



Comptroller of the Currency
Administrator of National Banks

US Department of the Treasury

What Bankers Should Know

The 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 Ombudsman before they become subject to a formal appeal. The Ombudsman can assist bankers to understand existing standards and guidance before they file appeals.

Appeals are informal until an agency decision is delivered. Once an agency decision is issued on a matter, a national bank may seek a formal appeal, without fear of reprisal, of any appealable agency decision or action, including examination ratings, adequacy of loan loss reserves, and loan classifications significant to the bank.

Bank presidents or chief executives must sign appeals and submit them directly to the Ombudsman or to the Deputy Comptroller representing the OCC supervisory office overseeing that bank.

The OCC will determine if the matter is appealable generally within 5 calendar days and typically rules on appeals within 45 calendar days of accepting an appeal.

If a banker disagrees with an appeal decision made by supervisory channels, it may further appeal to the Ombudsman within 30 calendar days of receiving the decision.

Bankers can submit questions about the process by calling (202) 874-1530.

What Examiners Should Know

The National Bank Appeals Process reinforces existing standards and guidance that national bank examiners use each day in supervising national banks.

Examiners can be assured that fair, impartial review of appeals will support reasonable decisions based on available fact according to existing standards and guidance.

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 with supervisory management (Examiners-in-Charge, Assistant Deputy Comptrollers, or Deputy Comptrollers) or the Ombudsman eliminate miscommunication, promote understanding, and resolve disputes amicably before becoming formal appeals.

Examiners and OCC officials 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.

Office of the Ombudsman
Office of the Comptroller of the Currency
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National Bank APPEALS

*Ensuring a safe and sound
national banking system
for all Americans*

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Fair, Accessible, Reasonable

The National Bank Appeals Process 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 among banks and the OCC.

The OCC encourages early, informal resolution of concerns, but when disputes cannot be resolved informally, the Ombudsman provides an independent and objective review to determine if 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 appeal 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 community banks as well as large banks.

About the Process

OCC Bulletin 2002-9 details the appeals process and is available at <http://www.occ.gov/ftp/bulletin/2002-9.pdf>.

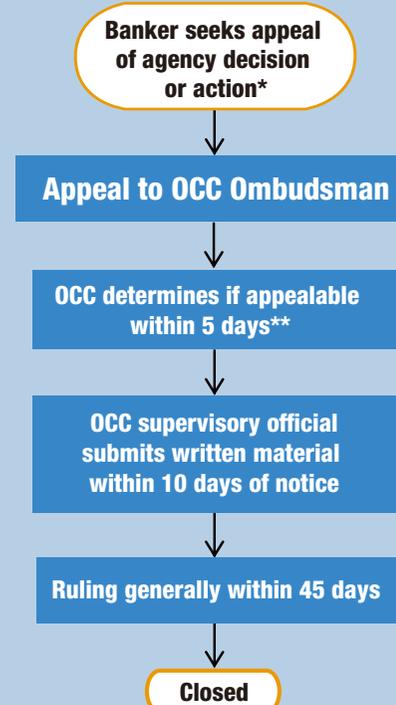
Answers to frequently asked questions about the process are available at <http://www.occ.gov/NationalBankAppealsFAQ.htm>.

Summaries of appeal decisions are available at <http://www.occ.gov/NationalBankAppealsSummaries.htm>.

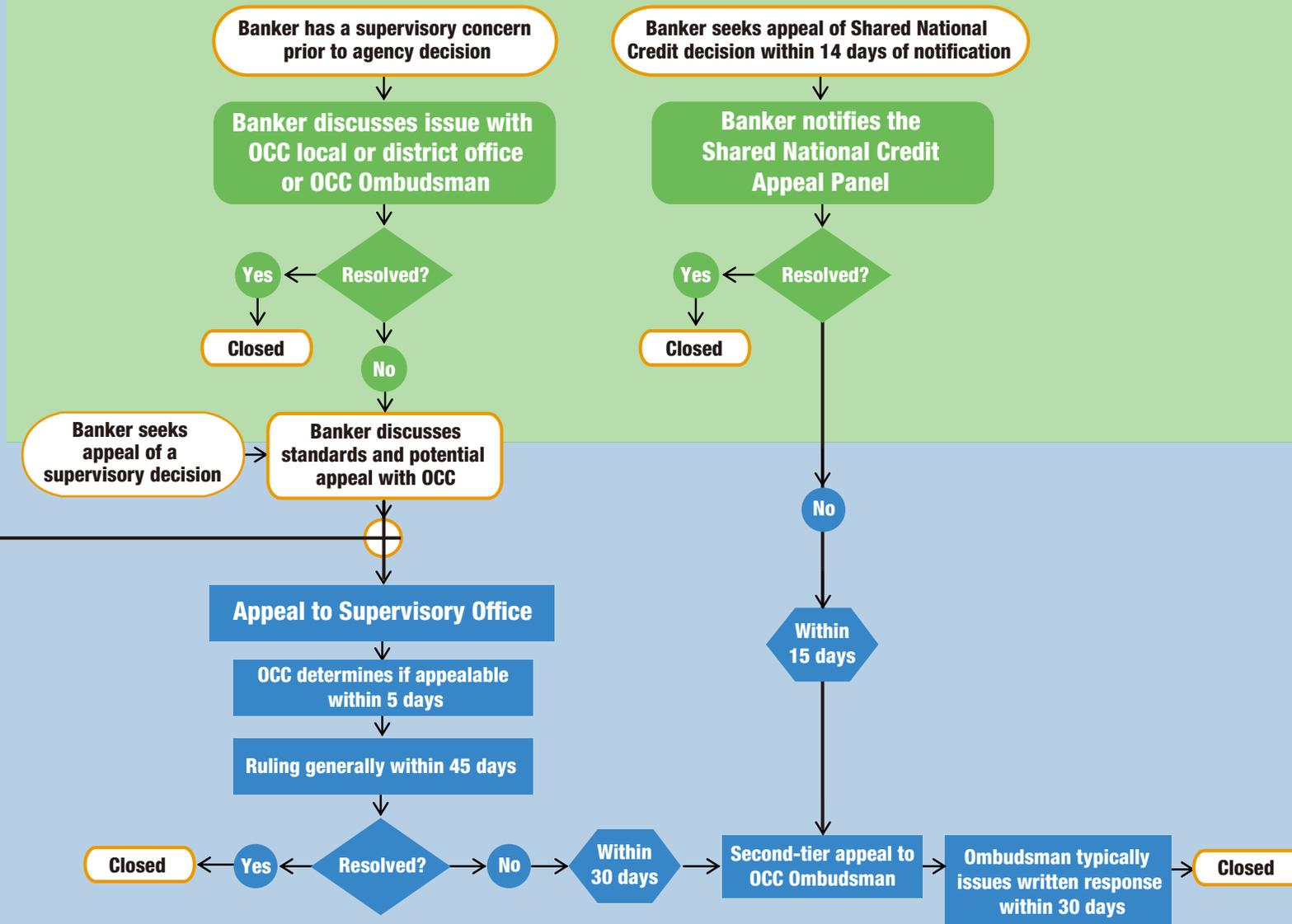
Matters that may not be appealed include appointments of receivers or conservators, preliminary examination conclusions, formal enforcement-related actions or decisions, formal or informal rulemaking, disclosures related to the Freedom of Information Act, decisions to disapprove directors or senior executives,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

National Bank Appeals Process Flow Chart

Formal Appeals Process



Informal Appeals Process



* Fair-lending decisions must be appealed within 15 days of the agency notification.

** All timeframes are stated as calendar days.