



UNITED STATES  
CIVILIAN BOARD OF CONTRACT APPEALS

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April 24, 2026

CBCA 8833-FEMA

In the Matter of CITY OF INDEPENDENCE, MISSOURI

Dante Gliniecki, Manager, Emergency Preparedness Division, City of Independence, Independence, MO, appearing for Applicant.

Sarah Ahmadia and Christiana Cooley, Office of Chief Counsel, Federal Emergency Management Agency, Department of Homeland Security, Washington, DC, counsel for Federal Emergency Management Agency.

Before the Arbitration Panel consisting of Board Judges **LESTER**, **SHERIDAN**, and **VOLK**.

**VOLK**, Board Judge, writing for the Panel.

Applicant, the City of Independence, Missouri (the City), filed a request for arbitration (RFA) under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (Stafford Act), 42 U.S.C. §§ 5121-5207 (2018). We dismiss the RFA as untimely.

Background

The City requested \$6,935,849.80 in public assistance (PA) funding from the Federal Emergency Management Agency (FEMA) to reimburse expenditures the City incurred in responding to the COVID-19 pandemic. FEMA largely denied the request, concluding that for most of the funds requested, the City had not provided sufficient documentation linking the costs at issue to the performance of eligible COVID-19 emergency protective measures. The City submitted a first appeal to FEMA challenging the agency's denial of \$6,604,154.59 in PA, which FEMA denied.

FEMA transmitted its decision denying the first appeal to the City on December 23, 2025, and the City acknowledged receipt by email on the same day. The first appeal decision described the City’s options for further review. Specifically, the decision stated that the City had sixty days from its receipt of the decision to submit a second appeal. First Appeal Decision at 2. Alternatively, FEMA explained, the City could elect arbitration in lieu of a second appeal, provided it qualified for arbitration under the Stafford Act. *Id.* Finally, the decision stated that “[i]f the Applicant . . . does not submit a timely second appeal or request for arbitration, this decision is the final agency determination on the matter, and the Applicant will no longer be able to appeal or arbitrate the matter.” *Id.*

On Wednesday, February 26, 2026, sixty-five days after receiving the first appeal decision, the City filed its RFA at the Board. FEMA moved to dismiss the RFA as untimely.

### Discussion

To be eligible for arbitration under the Stafford Act, an applicant must request arbitration before FEMA “has issued a final agency determination.” 42 U.S.C. § 5189a(d)(5)(B). Under FEMA’s regulations, an applicant has sixty days after the date of the first appeal decision to submit a second appeal. 44 CFR 206.206(b)(2)(ii)(A) (2024). If the applicant takes no action within that sixty-day period, the first appeal decision becomes the final agency determination. *Id.* 206.206(a). Therefore, if an applicant wishes to request arbitration under the Stafford Act in lieu of a second appeal to FEMA, the applicant must submit its RFA within sixty days after the first appeal decision, before that decision becomes the final agency determination. *See, e.g., City of Pine Bluff, Arkansas, CBCA 7102-FEMA, 21-1 BCA ¶ 37,883, at 183,982.*

The City does not argue that it submitted its RFA within sixty days after its receipt of FEMA’s decision denying the City’s first appeal. Rather, the City requests that the panel “grant an enlargement of time . . . or otherwise permit the RFA to proceed.” Applicant’s Response to Motion to Dismiss at 1. The City presents four arguments in opposition to dismissal. First, the City asserts that emails exchanged between the City and the grantee—the Missouri State Emergency Management Agency—created “reasonable confusion regarding the applicable filing deadline.” *Id.* at 2. Second, the City argues that the delay was minimal and does not prejudice FEMA’s ability to respond. *Id.* Third, the City states that it acted in good faith and with diligence in preparing and submitting its RFA. *Id.* Finally, the City argues that the remedial purpose of the Stafford Act provision allowing arbitration weighs in favor of permitting the arbitration to proceed. *Id.* at 2-3.

The City’s arguments do not provide the panel with a basis to consider the City’s RFA, which was not timely filed. We do not have authority to modify the Stafford Act’s

eligibility criteria for arbitration, which include the requirement that the applicant submit its RFA before FEMA has issued a final agency determination. Confusion or miscommunication between the applicant and the grantee cannot extend the deadline to file an RFA. Although the City's RFA filing was only a few days late, arbitration was no longer available on the date the RFA was filed because the first appeal decision had already become the final agency determination.

Decision

The panel concludes that the City's RFA was untimely. The RFA is dismissed.

*Daniel B. Volk*

DANIEL B. VOLK  
Board Judge

*Harold D. Lester, Jr.*

HAROLD D. LESTER, JR.  
Board Judge

*Patricia J. Sheridan*

PATRICIA J. SHERIDAN  
Board Judge