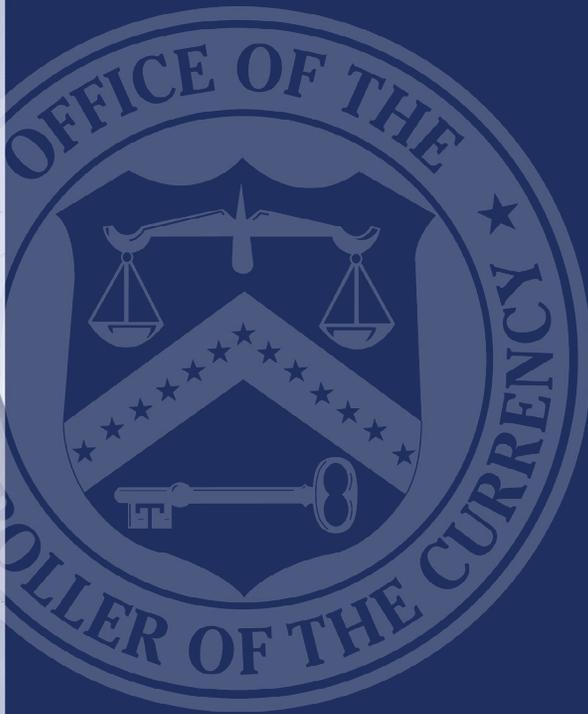


# Appeals Process for National Banks and Federal Savings Associations



November 2020

## Fair, Accessible, Reasonable

**T**he Office of the Comptroller of the Currency (OCC) appeals process for national banks and federal savings associations (collectively, banks) provides an independent, fair, and binding means of resolving disputes arising during the supervisory process; helps ensure the most sound supervision decisions possible; and promotes open, continuous communication between banks and the OCC.

The OCC encourages early, informal resolution of concerns, but when disputes cannot be resolved informally or through the supervisory appeals process, the OCC Ombudsman provides an independent and objective review to determine whether supervisory decisions are reasonable based on available facts.

The OCC Ombudsman, who reports directly to the Comptroller of the Currency and operates outside of bank supervision, ensures that bankers have access to the appeals process and that appeals are reviewed fairly according to existing standards.

The OCC Ombudsman, with the consent of the Comptroller, may supersede any OCC decision or action during the resolution of an appealable matter.

The process works for financial institutions of all sizes and degrees of complexity supervised by the OCC.

### About the Appeals Process

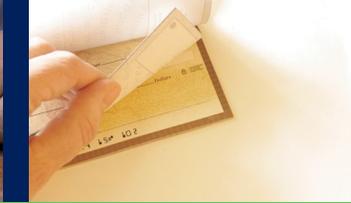
OCC Bulletin 2013-15 details the appeals process and is available at [www.occ.gov/bankappealsbulletin](http://www.occ.gov/bankappealsbulletin).

Answers to frequently asked questions about the appeals process are available at [www.occ.gov/bankappealsfaqs](http://www.occ.gov/bankappealsfaqs).

Summaries of appeals decisions are available at [www.occ.gov/topics/dispute-resolution/bank-appeals/summaries/index-summaries.html](http://www.occ.gov/topics/dispute-resolution/bank-appeals/summaries/index-summaries.html).

A report highlighting Ombudsman appeals in the last five years is available at [www.occ.gov/publications/publications-by-type/other-publications-reports/pub-ombuds.pdf](http://www.occ.gov/publications/publications-by-type/other-publications-reports/pub-ombuds.pdf).

Matters that may not be appealed include appointments of receivers or conservators, preliminary examination conclusions, formal enforcement-related actions or decisions, formal or informal rulemaking, disclosures related to the Freedom of Information Act, and decisions subject to judicial review.



## What Bankers Should Know

**T**he OCC encourages bankers to discuss policies, decisions, or actions that may develop into appealable matters with assigned examiners, their management (Examiners-in-Charge, Assistant Deputy Comptrollers, or Deputy Comptrollers), or the OCC Ombudsman before matters become subject to a formal appeal. The OCC Ombudsman can help bankers better understand existing standards and guidance before they file appeals.

An appeal is informal if submitted in writing to the bank's local supervisory office within 10 days of receipt of a final written agency decision. The bank may appeal several types of supervisory decisions, including examination ratings, adequacy of loan loss reserves, and loan classifications. Within 10 days of receiving the bank's appeal, the supervisory office provides a written decision to the bank. If it is dissatisfied with the decision, the bank may file a formal appeal with the Deputy Comptroller for the local supervisory office or directly with the Ombudsman.

Regardless of whether it submitted an informal appeal, a bank may submit a formal appeal to its assigned Deputy Comptroller or the Ombudsman without fear of reprisal. The bank must file the formal appeal within 60 days of receipt of the final written supervisory decision.

The bank President or Chief Executive Officer must sign the formal appeal and submit it directly to the OCC Ombudsman or to the Deputy Comptroller. The appeal submission must include the board's approval of the action.

The OCC determines whether a matter is appealable within seven calendar days. Written conclusions are generally issued within 45 calendar days of appeal acceptance. If a bank disagrees with a formal appeal decision made by the Deputy Comptroller, it may make a second-tier appeal to the OCC Ombudsman.

Bankers can submit questions about the process by calling (202) 649-5530.

## What Examiners Should Know

**T**he OCC's appeals process reinforces existing standards and guidance that bank examiners use each day in supervising institutions.

Examiners can be assured that fair, impartial review of appeals supports reasonable decisions based on available facts.

Lessons learned through the appeals process identify opportunities to improve bank supervision.

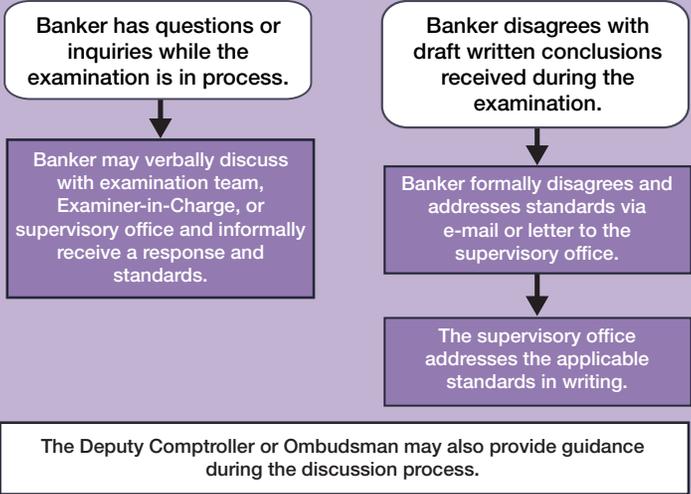
Examiners should inform bank management of the appeals process and encourage bankers to discuss concerns early. Informal, early discussions between the bank and supervisory management (Examiners-in-Charge, Assistant Deputy Comptrollers, or Deputy Comptrollers) or the OCC Ombudsman can eliminate miscommunication, promote understanding, and resolve disputes amicably before the disputes become formal appeals.

The supervisory office must submit written responses and relevant OCC documents to the Ombudsman or responsible supervisory official within 10 calendar days of the request during an appeal.

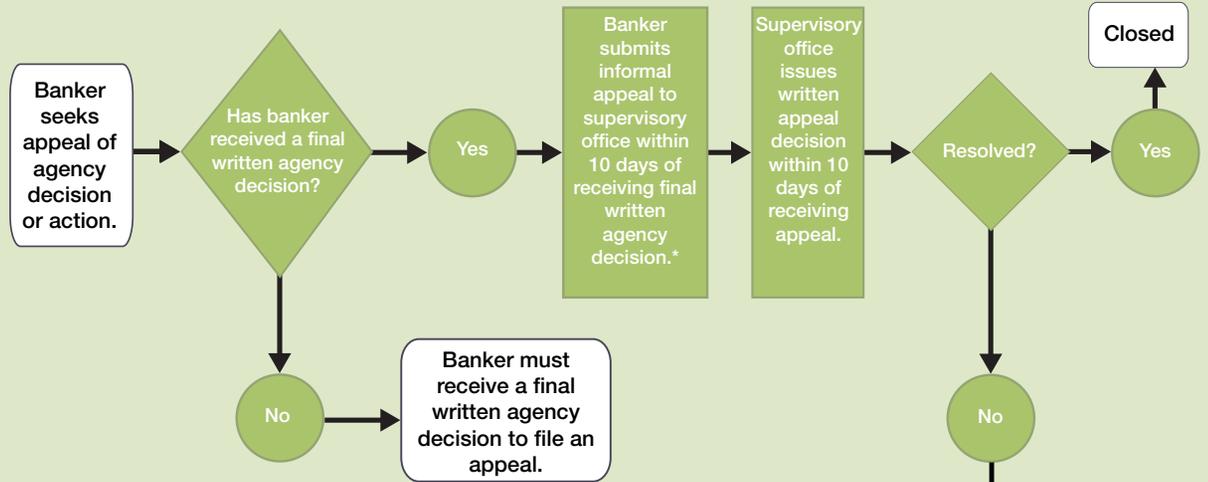
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Office of Enterprise Governance and the Ombudsman  
Office of the Comptroller of the Currency  
Washington, DC 20219  
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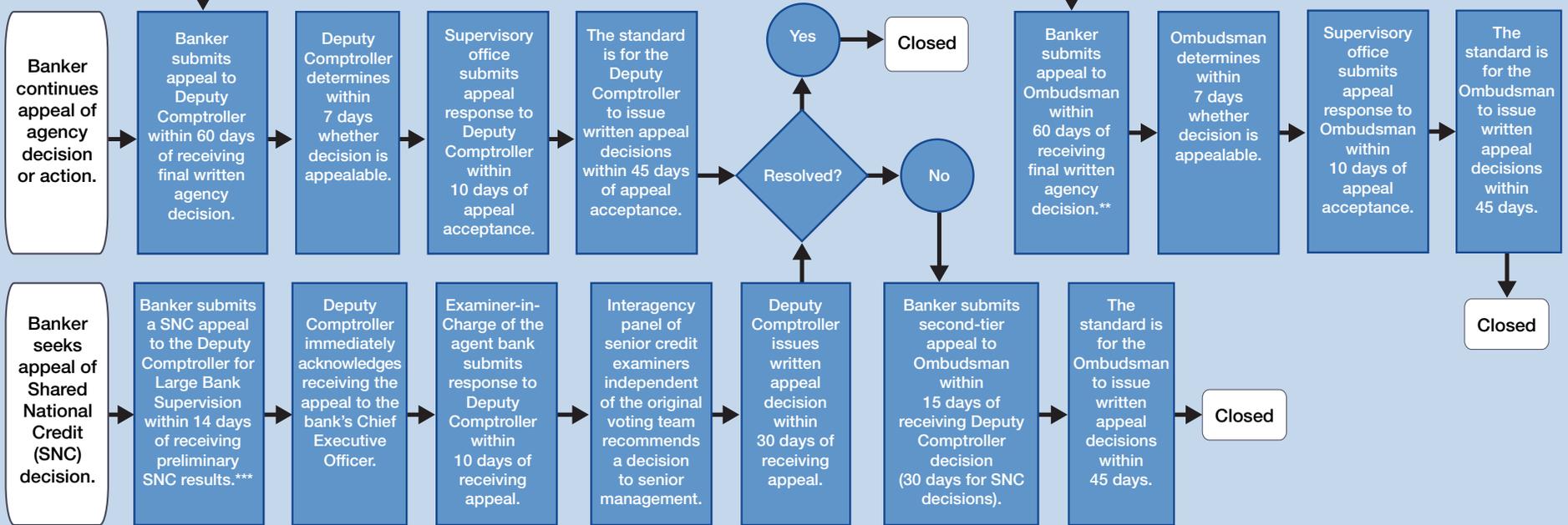
### Phase I: Discussion Process



### Phase II: Informal Appeals Process



### Phase III: Formal Appeals Process\*\*



Note: All time frames are stated as calendar days.

\* Fair-lending decisions must be appealed to the Ombudsman within 15 days of the agency's notification.

\*\* Following the final written agency decision, the banker may file a formal appeal with the Deputy Comptroller or the Ombudsman directly, without first filing an informal appeal.

\*\*\* Agent bank shall file an appeal within 14 days of notification by the Examiner-in-Charge of the preliminary disposition of the credit. A participant bank can appeal either through the agent bank or on its own within 14 days of receiving the preliminary SNC results from the agent bank. If the agent bank does not provide preliminary results, participant banks may file an appeal within 14 days of receiving the official SNC results from the primary regulator.