

FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA)
National Flood Insurance Program | Federal Insurance Directorate
Appeal Decision for Appeal D15¹

POLICYHOLDERS: Redacted
POLICY NO.: Redacted

ADDRESS: Redacted
Redacted

BUILDING COVERAGE: \$250,000
PERS. PROPERTY COVERAGE: \$20,000

DATE OF LOSS: June 2023
DATE OF DENIAL: July 2023

APPEAL SUBMISSION DATE: July 2023
APPEAL ELIGIBILITY DATE: July 2023

INSURER'S DENIAL: The insurer denied coverage for asbestos testing
POLICYHOLDERS' APPEAL: The policyholders appeal the denial of coverage for asbestos testing.

RESULT: Concur with denial

BASIS FOR DECISION UNDER THE STANDARD FLOOD INSURANCE POLICY (SFIP):²

- The SFIP does not pay for the testing or monitoring of pollutants unless required by law or ordinance. (See SFIP (V)(F)). When the SFIP extends coverage, it includes the cost to test and monitor only if testing is required by law or ordinance.³
- On appeal, the policyholders stated the mitigation company performed an asbestos test prior to starting the tear out and drying process. However, the policyholders did not present any evidence to show a local or state law or ordinance required testing for asbestos prior to tear out.
- In case of the loss or request for payment, the SFIP require the policyholders to provide a signed sworn-to proof of loss with documentation that supports the loss and dollar amount requested. (See SFIP (VII)(G)(3)-(5)).
- Without written documentation from the policyholders' county that states asbestos testing is required, FEMA finds no basis to overturn the denial or request the insurer re-evaluate the claim.
- After submission of the appeal, the insurer issued an additional payment of \$5,641.08 for asbestos removal, abatement, drywall repair and paint in stairwell, and water heater repair.

Branch Chief/Examiner of Record

Policyholder Services Division Director

Delivery of this Appeal Decision concludes your appeal. 44 C.F.R. § 62.20(f)(3). If you do not agree with this decision, please refer to the SFIP for options for further action. The appeals process does not extend the one-year period to file suit against the flood insurer that began when the insurer first denied your claim in writing. 44 C.F.R. § 62.20(f)(4).

You may request a phone discussion with a FEMA flood insurance expert regarding this Appeal Decision by emailing FEMA-FI-Appeals@fema.dhs.gov and referencing the FEMA Appeal Decision number. Such discussions are for informational purposes only. FEMA will not reopen the appeal or consider new information during any phone discussion.

¹ 44 C.F.R. § 62.20. All appeal-related documents are on file with FEMA [hereinafter "Appeal File"].

² See 44 C.F.R. § 61.13 (2021); Dwelling Form available at 44 C.F.R. pt. 61 App. A(1).

³ See National Flood Insurance Program Claims Manual, Section 2: Claims Processes and Guidance, 39 Pollutants, pgs. 267-268 (Oct. 1, 2021).