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FACSIMILE TRANSMITTAL SHEET

TO: Individual & Households Program
National Processing Service Center

FROM: [REDACTED]

COMPANY: Federal Emergency Management Agency

DATE: 7/30/18

FAX NUMBER: 1-800-827-8112

TOTAL NO. OF PAGES INCLUDING COVER: 141

PHONE NUMBER:

SENDER'S REFERENCE NUMBER:

RE: Request to Dispute on behalf of [REDACTED]
[REDACTED]

YOUR REFERENCE NUMBER:

Application Number: [REDACTED]

URGENT FOR REVIEW PLEASE COMMENT PLEASE REPLY PLEASE RECYCLE

NOTES/COMMENTS:

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Melville D. Miller, Jr.
 President and General Counsel

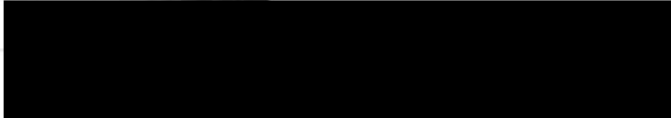
Vice Presidents and
 Assistant General Counsel
 Dawn K. Miller
 Claudine M. Langrin

July 30, 2018



VIA REGULAR MAIL, FAX (1-800-827-8112), AND E-CERTIFIED

Federal Emergency Management Agency
 Individuals & Households Program
 National Processing Service Center
 P.O. Box 10055
 Hyattsville, MD 20782-8055



Applicant Information

Name: [redacted] (maiden name) / [redacted] (former married name)
 Social Security Number: [redacted]
 Date of Birth: [redacted]
 Mailing address: [redacted]
 Pre-disaster Address: [redacted] (basement apartment)
 Telephone: [redacted]
 FEMA Application Number: [redacted]
 Disaster Number: 4086

APPEAL OF ALLEGED DEBT, REQUEST TO RECALL AND TERMINATE THE ALLEGED DEBT CURRENTLY REFERRED TO THE U.S. DEPARTMENT OF TREASURY FOR COLLECTION ACTION, TO RESOLVE THE ALLEGED DELINQUENCY BY RECORDING THE ALLEGED DEBT AS FULLY SATISFIED AND REFUNDING ALL ERRONEOUSLY COLLECTED FUNDS

Dear FEMA Appeals Officer:

Legal Services of New Jersey ("LSNJ") represents [redacted] concerning the overpayment alleged by the Federal Emergency Management Agency ("FEMA") in the amount of \$6,927.21 ("alleged debt" or "the debt") which was referred to the U.S Department of Treasury ("Treasury") for collection action. Through counsel, [redacted] files this appeal of the Notice of Debt dated October 22, 2014 ("NOD") (Exhibit A), the FEMA

Name: [REDACTED]

Social Security Number: [REDACTED]

Date of Birth: [REDACTED]

Mailing address: [REDACTED]

Pre-Disaster Address: [REDACTED]

Disaster Number [REDACTED]
FEMA Application No. [REDACTED]

Finance Center Letter of Intent dated October 30, 2015 (“Letter of Intent”) (Exhibit B) and overpayment. [REDACTED]’s authorization for LSNJ’s representation is provided in the pages that follow.¹ In this appeal, [REDACTED] requests that FEMA: (1) allow the filing of this late appeal due to [REDACTED] good cause for late filing; (2) recall the alleged debt from Treasury and upon the return of the same review and reconsider FEMA’s incorrect determination that [REDACTED] was overpaid. [REDACTED] attaches to this appeal documentation of her valid expenses, most of which have all been previously submitted to FEMA; (3) suspend collection action and any accruing interest concerning the alleged debt based on the request for review of the debt, and refund all funds erroneously collected; (4) terminate collection action concerning the alleged debt, discharge the alleged debt, record it fully satisfied and refund all collected funds including interest.

In the alternative, if the debt is not terminated and resolved, cancel the debt and record it fully satisfied. In the last alternative, [REDACTED] requests a waiver of the overpayment due to her status as a person with a permanent disability and the financial hardship caused by the Treasury offset (“offset”) of her sole source of regular income from the Social Security Administration (“SSA”) based upon her permanent disability.

[REDACTED] further requests that she be provided a full copy of her FEMA file. [REDACTED] has a signed authorization for release of her file on page 12 of this document.

I. Background

[REDACTED] received financial assistance from the FEMA Individuals and Households Program (“IHP”) after she was displaced from her basement apartment due to flood damage caused by Superstorm Sandy in October 2012. The IHP is governed by Section 408 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (“Stafford Act”)² which provides financial or direct assistance for an initial period not to exceed 18 months from the date that a federal disaster is declared.³ The assistance is provided in response “to the disaster-related housing needs of individuals and households who are

¹ See page 12.

² 42 U.S.C. § 5121 et seq. (West 2018).

³ 44 C.F.R. § 206.110(e) (West 2018).

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displaced from their predisaster primary residences or whose predisaster primary residences are rendered uninhabitable”.⁴

There are two broad categories of IHP assistance: (1) Housing Assistance which includes rental assistance,⁵ lodging expense reimbursement, repair and replacement assistance; and (2) Other Needs Assistance which includes personal property, transportation, moving and storage assistance.⁶ [REDACTED] received both forms of assistance from FEMA as described more fully below.

A. Facts Concerning the Erroneous Determination of Rental and Other Expenses

[REDACTED] was living in a basement apartment at [REDACTED] when Superstorm Sandy hit on October 29, 2012. Due to the flood damage caused by the storm, [REDACTED] basement apartment was uninhabitable and she was forced to relocate. Nearly all of her personal belongings and household furnishings were damaged due to flooding and she was only able to salvage some of her clothing from the apartment. The flood damage required her to replace personal property, including clothes, and other household items as necessary expenses and serious needs.⁷ A receipt for household furnishings, allowed pursuant to 44 CFR § 206.119(c), was submitted to FEMA for reimbursement on January 24, 2013, in the amount of \$928.67 (Exhibit C). However, FEMA improperly denied much of the expense and awarded [REDACTED] only \$299.11.

From October 30, 2012 to April 2013, [REDACTED] lived at [REDACTED] in the home of [REDACTED] to whom she paid \$675.00 in monthly rent from November 2012 to February 2013 for a total of \$2,700.00; in March and April 2013, she paid \$600.00 in rent totaling \$1,200.00 for a total of \$3,900.00 in rental expenses from November 2012 to April 2013. During this time period [REDACTED] did not incur additional utility expenses. Unable to find other housing after leaving

⁴ 42 U.S.C. § 5174 (b)(1) (West 2018).

⁵ 44 C.F.R. § 206.119 (West 2018); see 44 C.F.R. § 206.117 117 (b)(1)(i)(B); see also Federal Emergency Management Agency, Individual Assistance Program and Policy Guide (IAPPG) (April 2018) 96, 97 <https://www.fema.gov/media-library-data/1524498175170-6aa89dbccaa75a8fa7a6c0c917951733/iappg.pdf> (last visited July 26, 2018) (providing that eligible applicants are given rent assistance based on the Fair Market Rent (“FMR”) established by the U.S. Department of Housing and Urban Development (“HUD”); the FMR is established for the county, parish, tribal land, municipality, village, or district where the pre-disaster residence is located and the number of bedrooms the household requires”); U.S. Dept. of Housing and Urban Development, Fair Market Rent Documentation System, https://www.huduser.gov/portal/datasets/fmr/fmrs/FY2013_code/2013summary.odn (providing FY2013: one-bedroom \$1115).

⁶ 44 C.F.R. §§ 206.117, 119 (West 2018); see also IAPPG, *supra* note 5 at 60.

⁷ See 44 CFR § 206.119(c) (West 2018).

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[REDACTED] entered [REDACTED] (a homeless shelter operated by the Archdiocese of Newark, NJ) where she lived from April 28, 2013 until July 10, 2013.

Beginning on July 1, 2013, [REDACTED] entered into a one-year lease for [REDACTED], where she paid a security deposit of one month's rent and monthly rent of \$850.00 to her landlord [REDACTED] through the duration of the lease term, totaling \$9,350.00 from July 2013 to April 2014.

From October 29, 2012 to April 2013, [REDACTED] paid a total of \$3,900.00 in rent (**Exhibit D**). [REDACTED] paid a total of \$5,950.00 in rental expenses from July 2013 to December 2013, including the security deposit (**Exhibit E**) and a total of \$563.53 in utility expenses (**Exhibit F**). From January 2014 to April 2014, [REDACTED] paid a total of \$3,400.00 in rent (**Exhibit E**) and approximately \$361.55 in utility expenses (**Exhibit G**). In total, from October 29, 2012 to April 2014, [REDACTED] incurred at least \$15,872.55 in expenses - \$13,250.00 in rental expenses, approximately \$925.08 in utility expenses and \$1,697.47 in loss of personal property.

B. Financial Assistance Awarded to [REDACTED] Pursuant to 44 C.F.R. §§ 206.113(a), 114(a) - (b), 117(b)(1)(i), 119(b), (c)

Pursuant to the statutory requirements of the Stafford Act and FEMA regulations, [REDACTED] applied for and received financial assistance under the IHP program.⁸ In a notice dated February 8, 2013, [REDACTED] was given financial assistance in the amount of \$2,313.11, which consisted of \$2,014.00 in rent assistance and \$299.11 for personal property loss. In a notice dated July 8, 2013, [REDACTED] was informed that she was approved for continued rental assistance in the amount of \$4,460.00; and on October 10, 2013 she was granted \$8,509.00 in continued rental assistance. In total, [REDACTED] was awarded \$15,282.11 in financial assistance.

From the time that Superstorm Sandy hit in October 2012 through April 2014, [REDACTED] incurred at least \$15,872.55 in expenses allowed by the IHP, as detailed above. However, [REDACTED]

⁸ 44 C.F.R. §§ 206.113(a), 114(a) - (b), 117(b)(1)(i), 119(b) (West 2018).

Name: [REDACTED]
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Date of [REDACTED]
Mailing [REDACTED]
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was notified of an overpayment in a Notice of Debt ("NOD") dated October 22, 2014 (**Exhibit A**) in the amount of \$6,483.00 and then notified in the Letter of Intent dated October 30, 2015, that she owed \$6,927.21 in overpayment, interest and fees (**Exhibit B**).

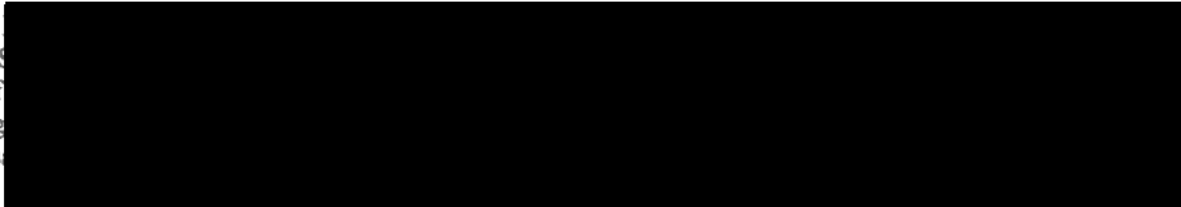
[REDACTED] provided sufficient documentation to demonstrate that she incurred expenses as allowed by the IHP in excess of the financial assistance awarded and the alleged overpayment is invalid. In support, [REDACTED] includes all the following expenses most of which have been previously submitted to FEMA. Her allowable expenses, as listed below, total \$15,872.55:

1. **Exhibit C (Exhibits C to C7)**– receipt for purchase price of household furnishings in the amount of \$928.67, dated March 27, 2012 – total personal property loss estimated at \$1,697.47;
2. **Exhibit D (Exhibit D)** – proof of rental expenses in the amount of \$3,900.00 at [REDACTED] – dating from November 2012 to April 2013;
3. **Exhibit E (Exhibits E to E9)** – proof of rent expenses in the amount of \$9,350.00 at [REDACTED] (including proof of the security deposit payment) – dating from the beginning of the lease term on July 1, 2013 to April 2014;
4. **Exhibit F (Exhibits F to F6)** – proof of utility expenses from 2013 – dating from July 2013 to December 2013, totaling \$563.53;
5. **Exhibit G (Exhibits G to G1)** – proof of utility expenses from 2014 – dating from January 2014 to April 2014, including average cost of utilities for March and April 2014 totaling \$206.93;
6. **Exhibit H** — proof of stay at the St. Lucy’s Shelter in [REDACTED] from April 28 to July 10, 2013;
7. **Exhibit I** – proof of \$800 per month rental expenses to document financial hardship caused by offset of client’s federal benefit.

FEMA Should Consider this Late Appeal Because [REDACTED] Who is a Person With Disabilities, Has Good Cause for Filing a Late Appeal.

[REDACTED] was declared totally and permanently disabled by the SSA and survives on income received from the SSA in the form of monthly Social Security Disability Insurance ("SSDI") in the gross amount of \$1,011.00. [REDACTED] is 44 years old and is a person with serious health conditions who, in

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addition to major depressive disorder, suffers from a multitude of chronic diseases, both physical and mental, including diabetes, degenerative disc disease, rheumatoid arthritis, polyneuropathy, fibromyalgia and morbid obesity. In addition, [REDACTED] was diagnosed with major depressive disorder and demonstrates several symptoms, including a history of multiple attempted suicides, sleep apnea, and difficulty with concentration and thinking.

Due to [REDACTED] numerous emotional, physical and mental health conditions, which were exacerbated after her displacement from her home due to Superstorm Sandy, it became increasingly difficult for her to keep track of correspondence, timeframes and dates. This was especially true due to the frequent times she was forced to move due to her inability to find affordable housing through no fault of her own. Also, increasingly due to her mental and physical disabilities, copying, mailing and filing documents became nearly impossible. Moreover, [REDACTED] believed she had previously submitted all of the documents to establish the entitlement to the award she received.

[REDACTED] recently contacted LSNJ for legal assistance when she experienced a change in circumstances, as the offset deduction leaves [REDACTED] insufficient funds on which to live after paying \$800.00 in monthly rent. Due to the deduction, the amount she retains after paying rent is approximately \$59.00. Although [REDACTED] receives monthly assistance from New Jersey's Supplemental Nutrition Assistance Program (SNAP) of approximately \$143.00; from the \$59.00 remaining after the deduction, [REDACTED] must provide for additional food items and personal essentials (\$143.00 is insufficient food allotment for an entire month and SNAP does not cover all essential items, such as toilet paper and other feminine products), medical expenses, clothing, and other necessities as well as arrange for any transportation needed to attend her medical and other essential appointments. It is an extreme hardship to sustain herself on the balance of \$59.00 per month. From time to time she had been receiving some irregular small assistance from relatives or close friends to meet her basic needs, but that is not sustainable on a long term basis and is currently no longer available.

For the foregoing reasons, [REDACTED] has established that she has good cause for filing this late appeal and requests that FEMA review her submission and reconsider the decision that she received an award in excess of the amount she is entitled to receive.

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██████████ is Entitled to Have FEMA Review and Recall the Alleged Debt Which Should be Discharged Because It Is Invalid and As a Result Is Ineligible for Collection Action Through the Treasury Offset Program Pursuant to 31 CFR § 285.12(i).

Pursuant to 31 CFR § 285.12(i), ██████████ requests that FEMA review and recall the \$6,927.21 debt charged to her in the Letter of Intent dated October 30, 2015 because the debt is invalid and therefore is ineligible for transfer to Treasury for collection action pursuant to 31 CFR § 285.12(i).⁹ ██████████ as provided in a letter to Treasury, maintains that the debt is invalid because she was not overpaid and does not owe the alleged debt (**Exhibit K**).¹⁰

On October 29, 2012, ██████████ basement apartment was flooded by Superstorm Sandy which destroyed her household furnishings, clothing and belongings, leaving ██████████ displaced. She incurred expenses allowed under the IHP, including housing and utility expenses, as well as expenses to replace loss furnishings, belongings and other necessary personal items that exceeded the financial assistance that she received. ██████████ incurred \$13,250.00 in total rent expenses and \$925.08 in total utility expenses from October 29, 2012 to April 2014. ██████████ incurred total expenses of \$15,872.55, with \$14,175.08 in allowable rent and utility expenses from October 2012 to April 2014, along with approximately \$1,697.47 in expenses to replace household furnishings, personal belongings, and clothing damaged by flooding caused by Superstorm Sandy.

██████████ Asserts That Collection Action of the Alleged Debt Should be Terminated Because the Debt is Without Merit Pursuant to 31 CFR § 903.3(a)(4), (5).

For the aforementioned reasons, the alleged debt is legally without merit and cannot be substantiated pursuant to 31 CFR § § 903.3(a)(4), (5). In accord with the regulation, all of the active collection should cease.¹¹ The alleged debt should be cancelled and recorded as fully satisfied, refunding all funds erroneously collected.

⁹ See also I TFM 4-4040.60 (2018).

¹⁰ 31 CFR § 285.12(i) (West 2018).

¹¹ See also I TFM 4-4040.60 (2018).

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██████████ provided documentation previously and in this transmittal that she incurred \$13,250.00 in valid rent expenses and \$925.08 in valid utility expenses. Moreover, due to the flood damage to her apartment ██████████ was required to replace nearly all of her personal property, including clothes and other household items as necessary expenses and serious needs. ██████████ submitted a receipt for some of these items in the amount of \$928.67, and included an estimate of her total costs of \$1,697.47, much of which FEMA improperly denied. ██████████ has provided sufficient documentation to demonstrate that she incurred expenses as allowed by the IHP in excess of the financial assistance awarded and the alleged overpayment is invalid.

In accord with 31 CFR §§ 903.3(a)(4), (5), the debt is legally without merit and all active collection should cease. The alleged debt should be cancelled and recorded as fully satisfied, refunding all funds erroneously collected.

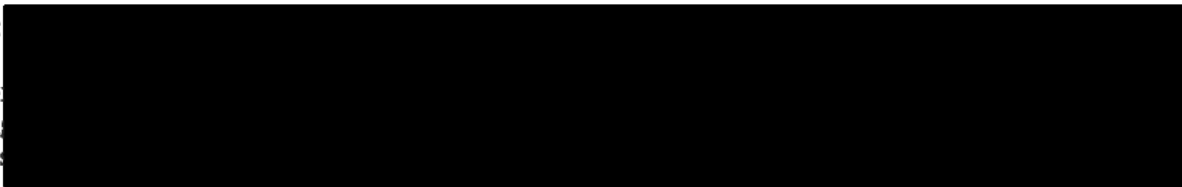
██████████ Asserts That Collection Action of the Alleged Debt Should be Suspended Along With Any Accruing Interest Pursuant to 31 CFR § 903.2(a)(3) Based on the Request for Review of the Alleged Debt.

██████████ is requesting review of the alleged debt pursuant to 31 CFR § 903.2(a)(3), and therefore FEMA should suspend collection action of the alleged debt. 31 CFR § 903.2(a)(3) provides that “[a]gencies may suspend collection activity on a debt” when “[t]he debtor has requested a waiver or review of the debt.” Pursuant to 31 CFR § 903.2(a)(3) collection action of the alleged debt should be suspended along with any accruing interest, based on ██████████ request for review of the alleged debt.

██████████ Asserts, in the Alternative, Good Cause to Request Compromise of the Debt In Lieu of Payment Pursuant to 31 CFR § 902.2(a)(1) Resolving the Delinquency By Recording the Debt As Fully Satisfied.

Pursuant to 31 CFR § 902.2(a)(1), ██████████ is unable “to pay the full amount” of the alleged debt “in a reasonable time,” which may be “verified through credit reports or other financial information.”

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Moreover, as aforementioned, [REDACTED] has serious health conditions and a multitude of chronic diseases. In accord with factors for determining [REDACTED] inability to pay, [REDACTED] is 44 years old and was declared totally and permanently disabled by the SSA, with no assets or inheritance prospects, and she is surviving on monthly SSDI of approximately \$1,011.00 from which the offset is deducted to collect the alleged debt.¹²

In light of the hardship caused by the offset and for the aforementioned reasons, [REDACTED] has established that she not only has good cause for filing a request for compromise in lieu of any further payment; but she is entitled to a refund of all erroneously collected funds, including interest where the debt is resolved and recorded as fully satisfied.

Therefore, [REDACTED] is entitled to a written agreement which establishes that the alleged debt is fully satisfied and the delinquency is resolved by compromise in lieu of further payment.

[REDACTED] Asserts, in the Alternative, That Due to the Financial Hardship Caused By The Treasury Collection Action That The Alleged Debt Should be Reduced Pursuant to 31 CFR § 285.5(d)(12).

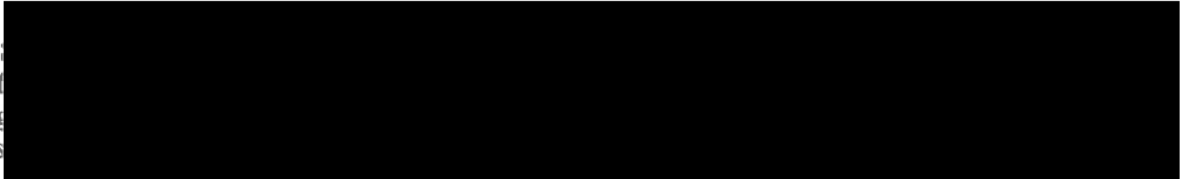
Pursuant to 31 CFR § 285.5(d)(12), for the aforementioned reasons the offset amount allowed by law is resulting in financial hardship to [REDACTED]. The deduction should be a “lesser offset amount” of her gross SSDI that is reasonable and appropriate to allow [REDACTED] to meet her basic needs, while paying her rent of \$800 per month, which is far below the fair market value of rent in her geographic area.

For the foregoing reasons, [REDACTED] requests a full waiver of the overpayment due to her status as a person with a permanent disability and the financial hardship caused by the offset of her SSDI which is her sole source of regular income.¹³

¹² 31 CFR § 902.2(b) (West 2018).

¹³ See the section above.

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Requests An Oral Hearing.

If this matter is not recalled by FEMA or otherwise decided in [REDACTED]s favor, there are significant questions about the credibility and veracity of this matter and [REDACTED] should receive an oral hearing, pursuant to the NOD that she received dated October 22, 2014 (Exhibit A).

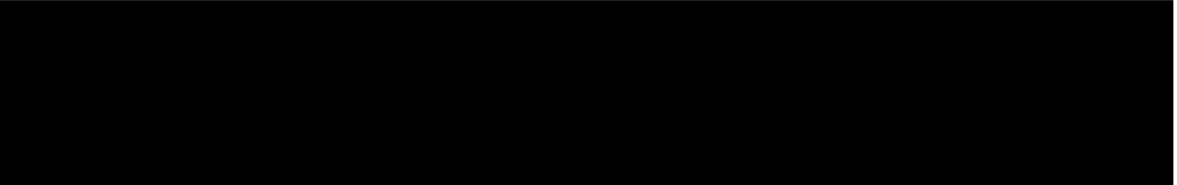
II. [REDACTED] Specifically Reserves Her Rights Without Limitation.

[REDACTED] reserves all of her rights, including without limitation her rights under the Due Process Clause of the U.S. Constitution, as well as the ability to supplement her claim or avail herself of other resolution processes, filing a lawsuit or participating in any class action for which she may be eligible. This also includes availing herself of any options that may be adopted now or in the future by FEMA for Superstorm Sandy victims. [REDACTED] does not waive or surrender any rights by this request or as a condition of any outcome of this request.

For the aforementioned reasons, [REDACTED] who is a person with disabilities, requests that FEMA:

1. Accept her late appeal for good cause;
2. Review and recall the alleged debt because the debt is invalid pursuant to 31 CFR § 285.12(i);
3. Suspend collection action concerning the alleged debt pursuant to 31 CFR § 903.2 based on the request for review;
4. Terminate collection action concerning the alleged debt pursuant to 31 CFR § 903.3(a)(4) to (5);
5. In the alternative, compromise the debt pursuant to 31 CFR § 902.2;
6. In the last alternative, due to the financial hardship caused by collection action, waive or reduce the overpayment due to [REDACTED]s status as a person with a permanent disability pursuant to 31 CFR § 285.5(d)(12);
7. If this matter is not recalled by FEMA or otherwise decided in [REDACTED]s favor, pursuant to the NOD, she should be entitled to an oral hearing.

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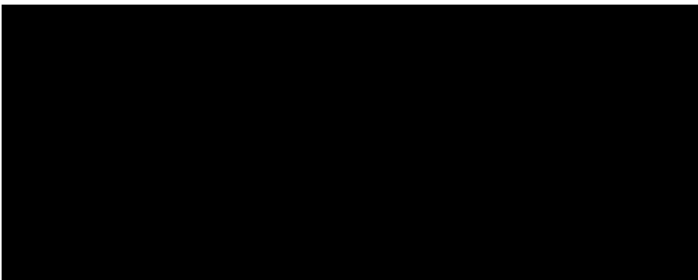


In addition, [REDACTED] requests that she be provided with a full copy of her FEMA file pursuant to 44 CFR § 206.115(d), noting that [REDACTED] has given authority to the undersigned attorneys to represent her and to receive the copy of the file.

In accordance with 44 CFR § 206.115(d), [REDACTED] requests a complete copy of her entire FEMA file, including, but not limited to: (1) inspection reports, (2) amounts of assistance, (3) FEMA inspector/officer notes and reports, including photos if any that are on file, (4) FEMA correspondence sent to [REDACTED] (5) all incoming mail sent to FEMA from [REDACTED] which was received and saved in her file, and (6) any other information pertaining to her FEMA claim(s) for this disaster. [REDACTED] specifically requests that FEMA release copies of all incoming mail that was received for her file pertaining to this matter. [REDACTED] specifically authorizes LSNJ, as her attorneys, to represent her in this appeal and in this request for her file gives her authority for FEMA to send her file to the address of her attorneys at 100 Metroplex Drive at Plainfield Avenue, Suite 402, P.O. Box 1357 Edison, NJ 08818.


Please see the signed file request on the following page.

Thank you for considering this request.



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I,  hereby authorize Legal Services of New Jersey (LSNJ) to represent me in this appeal of debt held by the Federal Emergency Management Agency (FEMA) pursuant to 44 CFR 206.115(b).

I further hereby authorize FEMA to release a complete copy of my entire file to LSNJ in accordance with 44 CFR § 206.115(d), including but not limited to: (1) inspection reports, (2) amounts of assistance, (3) FEMA inspector/officer notes and reports, including photos if any are on file, (4) FEMA correspondence sent to me, (5) all incoming mail sent to FEMA from me which was received and saved in my file, and (6) any other information pertaining to my FEMA claim(s) for this disaster.

I specifically request that FEMA release copies of all incoming mail that was received for my file pertaining to this disaster, including appeals of recoupment efforts.

I first contacted FEMA about DR 4086 on or about January 23, 2013.

The file should be mailed to LSNJ at the following address: 100 Metroplex Drive at Plainfield Avenue, Suite 402, P.O. Box 1357, Edison, NJ 08818.

This consent is made pursuant to and consistent with 28 U.S.C. § 1746.

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



Signature

Date

Social Security Number: [REDACTED]

FEMA Application No. [REDACTED]
Date of Birth: [REDACTED]

EXHIBIT LIST

EXHIBIT	DESCRIPTION
A	Notice of Debt dated 10/22/14
B	FEMA Finance Center Letter of Intent dated 10/30/15
C	Household furnishing receipt - 4 pc bedroom set
C1	Household furnishing - desk
C2	Household furnishing - table & 2 chairs - estimated cost to replace
C3	Household furnishing - coffee table - estimated cost to replace
C4	Personal property - Dell laptop - estimated cost to replace
C5	Personal property - microwave - estimated cost to replace
C6	Personal property - coffee maker - estimated cost to replace
C7	Plus size clothing - estimated cost to replace articles of clothing
D	November 2012 to April 2013 - rental expenses
E	July 2013 lease documents
E1	July 2013 security deposit / July rental expense
E2	August 2013 rental expense
E3	September 2013 rental expense
E4	October 2013 rental expense
E5	November 2013 rental expense
E6	December 2013 rental expense
E7	January 2014 rental expense
E8	February 2014 rental expense
E9	March 2014 rental expense
<i>refer to Exhibit E</i>	April 2014 rent (refer to Exhibit E lease documents)
F	July 2013 utility deposit
F1	July 2013 utility expense
F2	August 2013 utility expense
F3	September 2013 utility expense
F4	October 2013 utility expense
F5	November 2013 utility expense
F6	December 2013 utility expense
G	January 2014 utility expense
G1	February 2014 utility expense
H	Letters from Catholic Charities confirming length of stay
I	Proof of 2018 monthly rental expenses
J	[REDACTED] Birth Certificate
K	Letter to the U.S. Dept. of Treasury re alleged debt

Disaster No. 4086 FEMA Application No. [REDACTED]

SSN: [REDACTED] DOB: [REDACTED]

REPLACED PERSONAL PROPERTY / RENT / UTILITY EXPENSE SHEET
Total for claim: \$15,872.55

Description	Dollar Amount	Receipt Location
Personal Property		
4 pc bedroom furniture	\$928.67	Exhibit C
Desk	\$49.99	Exhibit C1 - Estimated cost to replace
Table & 2 chairs	\$147.00	Exhibit C2 - Estimated cost to replace
Coffee table	\$29.00	Exhibit C3 - Estimated cost to replace
Dell laptop	\$449.00	Exhibit C4 - Estimated cost to replace
Microwave	\$59.99	Exhibit C5 - Estimated cost to replace
Coffee maker	\$8.88	Exhibit C6 - Estimated cost to replace
Plus-size clothes	\$24.94	Exhibit C7 - Estimated cost to replace
Rental Expenses		
November 2012 rent	\$675.00	Exhibit D
December 2012 rent	\$675.00	Exhibit D
January 2013 rent	\$675.00	Exhibit D
February 2013 rent	\$675.00	Exhibit D
March 2013 rent	\$600.00	Exhibit D
April 2013 rent	\$600.00	Exhibit D
May 2013 rent	\$0.00	Exhibit H
June 2013 rent	\$0.00	Exhibit H
July 2013 security deposit	\$850.00	Exhibit E1
July 2013 rent	\$850.00	Exhibit E1
August 2013 rent	\$850.00	Exhibit E2
September 2013 rent	\$850.00	Exhibit E3
October 2013 rent	\$850.00	Exhibit E4
November 2013 rent	\$850.00	Exhibit E5
December 2013 rent	\$850.00	Exhibit E6
January 2014 rent	\$850.00	Exhibit E7
February 2014 rent	\$850.00	Exhibit E8
March 2014 rent	\$850.00	Exhibit E9
April 2014 rent	\$850.00	See Exhibit E
Utility Expenses		
	Amount Billed	
July 2013 Utility deposit	\$152.00	Exhibit F
July 2013 utilities	\$43.40	Exhibit F1
August 2013 utilities	\$81.62	Exhibit F2
September 2013 utilities	\$76.09	Exhibit F3
October 2013 utilities	\$68.33	Exhibit F4
November 2013 utilities	\$54.76	Exhibit F5
December 2013 utilities	\$87.33	Exhibit F6
January 2014 utilities	\$104.57	Exhibit G
February 2014 utilities	\$102.36	Exhibit G1
March 2014 utilities	\$77.31	Averaged monthly utility costs
April 2014 utilities	\$77.31	Averaged monthly utility costs
TOTAL	\$15,872.55	

LEGAL SERVICES OF NEW JERSEY
100 METROPLEX DRIVE AT PLAINFIELD AVE.
P.O. BOX 1357
EDISON, NJ 08818-1357
TEL. (732) 572-9100
FAX: (732) 572-0066

FACSIMILE TRANSMITTAL SHEET

TO: Debt Management Services –
Birmingham Office

FROM: [REDACTED]

COMPANY: US Dept. of Treasury – Bureau of Fiscal
Service

DATE: 7/30/18

FAX NUMBER: 855-415-4999

TOTAL NO. OF PAGES INCLUDING COVER:
141

PHONE NUMBER:

SENDER'S REFERENCE NUMBER:

RE: Request to Dispute on behalf of [REDACTED]
[REDACTED]

YOUR REFERENCE NUMBER:

URGENT FOR REVIEW PLEASE COMMENT PLEASE REPLY PLEASE RECYCLE

NOTES/COMMENTS:

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THAT YOU HAVE RECEIVED THIS TRANSMISSION IN ERROR, PLEASE CONTACT
THE SENDER AT THE TELEPHONE NUMBER ABOVE



Legal Services of New Jersey
 100 Metroplex Drive at Plainfield Avenue
 Suite 402, P.O. Box 1357
 Edison, New Jersey 08818-1357
 Phone: (732) 572-9100
 Fax: (732) 572-0066
 www.lsnj.org
 www.lsnjlaw.org

Melville D. Miller, Jr.
 President and General Counsel

Vice Presidents and
 Assistant General Counsel
 Dawn K. Miller
 Claudine M. Langrin

July 30, 2018

VIA REGULAR MAIL, FAX (855-415-4999), AND E-CERTIFIED

U.S. Department of Treasury - Bureau of Fiscal Service
 Debt Management Services – Birmingham Office
 P.O. Box 830794
 Birmingham, AL 35283-0794

91 7199 9991 7030 1455 5053

Applicant Information

Name: [REDACTED] (maiden name) [REDACTED] (former married name)
 Social Security Number: [REDACTED]
 Date of Birth: [REDACTED]
 Mailing address: [REDACTED]
 Pre-Disaster address: [REDACTED] (basement apartment)
 Telephone: [REDACTED]
 FEMA Application Number: [REDACTED]
 Disaster Number: 4086

REQUEST TO DISPUTE THE ALLEGED DEBT, RETURN THE ALLEGED DEBT TO THE CREDITOR AGENCY, TERMINATE COLLECTION ACTION CONCERNING THE ALLEGED DEBT HELD BY THE FEDERAL EMERGENCY MANAGEMENT AGENCY WHICH WAS REFERRED TO THE U.S. DEPARTMENT OF TREASURY FOR COLLECTION ACTION

Dear Treasury Officer:

Legal Services of New Jersey (“LSNJ”) represents [REDACTED] (“[REDACTED]”, a/k/a/ [REDACTED] [REDACTED] (former married name)) concerning the overpayment alleged by the Federal Emergency Management Agency (“FEMA”) in the amount of \$6,927.21 (“alleged debt” or “the debt”) which was referred to the U.S Department of Treasury (“Treasury”) for collection action. Through counsel, [REDACTED] [REDACTED] is also filing an appeal to FEMA requesting that FEMA recall the alleged debt, terminate the debt because it is invalid and without merit, resolve the debt as fully satisfied, and refund all erroneously

Name: [REDACTED]
Social Security Number: [REDACTED]
Date of Birth: [REDACTED]
Mailing address: [REDACTED]
Pre-Disaster Address: [REDACTED]

Disaster Number: 4086 [REDACTED]
FEMA Application No.: [REDACTED]

(basement apartment)

collected funds.¹ (See attached FEMA appeal). [REDACTED] requests that Treasury: 1) allow dispute of the alleged debt referred by FEMA because it is invalid; 2) return the alleged debt to FEMA for recall; 3) terminate collection action of the alleged debt; 4) suspend collection action of the alleged debt during the review of the disputed debt; 5) alternatively, suspend collection action of the alleged debt due to [REDACTED]'s inability to pay and change in circumstances.

[REDACTED] further requests that she be provided proof of the alleged debt to include a full copy of her Treasury file concerning the alleged debt.

I. Background

[REDACTED] received financial assistance from the FEMA Individuals and Households Program (“IHP”) after she was displaced from her basement apartment due to flood damage caused by Superstorm Sandy in October 2012. The IHP is governed by Section 408 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (“Stafford Act”)² which provides financial or direct assistance for an initial period not to exceed 18 months from the date that a federal disaster is declared.³

Facts Concerning the Erroneous Determination of Rental and Other Expenses

[REDACTED] who is 44 years old and was declared totally and permanently disabled by the Social Security Administration (“SSA”), was living in a basement apartment at [REDACTED] when Superstorm Sandy hit on October 29, 2012. Due to the flood damage caused by the storm, [REDACTED] basement apartment was uninhabitable. Nearly all of her personal belongings and household furnishings were lost due to flood damage and she was only able to salvage some of her clothing from the apartment. The flood damage required her to replace personal property, including clothes and other household items as necessary expenses and serious needs. A receipt for these items, allowed pursuant to 44 CFR § 206.119(c), was submitted to FEMA for reimbursement on January 24, 2013, in the amount of \$928.67. However, FEMA improperly denied much of the expense and awarded [REDACTED] only \$299.11.

¹ A copy of the FEMA appeal is enclosed.
² 42 U.S.C. § 5121 et seq. (West 2018).
³ 44 C.F.R. § 206.110(e) (West 2018).

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[REDACTED]

From October 30, 2012 to April 2013, [REDACTED] lived at [REDACTED] in the home of [REDACTED] to whom she paid \$675.00 in rent from November 2012 to February 2013 and \$600.00 in March and April 2013 for a total of \$3,900.00. When she was unable to find other housing, after leaving [REDACTED] [REDACTED] entered St. Lucy's Shelter on [REDACTED] [REDACTED] (a homeless shelter operated by the Archdiocese of Newark, NJ) where she lived until July 10, 2013.

Beginning on July 1, 2013, [REDACTED] entered into a one-year lease for [REDACTED] [REDACTED] where she paid a security deposit of one month's rent and monthly rent of \$850.00 to her landlord [REDACTED] through the duration of the lease term, totaling \$9,350.00 from July 2013 to April 2014.

From October 30, 2012 to April 2013, [REDACTED] paid a total of \$3,900.00 in rental expenses. [REDACTED] paid a total of \$5,950.00 in rental expenses from July 2013 to December 2013, including the security deposit and an additional total of \$563.53 in utility expenses. From January 2014 to April 2014, [REDACTED] paid a total of \$3,400.00 in rent and approximately an additional \$361.55 in utility expenses. [REDACTED] incurred \$13,250.00 in rental expenses and approximately \$925.08 in total utility expenses from October 30, 2012 to April 2014. In total from October 29, 2012 to April 2014, [REDACTED] incurred at least \$15,872.55 in expenses - \$13,250.00 in total rent expenses, \$925.08 in total utility expenses and approximately \$1,697.47 in expenses to replace personal property damaged by flooding.

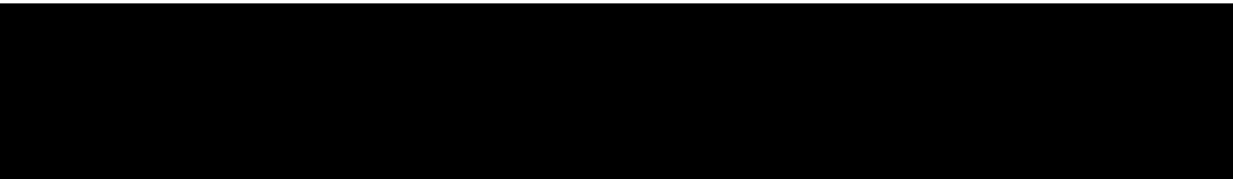
Treasury Should Accept [REDACTED]'s Request to Dispute the Alleged Debt Pursuant to I TFM 4-4040.40.

[REDACTED] requests to dispute the alleged debt held by FEMA pursuant to Volume I of the Treasury Financial Manual ("I TFM") 4-4040.40.⁴ The alleged debt is invalid because [REDACTED] was not overpaid and does not owe the alleged debt.

[REDACTED] submitted documentation for reimbursement of her personal property losses, much of which was improperly denied. In addition to the loss of her personal property, [REDACTED] incurred \$13,250.00 in total rental expenses and \$925.08 in total utility expenses. [REDACTED] has provided

⁴ I TFM 4-4040.40 (2018).

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sufficient documentation to demonstrate that she incurred expenses as allowed by the IHP in excess of the financial assistance awarded and that the alleged overpayment is invalid. In accord with I TFM 4-4040.40, [REDACTED] should be allowed to dispute the debt.

Moreover, [REDACTED] requests that Treasury allow dispute of the alleged debt due to [REDACTED] inability to pay. As aforementioned, [REDACTED] is 44 years old and was declared totally and permanently disabled by the SSA. She suffers from a multitude of chronic diseases, both physical and mental, which include: diabetes, degenerative disc disease, rheumatoid arthritis, polyneuropathy, fibromyalgia and morbid obesity. In addition, [REDACTED] was diagnosed with major depressive disorder and demonstrates several symptoms, including a history of multiple attempted suicides, sleep apnea, and difficulty with concentration and thinking.

[REDACTED] has no assets or inheritance prospects, and she is surviving on monthly SSA in the form of monthly disability benefits (SSDI) in the gross amount of approximately \$1,011.00. From this monthly \$1,011.00, Treasury deducts the offset to collect the alleged debt, leaving her only \$59.00 each month after she pays her rent. While she receives monthly food assistance from New Jersey's Supplemental Nutrition Assistance Program (SNAP) of approximately \$143.00; from the \$59.00 amount remaining after the offset, [REDACTED] must provide for additional food and other essential items, medical expenses, clothing, and other necessities as well as arrange for any transportation needed to attend her medical and other essential appointments. It is an extreme hardship to sustain herself on this amount. From time to time she had been receiving assistance from relatives or close friends to meet her basic needs, but that is not sustainable on a long term basis and is currently no longer available. Due to her inability to pay and the change in circumstances, [REDACTED] should be allowed to dispute the debt.

Treasury Should Return the Alleged Debt to FEMA Pursuant to I TFM 4-4040.50.

For the aforementioned reasons, pursuant to I TFM 4-4040.50, [REDACTED] requests that Treasury return the alleged debt to FEMA for reconsideration and recall.

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Treasury Should Terminate Collection Action of the Alleged Debt Pursuant to I TFM 4-4040.60.

For the aforementioned reasons, pursuant to I TFM 4-4040.60, [REDACTED] requests that Treasury terminate the collection action of the alleged debt and refund to [REDACTED] the entire amount collected, including fees and interest.

Treasury Should Suspend the Treasury Offset of the Alleged Debt During Review Pursuant to I TFM 4-4040.60.

For the aforementioned reasons, pursuant to I TFM 4-4040.60, [REDACTED] requests that Treasury suspend offset of the alleged debt during the review of her request to dispute the debt.

Treasury, in the Alternative, Should Suspend the Treasury Offset of the Alleged Debt Due to Inability to Pay Pursuant to I TFM 4-4040.60

In the alternative, for the aforementioned reason, pursuant to I TFM 4-4040.60, due to her inability to pay, [REDACTED] requests that Treasury suspend collection action of the alleged debt held by FEMA.

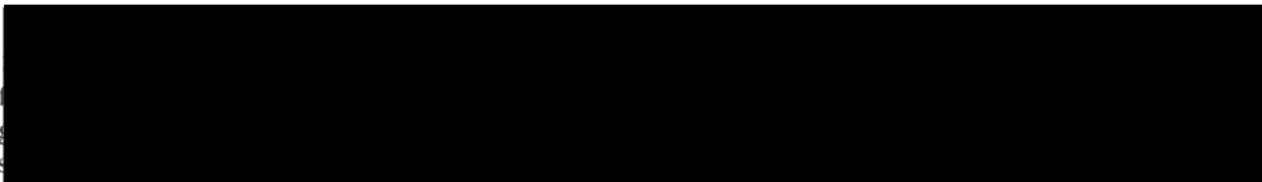
II. [REDACTED] Specifically Reserves Her Rights Without Limitation

[REDACTED] reserves all of her rights, including without limitation her rights under the Due Process Clause of the U.S. Constitution, as well as the ability to supplement her claim or avail herself of other resolution processes, filing a lawsuit or participating in any class action for which she may be eligible. This also includes availing herself of any options that may be adopted now or in the future by Treasury. [REDACTED] does not waive or surrender any rights by this request or as a condition of any outcome of this request.

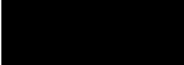

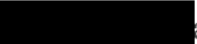

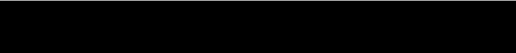
For the aforementioned reasons, [REDACTED] requests that Treasury:

1. Allow dispute of the alleged debt referred by FEMA because it is invalid pursuant to I TFM 4-4040.40;

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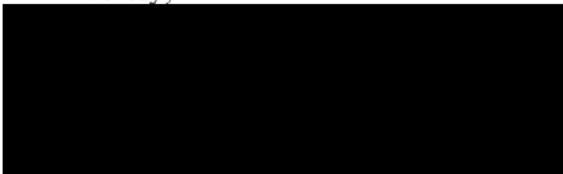


2. Return the alleged debt to FEMA for recall pursuant to I TFM 4-4040.50;
3. Terminate collection action of the alleged debt pursuant to I TFM 4-4040.60;
4. Suspend collection action of the alleged debt during the review of the disputed debt pursuant to I TFM 4-4040.60;
5. Alternatively, suspend collection action of the alleged debt due to her inability to pay and change in circumstances pursuant to I TFM 4-4040.60.

 further requests that she be provided proof of the alleged debt to include a fully copy of her Treasury file. In accord with I TFM 4-4035.40,  further requests all disclosures, debt and debtor information concerning the alleged debt.  also requests a complete copy of her entire file related to the alleged debt, including but not limited to all documentation, accounting records, file notes, auditor's notes, any information concerning (i) the alleged debt that is owed to FEMA; (ii) the assistance she received from FEMA, (iii) Treasury collection actions involving the alleged debt, (iv) the Treasury offset and (v) any other related information. This information should be sent to  at  or LSNJ at 100 Metroplex Drive at Plainfield Avenue Suite 402, P.O. Box 1357 Edison, NJ 08818-1357.

Thank you for considering this request.


Sincerely,

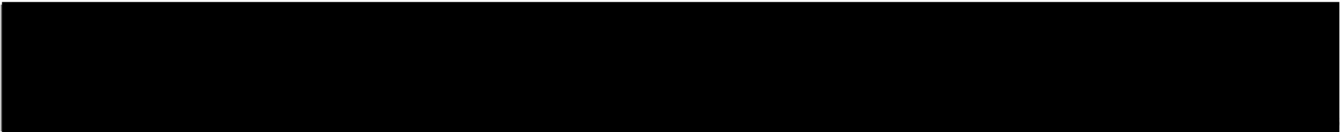


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I,  hereby declare under penalty of perjury that the foregoing is true and correct:



Signature

Date