



## Overview of the Appeal Process For Denial of Health Condition Certification or Decertification of a Health Condition

The ***Overview of the Appeal Process for Denial of Health Condition Certification or Decertification of a Health Condition*** provides World Trade Center (WTC) Health Program members with a brief summary of the appeal process; timelines for the appeal process; information about the option to make an oral statement during the appeal review; and Frequently Asked Questions about the appeal process. If you need help in understanding the appeal process, you can call the WTC Health Program Call Center at 1.888.982.4748 Monday through Friday, 9 a.m. to 5 p.m. Eastern Time Zone. The Call Center will refer you to the appeal coordinator who can explain the appeal process and answer any questions you may have.

Questions? Contact the WTC Health Program at 1-888-982-4748 or at [WTC@cdc.gov](mailto:WTC@cdc.gov)

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### Brief Summary of Appeal Process for Denial of Health Condition Certification or Decertification of a Health Condition

Members of the WTC Health Program who have been denied certification of a health condition have the right to appeal the following four types of decisions:

- Denial of certification of a health condition as a WTC-related health condition; Denial of certification of a health condition as a health condition medically associated with a WTC-related health condition;
- Decertification of a WTC-related health condition; or
- Decertification of a health condition medically associated with a WTC-related health condition.

To appeal, you must mail or fax a written letter to the WTC Health Program's appeal coordinator within ***120 calendar days from the date on the top of the denial or decertification letter***. The request may be mailed or scanned and transmitted electronically to the Program.

#### The written request must:

- Identify the member appealing the decision;
- Describe the decision being appealed and state the reason(s) why you believe the decision is incorrect and should be reversed. The appeal request may include scientific or medical information containing factual errors, information demonstrating that the WTC Health Program did not correctly follow WTC Health Program policies and procedures, any information demonstrating that the WTC Health Program decision was not reasonable, and/or relevant new information not previously considered by the WTC Health Program; and
- Be sent to the WTC Health Program at the address specified in the notice of denial or disenrollment.

#### The written letter can also include:

- A request to make an oral statement
- A request to designate a representative

After the Program receives a valid appeal, the Administrator will appoint a Federal Official independent of the WTC Health Program to review the case. The Federal Official will review all available records and assess whether the appeal should be granted, as promptly as possible. After the review is completed, the Federal Official's recommendation on the appeal will be sent to the Administrator.

The Administrator will review the Federal Official's recommendation and any relevant information and make a final decision on the appeal. The Administrator will notify the WTC Health Program member and/or designated representative in writing of the decision and any administrative actions taken in response to the final decision. If your appeal is denied, no further consideration will be given to your appeal request by the Program and any further action would have to be pursued legally outside the administrative appeal process of the Program.

**Making an Oral Statement.** You can request the opportunity to make an oral statement to the Federal Official during the appeal review at the time you send your appeal request letter to the appeal coordinator. You can also request to make an oral statement within 14 calendar days of receiving the letter from the appeal coordinator notifying you that your appeal request was accepted. See Frequently Asked Questions for more information about how to make an oral statement to the Federal official.

**Using a Representative.** You can designate a person to represent your interests during the appeal process. You can designate a representative by sending a letter to the appeals coordinator. See Frequently Asked Questions for more information about how to designate a representative.

# Appeal Process Timeline

## Notification of Denial of Health Condition Certification



### Request an Appeal

No more than 120 calendar days after the date of the denial of health condition certification or decertification letter

If you want to appeal a denial of health condition certification or decertification, you must mail or submit an electronic copy of a written and signed letter to the WTC Health Program within 120 calendar days from the date of the denial or decertification letter.



### Notification of Whether Appeal Request is Accepted

After Appeal Request has been Received and Validated

The appeal coordinator will notify you by letter within 14 calendar days of receiving your appeal request whether your appeal request was accepted for review or not accepted for review.



### Request to Make an Oral Statement [Optional]

Within 14 Calendar Days After Receiving Appeal Review Acceptance Letter

You can request an opportunity to make an oral statement to the Federal Official in your appeal request letter or within 14 calendar days after receiving a letter notifying you of the name of the Federal official who will review your appeal.



### Oral Statement Scheduled [Optional]

Within 60 Days After Receiving Appeal Review Acceptance Letter

You will have 15 uninterrupted minutes to make your statement. After making your statement, the Federal official may ask you questions for no more than 45 minutes. The maximum commitment of time is 1 hour.



### Transcript Review [Optional]

Within 14 Calendar Days of Receiving Transcript of Oral Statement

Within 14 calendar days from the date of the appeal coordinator's letter accompanying the transcript, you must review and return the transcript of the oral statement with any corrections.



### Notification of Outcome of Appeal Review

As Promptly as Possible after Administrator Receives Federal Official's Recommendation

After the Federal Official's review is completed, the Federal Official's recommendation and any relevant information will be sent to the Administrator. The Administrator will make a final decision on the appeal and notify you of the final decision and any actions resulting from the decision.

# **Frequently Asked Questions About the Appeal Process for Denial of Health Condition Certification or Decertification of a Health Condition**

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## Appeal Request

### 1. Who may request an appeal?

Enrolled WTC responders or survivors ***denied certification of a health condition***<sup>1</sup> may request an appeal.

The term “WTC responder” refers to individuals who responded to the September 11, 2001, terrorist attacks in New York City, at the Pentagon, and in Shanksville, Pennsylvania. WTC responder also includes family members of a Fire Department of New York City (FDNY) responder who was killed on September 11, 2001. The term “WTC survivor” may include a screening-eligible survivor, where they are denied certification of a health condition as a WTC-Related Health Condition, and therefore also denied status as a certified-eligible survivor; or a certified-eligible survivor denied certification of a second health condition as a WTC-Related Health Condition.

### 2. When can I request an appeal?

If you are denied health condition certification, you will receive a letter from the WTC Health Program notifying you of the denial. You have **60 calendar days** from the date on the top of the denial letter to appeal the denial decision. Note that 60 calendar days is not counted from the postmarked date or from the date you receive the letter. The 60 calendar days is counted from the date on the top of the denial letter.

### 3. How do I request an appeal?

You must mail or fax a written letter to the WTC Health Program’s appeal coordinator. The request must be postmarked or received by fax within 60 calendar days of the date of the denial letter. If your appeal request is not postmarked or received by fax within 60 calendar days of the date of the denial letter, your request will not be considered further. Use the following mailing address or fax number to send your request to the appeal coordinator:

**Appeal Coordinator  
WTC Health Program  
P.O. Box 7000  
Rensselaer, NY 12144  
Fax: 1.404.471.8338**

### 4. What is required to be included in my appeal request letter?

The following information is *required* to be included in an appeal request letter: (1) the name, address, and contact information of the individual who is requesting the appeal; and (2) a clear statement of the reason(s) why you think the denial was wrong. For example, you can state that the denial was based on factually inaccurate information, the Program’s policies and procedures were not applied correctly to the facts of your case, or the denial was not reasonable as applied to the facts of your case. If needed, contact your Clinical Center of Excellence for information and assistance.

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<sup>1</sup> Denial of health condition certification also includes the denial of authorization for treatment of a certified health condition.

## **5. What else can I include in my appeal request letter?**

**Request An Oral Statement.** If you wish to make an oral statement to the Federal official who will review your appeal, you may ask for an opportunity to do so in writing in your appeal request letter (see **Making an Oral Statement**).

**Designate A Representative.** If you wish to designate a representative to act on your behalf, you may include your request in your appeal request letter (see **Using a Representative**).

## **6. Are there any limitations on what I can include in my appeal request letter?**

An appeal request that challenges certification requirements established in the Zadroga Act, the absence of a health condition on the List of the WTC-Related Health Conditions, or WTC Health Program policy applicable to all Program members is considered to be outside the scope of the Program's administrative appeal process. Any such challenges to certification criteria established by law, regulation, or Program policy require a broader legal, regulatory, or policy action that would be applicable to all WTC Health Program members and cannot be addressed in the appeal of an individual member. An appeal request may, however, challenge the Program's application of the certification criteria.

## **7. What happens when my appeal request is received?**

When your letter or fax requesting an appeal is received by the WTC Health Program, the appeal coordinator will examine your appeal request to ensure that it meets all of the requirements (see **Appeal Request**).

## **8. If my appeal request is accepted for review, what happens next?**

If your appeal request is accepted, the appeal coordinator will notify you by letter within 14 days of receiving your appeal request. If your appeal request is accepted, the letter from the appeal coordinator will also inform you of the name of the Federal official who will review your appeal.

## **9. What happens if my appeal request is not accepted for review?**

If your appeal request is not accepted, the appeal coordinator will notify you by letter within 14 days of receiving your appeal request. The appeal coordinator will inform you of the specific reason(s) why your appeal request was not accepted. No further consideration will be given to your appeal request by the WTC Health Program. Further consideration of your appeal request would have to be pursued outside the administrative appeal process of the WTC Health Program.

## **Appeal Review**

## **10. How will the Federal official review my appeal?**

The Federal official will review any information relevant to denial of status as a certified-eligible survivor or denial of a health condition certification available in your WTC Health Program member file and medical record, the information you provided with your appeal request as well as information presented in your oral statement, if you choose to make one.

### **11. How long will it take for my appeal to be reviewed?**

Appeals will be reviewed promptly. In the rare case that the appeal review is going to take longer than 60 calendar days from the date of the letter notifying you that your appeal request was accepted and providing you the name of the Federal official reviewing your appeal, the appeal coordinator will send you a letter providing a written explanation for the delay and an estimated date the review is expected to be completed.

### **12. How will I be informed of the final decision on my appeal?**

The appeal coordinator will send you a letter with a copy of the Federal official's final decision on the appeal and any actions taken by the WTC Health Program resulting from the Federal official's decision. For example, if your appeal of the health condition certification denial is granted, these actions could include certifying a health condition as a WTC-Related Health Condition or recognizing status as a certified-eligible survivor.

### **13. What happens if my appeal is denied by the Federal official?**

If your appeal is denied, no further consideration will be given to your appeal request by the WTC Health Program. Further consideration of your appeal request would have to be pursued legally outside the administrative appeal process of the WTC Health Program.

### **Using a Representative**

### **14. Can I designate someone to represent me during the appeal process?**

Yes. You can designate a representative to act on your behalf in the WTC Health Program, including representing your interests during the appeal process. Your designated representative can mail or fax a request for an appeal on your behalf and represent you during the appeal process.

### **15. When can I designate a representative for my appeal?**

You can designate a representative anytime, including anytime during the appeal process.

### **16. How do I designate a representative for my appeal?**

You can designate a representative by sending a letter to the appeal coordinator. In your letter, include the name, address, and contact information for the individual you designate as your representative. Mail or fax a letter to the appeal coordinator at the following address or fax number:

**Appeal Coordinator  
WTC Health Program  
P.O. Box 7000  
Rensselaer, NY 12144  
Fax: 1.404.471.8338**

**17. How will my representative be recognized by the WTC Health Program?**

The WTC Health Program will review your designation to ensure that the individual’s service does not violate any applicable laws. The appeal coordinator will send you a letter notifying you whether or not your designated representative can be recognized by the Program. If you designate a representative for the appeal process, and that representative is recognized by the Program, then all communications sent to you concerning the appeal process will also be sent to your representative.

**18. Can I have more than one designated representative at a time?**

No. You may only have one designated representative at a time.

**19. Who is my representative if I am less than 18 years old?**

If you are a family member of a Fire Department of New York City (FDNY) responder killed on September 11, 2001, or a screening-eligible or certified-eligible survivor, and are a minor (less than 18 years of age in most states), your parent or guardian may act on your behalf. If a parent or guardian will act on behalf of a minor, mail or fax a letter notifying the Program of the name, address, and contact information of the person who will act for the minor to the following address or fax number:

**Appeal Coordinator  
WTC Health Program  
P.O. Box 7000  
Rensselaer, NY 12144  
Fax: 1.404.471.8338**

***Making an Oral Statement***

**20. Can I make an oral statement during my appeal?**

Yes. You can request an opportunity to make an oral statement to the Federal official by telephone during the appeal review.

**21. When and how can I request to make an oral statement during my appeal?**

You can request the opportunity to make an oral statement during the appeal review at the time you send your appeal request letter to the appeal coordinator. Or, you can request to make an oral statement within 14 calendar days of receiving the letter from the appeal coordinator accepting your appeal for review and notifying you of the name of the Federal official who will review your appeal. Mail or fax your letter to the following address or fax number:

**Appeal Coordinator  
WTC Health Program  
P.O. Box 7000  
Rensselaer, NY 12144  
Fax: 1.404.471.8338**



## **22. How will my oral statement be scheduled?**

Following the WTC Health Program's receipt of your request to make an oral statement, the appeal coordinator will contact you by telephone to discuss and set a convenient date and time for you to make an oral statement to the Federal official. After three unsuccessful attempts by the appeal coordinator to contact you, the appeal coordinator will send you a letter explaining that the coordinator has not been able to contact you to schedule the oral statement and that your review will occur without your oral statement. The oral statement with the Federal official will be allowed by telephone conference only. If you want to allow a representative to make an oral statement in your place, you must designate the representative prior to the scheduling of the oral statement with the Federal official (see **Using a Representative**).

## **23. What can I say to the Federal official during my oral statement?**

You can make an oral statement to the Federal official about the reason(s) why you think the denial was wrong. For example, you can explain why you think the denial was based on factually inaccurate information, why you think that the Program's policies and procedures were not applied correctly to the facts of your case, or why you think the denial was not reasonable given the facts of your case.

## **24. How do I make my oral statement?**

You and/or your designated representative will have a total of 15 uninterrupted minutes to make an oral statement to the Federal official by telephone. You can share the 15 minutes with your representative, or you or your representative can use the entire 15 minutes. After you make your statement, the Federal official may engage you and/or your representative in questions, but for no longer than 45 additional minutes. The maximum commitment of time for the oral statement, including questions from the Federal official, is 1 hour.

## **25. Can I make an oral statement in a language other than English?**

Yes. Inform the appeal coordinator at the time you make your request to make an oral statement that you wish to request translation services for your oral statement. The WTC Health Program will provide translation services to you at no cost. Family members may not serve as translators.

## **26. Will the Federal official decide my appeal when I finish my oral statement?**

No. The Federal official will review all the information provided during the appeal, including your oral statement, and you will receive a final decision on your appeal in writing at a later time.

## **27. What happens if I am unable to make my oral statement at the scheduled date and time?**

A second opportunity to make an oral statement to the Federal official will be provided only if you can show that a medical emergency (or similarly serious situation) prevented you or your designated representative from being available when the oral statement was originally scheduled.

**28. Will there be a transcript of my oral statement to the Federal official for me to review?**

Yes. A written transcript of the oral statement (including any questions asked by the Federal official and responses provided to those questions) will be prepared and provided to you as soon as feasible following completion of your oral statement.

**29. Can I correct any errors I find in the transcript?**

Yes. You can correct any errors you find in the transcript. Mail or fax the corrected transcript to the following address or fax number:

**Appeal Coordinator  
WTC Health Program  
Rensselaer, NY 12144  
Fax: 1.404.471.8338**

The transcript containing your corrections must be postmarked or received by fax within 14 calendar days of the date of the appeal coordinator's letter accompanying the transcript. The corrected transcript will be provided to the Federal official reviewing your appeal.

***Getting Help***

**30. Where can I get help if I have questions about the appeal process?**

If you need help in understanding the appeal process, you can call the WTC Health Program Call Center at 1.888.982.4748 Monday through Friday, 9 a.m. to 5 p.m. Eastern Time Zone. The Call Center will refer you to the appeal coordinator who can explain the appeal process and answer any questions you may have.

**Questions? Contact the WTC Health Program at 1-888-982-4748 or at [WTC@cdc.gov](mailto:WTC@cdc.gov)**