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December 14, 2023

Via Email and U.S. Mail

Ms. Angela Gladwell
Director, Hermit's Peak/Calf Canyon Claims Office
P.O. Box 1329
Santa Fe, NM 87504
Fema-hermits-peak@fema.dhs.gov

Re: Response to your letter of December 12, 2023

Dear Ms. Gladwell,

This letter is in response to your letter of December 12, 2023.

Failure to Meet 180-Day Deadline

As of today's date, our office **has 12 clients who are now past the 180-day deadline set forth in the Act**. One of these cases received a request for additional information today, two days after the 180-day deadline expired.

Of the 116 Proof of Losses we have filed, we have only received offers on 3 cases, one of which was only a partial payment offer. In that case, multiple claims—including trees and erosion—remain outstanding.

This is particularly egregious since FEMA artificially extended the 180-day deadline by several months by refusing to accept notices of loss that were submitted. Thus, victims who submitted their notices of loss in January, and who thus should have received an offer in July, had their offer dates artificially extended by FEMA's refusal to accept the notices of loss.

Thus, while these offers are only a few days late by your calculations, in reality they are several months late.

We have been submitting claims for damages on behalf of our clients since January 2023 but did not receive a compensation offer on a single claim **until November of 2023 and, to date, we have only received offers for 3 clients, none of which include compensation for land damages.**

Extensions and 180-Day Deadline

Your statement that the "Claims Office does not direct claimants to submit extensions" is false.

We have email correspondence directly from Claims Reviewers advising us that our client's Proof of Loss cannot be processed because your office is not capable of evaluating land damages, and therefore we need to seek a 120-day extension. (See Attached Email from Doug Parden dated 12/4/23).

To advise victims that they must request four-month extensions because your office is not equipped or able to properly evaluate all of the damages and losses included on any given Proof of Loss is completely inappropriate. To then deny having done so adds insult to injury.

Failure to Hire Subject Matter Experts

The hardest thing for our clients to understand is how FEMA could have failed to hire adequate subject matter experts for damages to trees.

From the beginning, everyone has known that forestry-related experts would be required to evaluate land damages claims made by victims. Despite being well aware of this fact, your office readily admits that they waited until September of this year, nearly **one year** after your office began accepting claims related to this fire to hire **just one** forestry restoration expert, and then waited another two months after that to hire just five more experts.

We began submitting Notice of Losses containing land damages and tree losses in January 2023. As you note in your correspondence, 3,306 claims have been filed in relation to this fire. A large majority of these contain claims for land damages and tree losses. **How is possible that your office waited nearly a year to hire its first expert on this subject?**

Refusal to Communicate with Attorneys

We have repeatedly attempted to get information and clear up misunderstandings from you, the Claims Office, your general counsel, and the Advocates. However, more often than not, your office either does not respond and ignores our emails or as happened in this case, says they will get back to us and then never does.

For example, when Ms. Martinez made statements to the local newspaper that were directly contrary to the written statements made to us by your staff, we requested clarification from her. Although Ms. Martinez told us that she or the general counsel would get back to us the next day or the following week, we still have not received a response.

This makes it impossible for us to provide accurate information to our clients.

The same is true regarding the releases for partial claims. Although we have repeatedly been told that FEMA will correct them so that victims may accept a partial payment without waiving all of their rights, FEMA continues to send out improper releases.

Again, this makes it impossible for us to provide accurate information to our fire-victim clients.

Sincerely,



Gerald Singleton

Kristyne Moreno

From: Martha Ponce
Sent: Monday, December 4, 2023 9:48 AM
To: Krystle Berkstresser
Subject: FW: 00006731 Benavidez

From: Parden, Douglas (CTR) <douglas.parden@associates.fema.dhs.gov>
Sent: Monday, December 4, 2023 8:03 AM
To: Martha Ponce <mponce@singletonschreiber.com>
Subject: 00006731 Benavidez

[EXTERNAL EMAIL] DO NOT CLICK links or attachments unless you recognize the sender and know the content is safe.

Hi Martha,

My review finds the claim nearing the 150 date, we're not able to process the POL pending FEMA review of the Arborist and erosion control reports. To process the additional 120 extension request, I need an email from you requesting an additional 120-day extension. Please email back requesting the additional 120-day extension in your email, and I will process on receipt. As always thanks for your help.

Thank you,

Doug Parden
Claims Review - Contractor | Hermit's Peak/Calf Canyon Fire Claims Office
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