



Federal Deposit Insurance Corporation
550 17th Street NW, Washington, D.C. 20429-9990

Financial Institution Letter
FIL-42-2017
September 6, 2017

Revised Guidelines for Appeals of Material Supervisory Determinations

Summary: The FDIC has adopted revised *Guidelines for Appeals of Material Supervisory Determinations* (Guidelines), which govern appeals by FDIC-supervised institutions to Division Directors and the Supervision Appeals Review Committee (SARC). The revised Guidelines expand the circumstances under which banks may appeal a material supervisory determination and enhance consistency with the appeals processes of other federal banking agencies. The revised Guidelines also include other limited technical and conforming amendments.

Statement of Applicability to Institutions with Total Assets under \$1 Billion: This Financial Institution Letter applies to all FDIC-supervised depository institutions.

Distribution:

FDIC-Insured Depository Institutions

Suggested Routing:

Chief Executive Officer
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Related Topics:

[Reminder on Examination Findings, FIL-51-2016, dated July 29, 2016.](#)

[Appeals of Material Supervisory Determinations: Guidelines & Decisions](#)

Attachment:

[Guidelines for Appeals of Material Supervisory Determinations](#)

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Note:

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Highlights:

- On July 18, 2017, the FDIC adopted revised *Guidelines for Appeals of Material Supervisory Determinations* (Guidelines).
- The revised Guidelines expand the circumstances under which banks may appeal a material supervisory determination and enhance consistency with the appeals processes of the other federal banking agencies. Specifically, the revised Guidelines:
 - Permit the appeal of the level of compliance with an existing formal enforcement action, the decision to initiate an informal enforcement action, and matters requiring board attention;
 - Provide that a formal enforcement-related action or decision does not affect an appeal that is pending under the Guidelines;
 - Make additional opportunities for appeal available under the Guidelines in certain circumstances;
 - Provide for the publication of annual reports on Division Directors' decisions with respect to material supervisory determinations; and
 - Make other limited and conforming amendments.
- The FDIC is rescinding FIL-52-2016, entitled *FDIC Seeks Comment on Bank Appeals Guidelines*.
- The FDIC is also rescinding FIL-113-2004, entitled *FDIC Appeals Processes*.