



UNITED STATES
CIVILIAN BOARD OF CONTRACT APPEALS

August 12, 2026

CBCA 8350-FEMA

In the Matter of BOARD OF TRUSTEES OF BAY MEDICAL CENTER

Wendy Huff Ellard of Baker, Donelson, Bearman, Caldwell & Berkowitz, PC, Jackson, MS; Chris Bomhoff of Baker, Donelson, Bearman, Caldwell & Berkowitz, PC, Fort Lauderdale, FL; and Robert C. Jackson of Hand Arendall Harrison Sale, LLC, Panama City, FL, counsel for Applicant.

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

Christiana Cooley, Office of Chief Counsel, Federal Emergency Management Agency, Department of Homeland Security, Washington, DC and Emanuel Rier Soto, Office of Chief Counsel, Federal Emergency Management Agency, Department of Homeland Security, Guaynabo, PR, counsel for Federal Emergency Management Agency.

Before the Arbitration Panel consisting of Board Judges **LESTER, RUSSELL, and SHERIDAN.**

In a letter dated July 31, 2026, the applicant, Board of Trustees of Bay Medical Center, requested clarification on whether the panel's March 12, 2026, decision "disturbs FEMA's prior finding that an additional \$362,441.90 is eligible for Public Assistance as detailed in" FEMA's May 9, 2025, letter regarding the agency's revised arbitration cost estimate submitted to the panel chair. In its letter, FEMA stated:

Pursuant to the Board's Order dated May 5, 2025, FEMA respectfully submits [a] revised arbitration cost estimate . . . totaling \$407,383.05 for the repairs to the Applicant's five Core I medical buildings at issue in this matter. As explained below, the estimate adds \$362,441.90 in eligible costs, including \$207,658.77 in Part A costs and \$194,020.02 in Parts B through H costs.

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As FEMA explained in its April 25, 2025, Response Brief, the 2019 and 2021 site inspection reports for the Core I facilities do not support the Applicant's requested work and costs of \$16M. The increased amounts are the result of newly-provided interior damage assessments (RFA Exs. 36-41, dated Oct. 2018)—performed approximately two weeks after the incident—and detailed architectural plans. . . . The Applicant provided these new documents to FEMA on April 11 and April 18, 2025. A review of the documents by FEMA's subject matter expert (SME) showed that the new documents validate additional disaster-related interior damages not captured in previously-approved versions of the project.

In its first appeal determination dated December 10, 2024, FEMA limited its reimbursement for the applicant's claimed damage to \$44,941.15. However, as explained in its May 9, 2025, letter, FEMA added \$362,441.90 in eligible costs based on its review of additional documents provided by the applicant during the pendency of this arbitration proceeding. As noted above, FEMA concluded that "[a] review of the documents by FEMA's subject matter expert (SME) showed that the new documents validate additional disaster-related interior damages not captured in previously-approved versions of the project." Based on this review, FEMA determined that the applicant is entitled to \$362,441.90 in public assistance funding in addition to the \$44,941.15 that FEMA had awarded in its first appeal determination. FEMA conceded that this amount (\$44,941.15 plus \$362,441.90) is due based on its own evidentiary review. The panel makes clear herein that its decision of March 12, 2026, does not disturb FEMA's own determination (or concession) that these amounts are due to the applicant.

Beverly M. Russell
BEVERLY M. RUSSELL
Board Judge

Harold D. Lester, Jr.

HAROLD D. LESTER, JR.

Board Judge

Patricia J. Sheridan

PATRICIA J. SHERIDAN

Board Judge