



UNITED STATES
CIVILIAN BOARD OF CONTRACT APPEALS

September 11, 2014

CBCA 4086-FEMA

In the Matter of CITY OF KENNER

Michael G. Gaffney and Christopher M. Gaffney of Hurndon & Gaffney, New Orleans, LA; and Patricia S. LeBlanc of LeBlanc Butler, LLC, Metairie, LA, counsel for Applicant.

Mark Riley, Deputy Director, and Mark DeBosier, State Coordinating Officer, Governor's Office of Homeland Security and Emergency Preparedness, Baton Rouge, LA, appearing for Grantee.

Charles Schexnaildre and Richard M. Exnicios, Office of Chief Counsel, Federal Emergency Management Agency, Department of Homeland Security, Baton Rouge, LA, counsel for FEMA.

Before the Arbitration Panel consisting of Board Judges **SOMERS**, **VERGILIO**, and **WALTERS**.

The Federal Emergency Management Agency (FEMA) has filed a motion to dismiss this arbitration matter. The agency alleges that the applicant, the City of Kenner, did not properly file its request within the thirty-day time period required by regulation, 44 CFR 206.209(e). The Board concludes that the request was filed timely. The applicant has set forth its position and submitted seemingly "all documentation supporting the position of the applicant." That the submission was not fully paginated and not in binders or other useful format does not equate to non-compliance with the requirements for a timely filing.

JOSEPH A. VERGILIO
Board Judge

JERI K. SOMERS
Board Judge

RICHARD C. WALTERS
Board Judge