also included with the determination memo.
Right to Appeal

- Applicants have 60 days from receipt of a determination memo to appeal FEMA’s decision.
- All appeals must be sent to SDOEM for review.
  - All appeals should be accompanied by documentation that supports the applicant’s claims.
- SDOEM will review the appeal and forward it, along with a written recommendation, to the FEMA Region 8 administrator within 60 days of receipt of the appeal.
- FEMA has 90 days to review the appeal and issue a decision or request for additional information.
- Applicants have the right to appeal any decision that FEMA makes regarding their projects and eligibility.
Right to Appeal, cont.

- If the first appeal is denied, applicants have the right to a second appeal.
  - No supporting documentation can be submitted with a second appeal. Documentation can only be submitted with a first appeal.
- Applicants will again have 60 days from receipt of denial of the first appeal to file a second appeal with SDOEM.
- SDOEM will again have 60 days to review the second appeal and forward it to the FEMA HQ Assistant Administrator for Recovery.
- FEMA will then have 90 days to review the second appeal and issue their final decision.
Timelines

- **RFI - Request for Information**
  - First is an informal RFI, then a formal RFI is issued, and applicants have 15 days to respond.
  - If an applicant does not satisfy an RFI within 45 days, a DM will be issued.

- **DM – Determination Memo**
  - Applicants have 60 days to appeal a DM
  - SDOEM has 60 days to review an appeal.
  - FEMA has 90 days to respond to an appeal.
  - Applicants may appeal twice, but documentation can only be sent in with the first appeal.
  - The same timeline applies to first and second level appeals.
Have Questions?

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