

REJECTION LETTER TEMPLATE

IMPORTANT NOTE: This letter should be typed on Agency letterhead and should not be changed.

This letter should be used to notify potential claimants that their claim has been rejected, not because the claim is late, or because the claim is insufficient as to content. If used, this letter should be mailed within forty-five (45) days of presentation of the claim in accordance with California Government Code §913. If this letter is not sent, the claim is deemed rejected as a matter of law, thus extending the time allowed to file suit to two (2) years instead of six (6) months.

Date

Dear _____

Notice is hereby given that the claim which you presented to the (Title of Board or Officer) on (Date) was rejected on (Date).

WARNING

Subject to certain exceptions, you have only six (6) months from the date this notice was personally delivered or deposited in the mail to file a State Court Action on this claim. See California Government Code §945.6. Your time for filing an action in federal court may be less than this six months.

You may seek the advice of an attorney of your choice in connection with this matter. If you desire to consult an attorney, you should do so immediately.

In providing this notice, or by any other action it has taken on this claim, (Name of Member Agency) does not intend to relinquish or waive any of its legal claims requirements or any rights or defenses potentially available to (Name of Member Agency) or its officers, directors, employees or agents.

Should you file a lawsuit in this matter which is determined to be in bad faith and without reasonable cause, please be advised that (Name of Member Agency) will attempt to recover all of its defense costs from you as allowed by California Code of Civil Procedure § 128.5, § 128.7 and § 1038.

If you have any questions about your claim, or this letter, please call the undersigned, or our claims administrator at (phone number).

Sincerely,

INSUFFICIENCY LETTER TEMPLATE

IMPORTANT NOTE: This letter should be typed on Agency letterhead and must be sent within 20 days of the claim being filed with the Agency.

This letter should be used to notify potential claimants of insufficiencies in claims filed.

Date

Dear _____

Re: Notice of Insufficiency of Claim Filed with (Name of Member Agency)

Your claim received by (Title of Board) on (date) failed to substantially comply with the California Government Code §910, §910.2, §910.4 and/or §910.8. It was insufficient for failing to provide the following information:

(Only include applicable reasons for insufficiency from the choices below.)

[The name and post office address of the claimant **or** the post office address to which the person presenting the claim desires notices to be sent.]

[The [date], [place], [facts describing the circumstances] of the event, occurrence or transaction which you claim caused the injury to the claimant.]

[A description of the injury, damage or loss to the claimant so far as is known at the time the claim was presented.]

[The name or names of the public employee or employees causing the injury, damage or loss, if known.]

[The amount claimed is less than \$10,000 and a basis for the damages has not been presented]

[If the amount claimed is over \$10,000, no dollar amount shall be included in the claim, however you must indicate whether the claim would be a limited civil case.]

[The claim must be signed by the claimant or by some person on his behalf.]

You may correct the insufficiency by filing an amended claim supplying the missing information listed above. You have 15 days after the date of this letter or six (6) months from the date of the alleged accident, **whichever is later**, in which to file this amended claim. If you fail to provide the missing information, your claim **MAY** be rejected and you may also lose the right to initiate a lawsuit.

Sincerely,

ed. 2/2020

LATE FILING LETTER TEMPLATE

IMPORTANT NOTE: This letter should be typed on Agency letterhead and must be sent within 45 days of the claim being filed with the Agency.

This letter should be used to notify potential claimants who file later than six (6) months but within one (1) year, but with no accompanying Application for Leave to Present a Late Claim.

Date

Dear _____

RE: RETURN OF UNTIMELY CLAIM

The claim which you presented to the (Title of Board) on (date) is being returned to you without any action having been taken by the (Title of Board). The claim is being returned because it was not presented within the time required by law.

WARNING

See California Government Code §911.2 to §912.2 and §946.6. Your only recourse at this time is to apply to (Title of Board) a written Application for Leave to Present a Late Claim as required by the Government Code. After this Application has been received by the (Title of Board), it will be reviewed and considered.

Due to legal time requirements, this should be done without delay. To determine if you have a further remedy, or whether further procedures are open to you, you may wish to consult with an attorney of your choice. If you desire to consult with an attorney, you should do so immediately.

Sincerely,

DENIAL OF APPLICATION FOR LEAVE TO PRESENT A LATE CLAIM TEMPLATE

IMPORTANT NOTE: This letter should be typed on Agency letterhead.

This letter should be used to deny claims in which a written application to present a late claim is received.

Date

Dear _____

RE: Denial of Application to Present a Late Claim to (Name of Member Agency)

Your Application to Present a Late Claim was presented to the (Title of Board) on (date) and was denied on (date).

WARNING

If you wish to file a court action on this matter, you must first petition the appropriate court for an order relieving you from the provisions of California Government Code §945.4. Also see Government Code §946.6. Such petition must be filed with the court within six (6) months from the date your Application for Leave to Present a Late Claim was denied. Your time for filing in federal court may be less than this six (6) months.

You may seek the advice of an attorney of your choice in connection with this matter. If you desire to consult an attorney, you should do so immediately.

Sincerely,

MODEL OVER ONE YEAR LATE CLAIM PRESENTATION LETTER

IMPORTANT NOTE: This letter should be typed on Agency letterhead.

This letter should be used to return claims presented after one (1) year from accrual.

Date

Dear _____

RE: Return of Late Claim to (Name of Member Agency)

The claim you presented to the (Title of Board) on (date) is being returned to you, without any action having been taken on it by the (Title of Board).

The claim is being returned because it was not presented within the time required by law.

To determine whether you have any further remedy or whether further procedures are open to you, you may wish to consult with an attorney. If you do decide to consult with an attorney, you should do so immediately.

Sincerely,