



UNITED STATES
CIVILIAN BOARD OF CONTRACT APPEALS

October 29, 2025

CBCA 8483-FEMA

In the Matter of TRINITY SPIRITUAL CENTER, INC.

Neelam Uppal, President of Trinity Spiritual Center, Inc., Clearwater, FL, appearing for Applicant.

Kelly Ann Kennedy, Deputy General Counsel, and Caleb Keller, Senior Attorney, Florida Division of Emergency Management, Tallahassee, FL, counsel for Grantee; and Cassie Sykes, Recovery Appeals Officer, and Melody Cantrell, Recovery Legal Liaison, Florida Division of Emergency Management, Tallahassee, FL, appearing for Grantee.

Jasmyn Allen and John Ebersole, 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**, **RUSSELL** (presiding), and **O'ROURKE**.

LESTER, Board Judge, writing for the Panel.

Applicant, Trinity Spiritual Center, Inc. (Trinity Spiritual), is a corporation based in Clearwater, Florida, organized under the laws of the state of Florida. It seeks arbitration under section 423 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (Stafford Act), 42 U.S.C. § 5189a(d) (2018), after the Federal Emergency Management Agency (FEMA) denied its request for between \$1,000,000 and \$2,000,000 in public assistance (PA) funding to repair buildings that it owns in or near Clearwater that it contends were damaged during a hurricane in 2024.

Before discussing the merits of the parties' positions in this arbitration, we address the applicant's wholly improper reliance here on fake leasehold documents, as evidenced by metadata in the documents' original electronic native format files, and the applicant's false claim at the hearing in this matter that it owns a particular non-profit—one that the United States Internal Revenue Service (IRS) recognizes as tax-exempt—in which it clearly has no interest. Were the applicant represented by counsel, the Board would have to consider the imposition of sanctions for this type of behavior. In this case, the applicant elected to be represented by its president, Dr. Neelam Uppal, rather than an attorney. Even though we generally provide self-represented parties with greater procedural leeway than those represented by counsel, that leeway does not extend to substantive evidentiary matters. We expect *all* parties, whether self-represented or represented by counsel, to act with candor, honesty, and integrity in their interactions with the Board and their presentations of evidence. We admonish the applicant for its highly improper conduct in these proceedings.

Turning to the merits of Trinity Spiritual's PA funding entitlement, FEMA has identified several bases for finding that Trinity Spiritual is not eligible for PA funding in the circumstances here. Based upon our review of the record and the testimony at the hearing, it is clear that Trinity Spiritual is not an eligible public non-profit (PNP) under FEMA's guidelines, that none of the facilities for which Trinity Spiritual seeks PA funding¹ is an eligible facility, and that Trinity Spiritual has not established that it is legally responsible for any disaster-related damage to the facilities. Any one of those defects, considered alone, preclude PA funding here, eliminating our need to evaluate FEMA's additional bases for Trinity Spiritual's PA funding ineligibility. The applicant's arguments that FEMA has engaged in racial and other forms of discrimination and improprieties in denying PA funding—unsupported by any evidence—do not change the result. Based on our *de novo* review of FEMA's policies and the evidence of record, Trinity Spiritual cannot receive PA funding, rendering its allegations of discrimination and improprieties irrelevant to the result.

¹ It is unclear whether Trinity Spiritual's original PA funding request covered one property or up to three properties. At the hearing, Trinity Spiritual requested PA funding for all three and then identified a fourth building for which it also wants funding. Without deciding which buildings are properly a part of the PA funding request before us, we will address all four identified properties in this decision.

Background

The Disaster

Between September 23 and October 7, 2024, Hurricane Helene generated strong winds, torrential rain, and tidal surge in Florida. The President declared the event a major disaster, FEMA-4828-DR-FL, on September 28, 2024.

Trinity Spiritual's Request for Public Assistance

On October 28, 2024, Trinity Spiritual submitted a request for public assistance (RPA) as a private non-profit (PNP) organization seeking PA funding for, at that time, undetermined damage associated with the disaster. Trinity Spiritual reported that it owned a facility located at 1407 Gulf to Bay Boulevard in Clearwater, Florida. *See* FEMA Exhibit 6 at 3. The applicant categorized the primary purpose of its facility as providing critical services for emergency medical care through a clinic and noncritical essential social services as a house of worship, but it did not at that time elaborate on the services that it provided. *Id.*

In support of its assertion that it was a PNP, Trinity Spiritual provided FEMA with (1) a photograph of a portion of a letter from the IRS dated April 2018 assigning Trinity Spiritual an employer identification number (EIN) and acknowledging Trinity Spiritual's application for tax-exempt status, and (2) an application to the Florida Department of Revenue for state tax exemption. FEMA Exhibits 6 at 5, 8 at 1. In the April 2018 letter that Trinity Spiritual produced, the IRS specifically noted that "[a]ssigning an EIN does not grant [federal] tax-exempt status to non-profit organizations." FEMA Exhibit 8 at 1. Both documents identified Trinity Spiritual as the party seeking tax exemption, but both used a different EIN number than the one that Trinity Spiritual identified in its RPA.

In support of its assertion that it "owns the facility" at 1407 Gulf to Bay Boulevard, Trinity Spiritual acknowledges that the actual owner of that property is a corporate entity named Bay Area Infectious Disease Center, *see* FEMA Exhibit 15, a corporation that Dr. Uppal created and incorporated in 2000, *see* FEMA Exhibit 16, but that was administratively dissolved by the Florida Department of Revenue in 2001. FEMA Exhibit 17. At the hearing in this matter, Dr. Uppal explained that Bay Area Infectious Disease Center is a deferred benefit retirement plan that invests in real estate and whose sole beneficiary is Dr. Uppal.

To establish Trinity Spiritual's interest in the property, Trinity Spiritual transmitted a document with its RPA, in the format of an editable Word document, that was titled "Commercial Office Lease Renewal Agreement" and dated May 1, 2024. *See* FEMA Exhibit

20. The agreement for the 1407 Gulf to Bay Boulevard property read, in its entirety, as follows:

This Lease Renewal Agreement (“Agreement”) is made and entered into on this 1 day of May, 2024, by and between **Bay Area Infectious Disease Center, DFP** (“Landlord”) and **Trinity Spiritual Center, Inc.** (“Tenant”) for 10 years ending on April, 30, 2034, with Automatic renewal.

1. Premises

The Landlord hereby leases to the Tenant, and the Tenant hereby leases from the Landlord, the commercial office space located at **1407 Gulf to Bay Blvd., Clearwater, Florida** (“Premises”).

2. Term

The lease renewal term will commence on May 1, 2024, and will continue on a 10 year basis unless terminated by either party according to the terms of this Agreement.

3. Monthly Rent

The monthly rent for the Premises shall be \$5,999.00, payable in advance on or before the 1st day of each month. Payments will be made to the Landlord at an address or via a method specified by the Landlord.

4. Terms and Conditions

All other terms, conditions, and covenants set forth in the original lease agreement between the parties shall remain in full force and effect, except as modified by this Agreement.

FEMA Exhibit 20 at 1. In a signature block in the document, the signatures were typed, rather than handwritten, and dated “04/01/2024,” with “S/Neelam Uppal” signing for the lessor, Bay Area Infectious Disease Center, and “S/Usha Taneja” signing for the lessee, Trinity Spiritual. *Id.* at 1-2. At the hearing in this matter, Dr. Uppal explained that Usha Taneja was her mother, who passed away on May 7, 2024.

Trinity Spiritual also provided FEMA with a second document, also in its native Word format, titled “Commercial Office Lease Renewal Agreement,” covering a different set of

properties located at 1521 and 1527 S. Missouri Avenue in Clearwater. FEMA Exhibit 19. Even though those two properties were not otherwise mentioned in the RPA, the applicant represented at the hearing that it is seeking PA funding for them here. The lease document covering the properties at 1521 and 1527 S. Missouri Avenue contained identical terms and signatures as the lease document for 1407 Gulf to Bay Boulevard.

To the extent that the documents' use of the term "lease renewal" suggests that there was some kind of predecessor lease or leases that were being "renewed," Trinity Spiritual did not provide FEMA with any other documents purporting to constitute a prior lease for 1407 Gulf to Bay Boulevard or for 1521 and 1527 S. Missouri Avenue.

FEMA's Eligibility Determination

On December 4, 2024, FEMA sent a request for information (RFI) through the grantee/recipient, the Florida Division of Emergency Management (FDEM), asking Trinity Spiritual to provide the following:

- Either (1) a ruling letter from the IRS showing it had been granted tax-exempt status under section 501(c) of the Internal Revenue Code as of the date of the disaster declaration or (2) documentation from the state of Florida substantiating that Trinity Spiritual was a non-revenue producing non-profit entity organized or doing business under Florida law as of the date of the disaster declaration;
- Documentation showing proof of ownership of three facilities that Trinity Spiritual had identified as of the date of the disaster declaration and, because Trinity Spiritual did not own the claimed facilities, legally executed lease agreements that, unlike the "lease renewal agreements" that Trinity Spiritual had provided, showed legal responsibility for repairs of the claimed facilities;
- Documentation showing what services were provided within the claimed facilities as of the date of the disaster declaration and when these services were regularly scheduled; and
- Proof of Trinity Spiritual's application to the United States Small Business Administration (SBA) for a disaster loan for repairs to the facilities.

See FEMA Exhibits 3, 4. FEMA alleges that Trinity Spiritual did not respond to the RFI. See FEMA Exhibit 6 at 3.

On January 15, 2025, FEMA issued a determination memorandum finding that Trinity Spiritual had not established that it was an eligible PNP or that it operated an eligible facility that provided a critical service or a noncritical but essential service to the public. FEMA Exhibit 6. FEMA reported that “[a] search of IRS records, for either EIN number shows no tax-exempt organization,” which indicated to FEMA “that the Applicant’s IRS recognition [had been] revoked or lapsed.” *Id.* at 5. FEMA also found no evidence that, even if Trinity Spiritual had a Florida tax exemption, it was a non-revenue-producing entity. *Id.* FEMA also determined that the two lease documents did “not prove legal responsibility for repairs, nor by the Applicant.” *Id.* FEMA concluded that “[s]ince the Applicant has not demonstrated it is an eligible PNP Applicant nor that it owned or operated a facility that provided an eligible service to the general public at the time of the disaster, it is not an eligible Applicant.” *Id.* at 6 (footnote omitted). It provided Trinity Spiritual notice of its first appeal rights. *Id.* at 6-7.

The First Appeal

On February 1, 2025, Trinity Spiritual submitted its first appeal to the grantee/recipient, the FDEM, which forwarded it to FEMA on March 24, 2025. FEMA Exhibit 2. In its appeal, Trinity Spiritual asserted that “[t]he reasons stated [for finding ineligibility] are false or fabricated based on negligence or incompetence.” FEMA Exhibit 5. It asserted that previously submitted supporting documentation had been deleted in the Grants Manager (GM) system. *Id.* It claimed that “[t]he business is active, and is non-profit,” *id.*, and, in support, it included a “Consumer’s Certificate of Exemption” issued by the Florida Department of Revenue, effective March 13, 2023, providing that Trinity Spiritual was “exempt from the payment of Florida sales and use tax on real property rented, transient real property rented, tangible personal property purchased or rented, or services purchased.” FEMA Exhibit 10. With its first appeal, it also included a general list of repair or replacement items, photographs, estimates and proposals, and various letters, including a 2022 letter from the IRS granting Trinity Spiritual an extension of time for filing its 2021 tax return (with an EIN different from the one that Trinity Spiritual had identified in its RPA). FEMA Exhibit 9. In its first appeal, Trinity Spiritual reported that “the amount requested is 1-2 million in damages.” FEMA Exhibit 5.

FEMA denied the first appeal on May 14, 2025, finding that Trinity Spiritual had not provided sufficient documentation to demonstrate that it was an eligible PNP or that it provided eligible services at the three identified facilities. FEMA Exhibit 1 at 4-6. It added that “the Applicant has not shown proof of application to the SBA for a disaster loan for an eligible facility.” *Id.* at 6. FEMA provided Trinity Spiritual with notice of its right to file a second appeal or, alternatively, to seek arbitration before the Board. *Id.* at 1-2.

Arbitration Proceedings

Trinity Spiritual filed its request for arbitration (RFA) on July 7, 2025, which the Clerk of the Board docketed as CBCA 8483-FEMA. FEMA responded to the RFA on August 6, 2025; Trinity Spiritual submitted its reply on August 25, 2025; and FEMA filed a surreply on September 24, 2025.

The Board conducted a hearing on October 16, 2025, at which Dr. Uppal was the sole witness for the applicant and Thomas Mahaffey, a program analyst for FEMA Region IV, was FEMA's sole witness. At the start of the hearing, Dr. Uppal identified a fourth property (in addition to the properties at 1407 Gulf to Bay Boulevard and 1521 and 1527 S. Missouri Avenue) located at 4850 Park Boulevard in Pinellas Park, Florida, for which it wanted PA funding. This property was not mentioned in Trinity Spiritual's RPA, FEMA's eligibility determination, the first appeal request or decision, or the RFA.

During the hearing, counsel for FEMA presented metadata from the native electronic files for the two lease documents that Trinity Spiritual had presented to FEMA relating to the properties at 1407 Gulf to Bay Boulevard and 1521 and 1527 S. Missouri Avenue. The metadata showed that, although the faces of the documents reflected a date of execution of May 1, 2024 (or April 1, 2024, based upon the date of the typed signatures), the documents were actually created by Dr. Uppal at 4:45 p.m. on November 2, 2024—four months after Hurricane Helene had hit Clearwater and several days after Trinity Spiritual had submitted its RPA. *See, e.g.*, FEMA Exhibit 22. Dr. Uppal did not explain the circumstances of the documents' creation.

At the hearing, Dr. Uppal also reported, apparently in an effort to explain references to two different EIN numbers in Trinity Spiritual's documents, that Trinity Spiritual sometimes uses the name "Trinity Temple," which has its own EIN number but is, in reality, a part of Trinity Spiritual. Through a search on the Florida Department of Revenue and IRS search engines that allow the public to identify registered tax-exempt entities, counsel for FEMA identified a "Trinity Temple, Inc." that had federal tax-exempt status but had a different EIN number than either of the two EIN numbers that Trinity Spiritual had previously identified. Dr. Uppal stated that this third EIN number was also affiliated with Trinity Spiritual and that Trinity Spiritual was entitled to rely on its federal tax-exempt status. Yet, the Trinity Temple on the IRS and Florida sites is located at a specific address in Palm Springs, Florida, not the Clearwater area; was incorporated many years before Dr. Uppal claims to have created Trinity Temple; and has a registered agent and corporate officers that do not include Dr. Uppal. When counsel for FEMA identified the registered agent and president of the "Trinity Temple" with federal tax-exempt status, Dr. Uppal stated that she did not know who that was.

In response to the Board's request at the hearing for the grantee's position on Trinity Spiritual's PA funding request, the grantee informed the Board on October 20, 2025, that it did not support it.

Discussion

I. Standards for PA Funding Eligibility

"The mission of [FEMA's PA] Program is to provide assistance to State, local, Territorial, or Tribal, and local (SLTT) governments, and certain types of [PNP] organizations so that communities can quickly respond to and recover from major disasters or emergencies declared by the President." Public Assistance Program and Policy Guide (PAPPG) (June 2020) at 17. In appropriate instances, FEMA provides PA funding to eligible PNPs for "[p]ermanent restoration of damaged facilities." *Id.* at 51. Nevertheless, not every PNP is eligible for PA funding, and not every facility that a PNP owns or operates is an eligible facility.

There are "four basic components of eligibility," PAPPG at 38, and FEMA provides PA funding *only* to eligible PNPs that meet all four of those basic components of eligibility, which are, in ascending order, an eligible applicant, an eligible facility, eligible work, and eligible costs. *Id.*; *see* 44 CFR 206.221(e)-(f), 206.222(b), 206.223(b), 206.226(c) (2024). Here, FEMA challenges Trinity Spiritual's applicant eligibility, facility eligibility, and work eligibility. It is the applicant's burden to establish that it satisfies each of these required components. PAPPG at 63-64; *see Consolidated North County Levee District*, CBCA 7244-FEMA, 22-1 BCA ¶ 38,135, at 185,236 ("[T]he burden of proving the claims by a preponderance of the evidence remains with . . . the applicant and grantee." (quoting *Bay St. Louis-Waveland School District*, CBCA 1739-FEMA, 10-1 BCA ¶ 34,335, at 169,580 (2009))).

II. Trinity Spiritual Did Not Establish Its Status as an Eligible PNP

A. Federal Tax-Exempt Status

Three types of entities are eligible to apply for and receive PA funding: (1) state and local governments; (2) Indian tribes or authorized tribal organizations and Alaska Native villages or organizations; and (3) PNPs that own or operate non-profit facilities as defined in 44 CFR 206.221(e). 44 CFR 206.222(a)-(c); PAPPG at 42-43. Trinity Spiritual claims eligibility through its status as a PNP.

Not every PNP is an eligible applicant. PAPPG at 43. There are two ways for a PNP to establish that it is eligible for PA funding:

To be an eligible PNP applicant, the PNP must show that it has:

- A ruling letter from the U.S. Internal Revenue Service that was in effect as of the declaration date and granted tax exemption under sections 501(c), (d), or (e) of the Internal Revenue Code; or
- Documentation from the State substantiating it is a non-revenue producing, nonprofit entity organized or doing business under State law.

If the organization is not required to obtain 501(c)(3) status or tax-exempt status under applicable State law, the organization must provide articles of association, bylaws, or other documents indicating that it is an organized entity, and a certification that it is compliant with Internal Revenue Code section 501(c)(3) and State law requirements.

PAPPG at 43 (footnote omitted).

Although Trinity Spiritual claims that it has a federal tax exemption recognized by the IRS, it has not provided FEMA with a ruling letter from the IRS supporting its status. Under FEMA's policy, a PNP applicant claiming that it is exempt from federal taxes must provide FEMA with "[a] ruling letter from the [IRS] that was in effect as of the declaration date and granted tax exemption under sections 501(c), (d), or (e) of the Internal Revenue Code." PAPPG at 43; *see* 44 CFR 206.221(f) (If a PNP is claiming that it holds federal tax-exempt status, it must provide "[a]n effective ruling letter from the [IRS], granting tax exemption under sections 501(c), (d), or (e) of the Internal Revenue Code of 1954."). Without a copy of a ruling letter effective as of the date of the disaster, FEMA cannot recognize the entity as an eligible PNP. *See* PAPPG at 43.

The only documentation that Trinity Spiritual provided FEMA in support of its alleged federal tax-exempt status reflects that, when it *applied* for section 501(c)(3) status in 2018, it received a federal EIN, but the EIN assignment letter expressly indicated that "[a]ssigning an EIN does not grant tax-exempt status to non-profit organizations." FEMA Exhibit 8. Trinity Spiritual also produced a letter from the IRS granting a time extension in 2022 for filing its 2021 tax return, which would support its application. FEMA Exhibit 9. It provided nothing—and certainly not the required ruling letter—to show that the IRS ever granted it tax-exempt status. Even if production of the ruling letter was not required, we could not find Trinity Spiritual to be a federal tax-exempt organization because its corporate name does not

appear on the IRS website that allows the public to identify entities with such status. FEMA Exhibit 11.² In these circumstances, FEMA was correct in rejecting Trinity Spiritual's assertions of federal tax-exempt status.

At the hearing, Dr. Uppal asserted that Trinity Spiritual, which has its own EIN, uses other names at different times to refer to itself, some of which have their own EIN numbers, but that all of those names belong to and are associated with Trinity Spiritual. She asserted that there is an EIN for "Trinity Temple," one of Trinity Spiritual's commonly used names, and that it also has a third EIN under another corporate name. On the IRS and Florida search engines for identifying non-profit tax-exempt entities, FEMA located a federal tax-exempt non-profit named "Trinity Temple, Inc.," with a different EIN than any of the EINs that Trinity Spiritual identified, but that corporation, which was incorporated in 1995 (many years before Trinity Spiritual was incorporated), is based in West Palm Beach, Florida, rather than the Clearwater area, and its list of registered officers, as identified in the Florida search engine, does not include Dr. Uppal. At the hearing, though, when counsel for FEMA asked her about the EIN number for that "Trinity Temple" entity, Dr. Uppal claimed that EIN as hers, even though she did not know the people listed as its corporate officers and registered agent in the Florida search engine, and suggested that the IRS tax exemption associated with that "Trinity Temple" should be attributable to "Trinity Spiritual." Putting aside questions about whether Dr. Uppal has any association with the "Trinity Temple" that has federal tax-exempt status,³ separate corporations are viewed as separate and distinct entities, even if they are related or if one corporation is the parent of the other. *Marquardt Co. v. United States*, 822 F.2d 1573, 1579 (Fed. Cir. 1987). The allegation that "Trinity Spiritual," as a corporate entity, might have some relationship with a separate corporation named "Trinity Temple"

² During the hearing, Dr. Uppal acknowledged that Trinity Spiritual is not listed on the IRS website, but she represented that an IRS employee at a call center had told her that its absence from the site was a mistake—that Trinity Spiritual was actually tax-exempt but for some technical reason will not show up as recognized in the IRS public search engine—and that we should ignore the absence of Trinity Spiritual's name there. In the absence of a copy of the IRS ruling letter, we have no basis for accepting an applicant's otherwise unsupported representation about a matter that should be easily provable.

³ An Internet search for "Trinity Temple" found a website for "a local church in Palm Springs, FL," that has the same address as that listed for "Trinity Temple" in the Florida Department of Revenue search engine for identifying tax-exempt non-profits and is in the same city listed for "Trinity Temple" in the IRS search engine. See <https://www.faithstreet.com/church/trinity-temple-palm-springs-fl> (last visited Oct. 27, 2025). The properties associated with Trinity Spiritual are located in or near Clearwater, not in Palm Springs.

does not mean that Trinity Spiritual can claim Trinity Temple's federal non-profit status or mix and match rights and obligations between the two. Here, the application for disaster relief was submitted by "Trinity Spiritual," not "Trinity Temple," and it is Trinity Spiritual that must establish all of the elements necessary for it to obtain FEMA disaster relief. Any non-profit status that Trinity Temple enjoys is irrelevant to Trinity Spiritual's effort to qualify as an eligible PNP.

B. State Tax-Exempt Status

If an applicant cannot produce a ruling letter from the IRS showing federal tax-exempt status, it may still qualify as an eligible PNP by providing "[d]ocumentation from the State substantiating it is a non-revenue producing, nonprofit entity organized or doing business under State law." PAPPG at 43; *see* 44 CFR 206.221(f) (requiring "[s]atisfactory evidence from the State that the nonrevenue producing organization or entity is a nonprofit one organized or doing business under State law"). Here, Trinity Spiritual provided FEMA with a copy of its state "Consumer's Certificate of Exemption," showing Trinity Spiritual's exemption "from the payment of Florida sales and use tax on real property rented, transient real property rented, tangible personal property purchased or rented, or services purchased." FEMA Exhibit 10. Further, Florida's non-profit corporation search engine identifies Trinity Spiritual as an active "Florida Not for Profit Corporation" originally incorporated in 2018, even if it does not identify Trinity Spiritual's EIN but instead, seven years after incorporation, still lists Trinity Spiritual's EIN as "Applied For." *See* <https://search.sunbiz.org/Inquiry/CorporationSearch/SearchResultDetail?inquirytype=EntityType&directionType=Initial&searchNameOrder=TRINITYSPIRITUALCENTER%20N180000040610&aggregateId=domnp-n18000004061-b0dbace3-58f7-4d8d-90a6-dbdb26d2cbb5&searchTerm=trinity%20spiritual&listNameOrder=TRINITYSPIRITUALASSOCIATION%207130070> (last visited Oct. 28, 2025).

Trinity Spiritual asserts that, because it qualifies as a Florida non-profit, it has satisfied FEMA's definition of an eligible PNP. Both FEMA's regulations and the PAPPG, however, include in the definition of an eligible PNP a requirement that, if the PNP possesses state but not federal non-profit tax-exempt status, the PNP must be "a non-revenue producing . . . entity." PAPPG at 43; *see* 44 CFR 206.221(f). Dr. Uppal's testimony at the hearing and the evidence in the record make clear that Trinity Spiritual is not "a non-revenue producing . . . entity." Until Hurricane Helene, it rented at least two of the properties for which it allegedly was responsible to a private vendor in exchange for rent payments, and it collected payments from clients and patients for spa and medical services that it provided them. *See, e.g.,* FEMA Exhibit 12 (screenshot of Trinity Spiritual's website advertising anti-aging serum and spa services at identified prices). Because Trinity Spiritual does not satisfy the

non-revenue producing requirement for non-profits that are recognized only at the state level, it does not qualify as a PNP eligible for FEMA disaster relief.

III. Trinity Spiritual Did Not Establish That Any of the Four Facilities Are Eligible

In addition to establishing itself as an eligible PNP, an applicant must also establish that it “owns or operates an eligible facility.” PAPPG at 43; *see* 44 CFR 206.222(b). “[A]n eligible facility is one that,” at the time of the disaster, was providing (1) “a critical service, which is defined as education, utility, emergency, or medical,” or (2) “a noncritical, but essential social service AND provides those services to the general public.” PAPPG at 43. Trinity Spiritual asserts that it provides both a critical service (medical services) and a noncritical essential service (as a house of worship).

Three of the four buildings for which Trinity Spiritual seeks PA funding are easily addressed. At the hearing, Dr. Uppal represented that, at the time of the disaster, the buildings at 1521 and 1527 S. Missouri Avenue were being rented by a private business that provided Tarot card readings. Those buildings plainly were not being used by a PNP to provide critical or noncritical essential services at the time of the disaster and, therefore, are not eligible facilities. Dr. Uppal also represented that the property at 4850 Park Boulevard, which she identified for the first time at the hearing, was being used for residential purposes in October 2023, after which time there was a fire at the property that rendered it uninhabitable. Although it is unclear when the fire occurred (whether prior to or after the July 2024 disaster), Dr. Uppal did not represent, much less provide evidence, that there was a change in the use of the property prior to the July 2024 disaster. Whether the property was being used as a residence or was empty because of a fire in July 2024, the salient point for our purposes here is that it was not being used by a PNP to provide critical or noncritical essential services at the time of the disaster. It therefore is not an eligible facility.

With regard to the property at 1407 Gulf to Bay Boulevard, Dr. Uppal represented that part of the building was being used at the time of the disaster for providing medical and spa services and that the other part was used for meditation—that is, for both a critical service (as a medical facility) and an essential noncritical service (as a house of worship). “In cases where the facility provides multiple services, such as a community center, FEMA reviews [documentation] to determine the primary service that facility provides.” PAPPG at 44. More specifically, the applicant must provide “[p]roof of the established purpose of the facility with documentation (required), such as: . . . U.S. Internal Revenue Service documentation; . . . [p]re-incident charter, bylaws, and amendments; or . . . [e]vidence of longstanding, routine (day-to-day) use (e.g., a calendar of activities).” PAPPG at 48. Further, in evaluating whether a particular facility is eligible for PA funding, the applicant must provide adequate documentation to allow FEMA to determine such eligibility. *See*

PAPPG at 63 (“The Applicant is responsible for providing this information and documentation to support that its facilities, work, and costs are eligible based on the applicable laws, regulations, EOs, and policies.”).

In this case, virtually all evidence about the critical and noncritical services that Trinity Spiritual provided at 1407 Gulf to Bay Boulevard came through oral representations. Although Trinity Spiritual’s articles of incorporation identify “spiritual services and healthcare services” as the company’s “specific purpose,” there are no documents in the record from which FEMA could identify whether the *primary* purpose of the facility was medical services (a critical service) or spiritual services (a noncritical service). Here, though, we need not define which was the primary purpose. There are no past schedules, pamphlets, advertising, or calendars of events showing scheduled meditation sessions open to the public, scheduled medical services, or public events. The only evidence of Trinity Spiritual’s public presence is an October 14, 2025, screenshot of a Trinity Spiritual Facebook page that lists nothing about its activities. Applicant’s Unnumbered Exhibit (filed Oct. 14, 2025). There is insufficient documentation from which FEMA could evaluate whether the building’s use rendered it an eligible facility, whether it be for critical or for noncritical services. “If the Applicant does not provide sufficient documentation to support its claim as eligible, FEMA cannot provide PA funding for the work.” PAPPG at 64; *see* FEMA Exhibit 13 (Second Appeal Analysis, *Saving the Sunshine State, Inc.*, 4673-DR-FL (July 1, 2024) at 4 (“Neither the Applicant’s Articles of Incorporation, membership agreements, pamphlet defining public housing, nor statement regarding the geographic area median income, without additional supporting documentation, demonstrate the Applicant provides a noncritical but essential social service . . . that would make the Applicant eligible for PA funding.”)). Trinity Spiritual did not establish that 1407 Gulf to Bay Boulevard is an eligible facility.

IV. Trinity Spiritual Did Not Establish Its Legal Responsibility for Repairs

“To be eligible, work must be the legal responsibility of the Applicant requesting assistance.” PAPPG at 52; *see* 44 CFR 206.223(a)(1), (3) (“To be eligible for financial assistance, an item of work must . . . [b]e the legal responsibility of an eligible applicant.”). “To determine legal responsibility for Permanent Work, FEMA evaluates whether the Applicant claiming the costs had legal responsibility for disaster-related restoration of the facility at the time of the incident based on ownership and the terms of any written agreements (such as for facilities under construction, leased facilities, and facilities owned by a Federal agency).” PAPPG at 52.

As evidence of its legal responsibility for repairs at the facilities, Trinity Spiritual presented FEMA with two virtually identical typed leases—one for the property at 1407 Gulf to Bay Boulevard and the other for the two properties at 1521 and 1527 S. Missouri

Avenue—titled “Commercial Office Lease Agreement Renewal.” FEMA Exhibits 19, 20. Trinity Spiritual produced these documents to FEMA in an editable Word format. It did not produce any lease or ownership papers for the property at 5840 Park Boulevard.

As discussed above, the owner of the property at 1407 Gulf to Bay Boulevard is “Bay Area Infectious Disease Center.” FEMA Exhibit 16. Dr. Uppal explained at the hearing that it is a defined benefit retirement plan that owns real estate properties and that she is both its trustee and its sole beneficiary.

The other three properties at issue—at 1521 and 1527 S. Missouri Avenue and 5840 Park Boulevard—are owned by either Bay Area Infectious Disease Center or what Dr. Uppal identified as “Sheena Trust,” a trust that she explained was created for the benefit of her children and for which she is the trustee.

Because Trinity Spiritual produced no documents showing that it has any legal responsibility for the building at 5840 Park Boulevard, it has failed to satisfy its burden of establishing its legal responsibility for that property. *See* PAPPG at 53 (requiring production of lease agreement to show legal responsibility for leased property).

Focusing on the remaining three properties, the two lease agreements, on their faces, raise red flags about their enforceability and their transfer of repair obligations to Trinity Spiritual. The leases purport to be signed on behalf of Trinity Spiritual, as the lessee (with a typed rather than written signature), by Dr. Uppal’s mother and on behalf of the lessor, Bay Area Infectious Disease Center, by Dr. Uppal herself. In other circumstances, we would investigate Florida law to see if such a lease, which plainly is not an arms-length transaction given Dr. Uppal’s ownership and control of *both* parties to the leases, could be in any way enforceable. Even if enforceable, neither lease contains any terms that address damage to the buildings. Under FEMA policy, “[i]f the lease does not specify either party as responsible [for destruction or damage caused by an Act of God], FEMA considers the owner of the facility legally responsible for the costs to restore the facility.” PAPPG at 53. Trinity Spiritual has not identified any reason for disregarding that policy here, meaning that Bay Area Infectious Disease Center, not Trinity Spiritual, would be responsible for Hurricane Helene damage.

We do not have to conduct such analyses in this situation, however, because FEMA established at the hearing that both lease documents that Trinity Spiritual produced were created *after* the disaster at issue but made to look as though they had been executed pre-disaster. That is, they are fake. Although these documents purport to be dated May 1, 2024 (with signatures purportedly from April 1, 2024), *see* FEMA Exhibits 16, 17, counsel for FEMA pulled out the metadata from the two lease agreement Word documents, which

show that the documents were created by Dr. Uppal at 4:45 p.m. on November 2, 2024, FEMA Exhibit 22, four months after Hurricane Helene hit the Clearwater area. They clearly were not in effect at the time of the disaster. An applicant cannot create evidentiary documents, including a backdated lease agreement, after a disaster to create an entitlement to FEMA disaster funding. Because Trinity Spiritual presented nothing other than the two fake lease agreements to establish that it had any rights or obligations relating to the properties at issue here at the time of the disaster, it has failed in its burden of proof.

V. Trinity Spiritual's Allegations of Racial and Other Forms of Discrimination

In its reply brief, Trinity Spiritual asserted that FEMA's denial of Trinity Spiritual's PA funding request and its responses in these proceedings "constitute[] fraud upon the Court and the public, in violation of [the applicant's] Fifth Amendment due process rights" and that FEMA's "actions amount to weaponization of federal power against a political candidate, contrary to Executive Order 14147 (202[5]) and fundamental principles of equal protection and fair treatment." Applicant's Reply Brief (Aug. 25, 2025) at 1.⁴ In its reply brief, Trinity Spiritual also asserted that FEMA "has acted in bad faith by disregarding clear evidence of eligibility and damage" and, at the hearing, added that FEMA likely was guided in its PA funding denial by racial and other forms of discrimination.

Trinity Spiritual cites no actual evidence in support of its allegations. Even if it had, any improprieties in FEMA's review would not affect the result in this matter. "[I]n this type of arbitration, we are not deferentially reviewing FEMA's [eligibility] decision for abuse of discretion, but instead review matters de novo without deference to FEMA's prior findings." *Roman Catholic Church of the Archdiocese of New Orleans*, CBCA 5549-FEMA, 18-1 BCA ¶ 37,089, at 180,562; see *University of Southern California*, CBCA 8121-FEMA, 24-1 BCA ¶ 38,695, at 188,125. As part of a de novo review, we must "make an independent determination of the issues," *United States v. First City National Bank of Houston*, 386 U.S. 361, 368 (1967), and "it is the [Board's] judgment, not [FEMA's], that finally determines whether" the applicant is eligible for PA funding. *Id.* at 369. The tribunal "looks anew" and "takes a fresh look" at the available evidence to identify the proper result. *Aerts v. Prudential Life Insurance Co. of America*, No. 04-PC-0978, 2005 WL 8153034, at *6 (E.D. Wis. Nov. 28, 2005); see *Yasko v. Reliance Standard Life Insurance Co.*, 53 F. Supp. 3d 1059, 1063 (N.D. Ill. 2014) (Under de novo review, the tribunal "is to make an independent decision about benefits."). Because of the nature of de novo review, it "mak[es] prior review by FEMA not of absolute importance." *Roman Catholic Church*, 18-1 BCA at 180,562.

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Dr. Uppal represented at the hearing that she is running for political office.

To the extent that there could be any impropriety or improper influence in FEMA's review, our de novo review of the evidence eliminates any resulting prejudice. We deny Trinity Spiritual's request for PA funding not because of any deference to FEMA's prior determination but because, based on the evidence of record, Trinity Spiritual has not established its eligibility for PA funding.

VI. FEMA's Additional Arguments

In its briefing, FEMA raised additional reasons that Trinity Spiritual and/or its facilities are not eligible for PA funding: (1) that Trinity Spiritual had not established that it requested a Small Business Administration (SBA) loan, as required by 42 U.S.C. § 5172(a)(3)(A) (as implemented on pages 57 and 58 of the PAPPG) for PNPs offering noncritical essential services; and (2) that Trinity Spiritual did not establish the pre-disaster condition of its facilities in a manner that would allow FEMA to determine whether its claimed damages were caused by the disaster rather than by pre-existing conditions. Because we have already found that Trinity Spiritual is not eligible for PA funding, we need not analyze these additional bases for denying Trinity Spiritual's PA funding request.

Decision

Trinity Spiritual has not established eligibility for PA funding. Accordingly, its request for PA funding is denied.

Harold D. Lester, Jr.

HAROLD D. LESTER, JR.
Board Judge

Beverly M. Russell

BEVERLY M. RUSSELL
Board Judge

Kathleen J. O'Rourke

KATHLEEN J. O'ROURKE
Board Judge