

To:
FOIA Appeals Officer,
U.S. Department of Labor, Wage and Hour Division
Email: foiaappeals@dol.gov

CC:
State of Connecticut Agencies:

Connecticut Department of Social Services (DSS):

Head: Dr. Deidre S. Gifford, Commissioner
Contact: foia.dss@ct.gov
Connecticut Office of the Attorney General:

Head: William Tong, Attorney General
Contact: attorney.general@ct.gov
Connecticut General Assembly (CGA):

Head: Senator Martin M. Looney, President Pro Tempore of the Senate
Contact: foia@cga.ct.gov
Connecticut Office of Policy and Management (OPM):

Head: Melissa McCaw, Secretary of the Office of Policy and Management
Contact: opm.foia@ct.gov
Connecticut Department of Public Health (DPH):

Head: Dr. Manisha Juthani, Commissioner
Contact: dph.foi@ct.gov
Federal Agencies:

U.S. Department of Health and Human Services (HHS):

Head: Xavier Becerra, Secretary
Contact: HHS_FOIA@hhs.gov
Centers for Medicare & Medicaid Services (CMS):

Head: Chiquita Brooks-LaSure, Administrator
Contact: FOIA_Request@cms.hhs.gov
U.S. Department of Justice (DOJ):

Head: Merrick B. Garland, Attorney General
Contact: foia.requests@usdoj.gov
U.S. Department of Housing and Urban Development (HUD):

Head: Marcia L. Fudge, Secretary
Contact: foiarequests@hud.gov
U.S. Department of Labor (DOL):

Head: Julie Su, Acting Secretary
Contact: foiarequests@dol.gov
Federal Trade Commission (FTC):

Head: Alvaro M. Bedoya, Chair
Contact: FOIA@ftc.gov

Subject: Master Appeal for FOIA Request: Records Pertaining to Medicaid Services for NPI 1962278119 and NPI 1023012345

Reference Number: Wage and Hour Division FOIA Request

Introduction

This appeal challenges the incomplete response to my FOIA request regarding records related to NPI 1962278119 and NPI 1023012345, filed under the Freedom of Information Act (5 U.S.C. § 552). This submission outlines constitutional rights, federal and state statutory obligations, and ADA accommodations that were disregarded.

I respectfully request immediate compliance with transparency and accessibility requirements, including full application of non-negotiable ADA accommodations, provision of all requested records, and acknowledgment of constitutional violations detailed below.

Constitutional Rights Violated

1. First Amendment: Right to Public Information

Public agencies are obligated to provide transparent access to government records to ensure accountability. The failure to fulfill this FOIA request restricts my First Amendment right to scrutinize government actions involving public funds and Medicaid programs.

2. Fifth Amendment: Due Process Clause

The delayed and incomplete response to my FOIA request violates due process protections, as it denies me the timely and complete information needed to participate in oversight and advocacy regarding Medicaid services.

3. Fourteenth Amendment: Equal Protection Clause

The denial or inadequate processing of my request, compounded by the failure to meet ADA accommodations, discriminates against me as an individual with a disability, violating the Equal Protection Clause.

4. Supremacy Clause (Article VI): Federal FOIA Supersedes Procedural Barriers

The refusal to forward my request internally or provide proper redirection guidance contradicts the Supremacy Clause, which mandates compliance with federal FOIA obligations, regardless of internal procedural policies.

Federal and State Statutory Violations

1. Federal FOIA Non-Compliance (5 U.S.C. § 552)

Failure to Conduct a Proper Search: No evidence was provided of a reasonable search across all databases and offices related to wage compliance, 14(c) certifications, and Medicaid labor practices.

Lack of Justifications for Redactions/Denials: The agency did not cite specific exemptions under 5 U.S.C. § 552(b) for any withheld records.

Non-Referral to Appropriate Entities: Under 5 U.S.C. § 552(a)(6)(C)(i), the agency must forward or refer my request to other relevant departments if records are outside its jurisdiction.

2. Connecticut FOIA Non-Compliance (Conn. Gen. Stat. § 1-200 et seq.)

Prompt Processing: The agency failed to meet the requirement under C.G.S. § 1-210(a) to make records available "promptly," disregarding the urgency of public interest in this matter.

3. ADA and Rehabilitation Act Violations

The agency has not complied with 42 U.S.C. § 12101 et seq. (ADA) and 29 U.S.C. § 794 (Section 504), which require:

Email-only communication.
Accessible document formats.
Simplified summaries for complex records.
Clear identification of FOIA personnel for transparency.
Non-Negotiable ADA Accommodations
MuckRock Platform, Only Communication: All responses must be sent via MuckRock. No phone calls, physical mail, portals, or external links are acceptable.
Direct Text in Body: Responses must include substantive text in the email body for accessibility.
PDF Attachments for Documents: PDFs must be screen-reader compatible and properly formatted.
Simplified Summaries for Complex Records: Include summaries for ease of comprehension.
Identification of FOIA Personnel: Provide the names, titles, and contact information of all FOIA officers managing this request.
Detailed Justifications for Redactions and Denials: Cite legal exemptions with explanations under 5 U.S.C. § 552(b).
Expedited Processing: Process this request immediately under 5 U.S.C. § 552(a)(6)(E) and Executive Order 13392 due to public interest and urgency.
Specific Violations and Request Timeline
Initial Submission (November 2, 2024):

FOIA request submitted to Wage and Hour Division for records regarding NPIs 1962278119 and 1023012345.
Response (November 4, 2024):

The agency directed me to refile via a centralized mailbox, contrary to ADA accommodation requirements for seamless processing.
The agency suggested narrowing the scope but failed to assist with identifying investigative records or Case IDs, obstructing my ability to participate fully.
Failure to Forward Request (November 4, 2024):

Under 5 U.S.C. § 552(a)(6)(C)(i), the agency is obligated to forward improperly directed requests internally or to provide clear referral guidance. This was not done, violating FOIA statutes.
Accommodation Denials (November 5, 2024):

Despite explicit requests, the agency failed to confirm application of ADA accommodations, did not provide FOIA officer details, and ignored the necessity for accessible formats and summaries.
Relief Requested
Comprehensive Record Search:

Conduct a full search across all relevant databases for wage and hour investigations, 14(c) certifications, and Medicaid labor practices associated with NPIs 1962278119 and 1023012345.
Referral to Other Agencies:

Forward the request to appropriate agencies or offices within the Department of Labor or federal agencies such as CMS or DOJ, as required by 5 U.S.C. § 552(a)(6)(C)(i).
Application of ADA Accommodations:

Confirm and apply all ADA accommodations outlined above.
Provision of FOIA Officer Details:

Provide the name, title, and direct contact information for the FOIA officer managing this request.

Immediate Compliance with Expedited Processing:

Approve expedited processing based on public interest under 5 U.S.C. § 552(a)(6)(E) and C.G.S. § 1-210(a).

Justifications for Delays or Denials:

Provide detailed legal justifications for any delays, redactions, or denials, citing specific statutory exemptions under 5 U.S.C. § 552(b).

Fee Waiver Approval:

Approve a fee waiver under 5 U.S.C. § 552(a)(4)(A)(iii), as this request is in the public interest and not for commercial use.

Conclusion

This appeal demands immediate rectification of all procedural, statutory, and constitutional violations outlined above. I expect a substantive response within 10 business days. Please confirm receipt of this appeal and provide a timeline for compliance.

Sincerely,

David Medeiros

Founder & Owner, ABI Resources

215 Mountain Street

Willimantic, CT 06226

Email: AabiWR@live.com

Attachments:

Initial FOIA Request (November 2, 2024)

Department of Labor Response (November 4, 2024)

Freedom of Information Act Appeal and ADA Accommodation Violation
Notification
Submitted By: David Medeiros
Date: November 25, 2024
Subject: FOIA Appeal for Non-Compliance, ADA Violations, and Request for
Expedited Processing
Reference Number: 2025-A-00033

To:
FOIA Appeals Officer
Freedom of Information Act/Privacy Act
Division of Management and Administrative Legal Services
U.S. Department of Labor
200 Constitution Avenue, N.W., Suite N-2420
Washington, DC 20210

CC:
State of Connecticut Agencies:

Connecticut Department of Social Services (DSS): Dr. Deidre S. Gifford,
Commissioner, foia.dss@ct.gov
Connecticut Office of the Attorney General: William Tong, Attorney
General, attorney.general@ct.gov
Connecticut General Assembly (CGA): Senator Martin M. Looney, President
Pro Tempore of the Senate, foia@cga.ct.gov
Connecticut Office of Policy and Management (OPM): Melissa McCaw,
Secretary, opm.foia@ct.gov
Connecticut Department of Public Health (DPH): Dr. Manisha Juthani,
Commissioner, dph.foi@ct.gov
Federal Agencies:

U.S. Department of Health and Human Services (HHS): Xavier Becerra,
Secretary, HHS_FOIA@hhs.gov
Centers for Medicare & Medicaid Services (CMS): Chiquita Brooks-LaSure,
Administrator, FOIA_Request@cms.hhs.gov
U.S. Department of Justice (DOJ): Merrick B. Garland, Attorney General,
foia.requests@usdoj.gov
U.S. Department of Housing and Urban Development (HUD): Marcia L. Fudge,
Secretary, foiarequests@hud.gov
U.S. Department of Labor (DOL): Julie Su, Acting Secretary,
foiarequests@dol.gov
Federal Trade Commission (FTC): Alvaro M. Bedoya, Chair, FOIA@ftc.gov
Additional Oversight Bodies:

Office for Civil Rights (OCR): For ADA violations and enforcement.
Office of Government Information Services (OGIS): For FOIA mediation.
U.S. Office of Special Counsel (OSC): For systemic failures in
whistleblower protections.
Department of Government Efficiency (DOGE): For systemic inefficiency
review and accountability.
Introduction

November 25, 2024

Dear FOIA Appeals Unit and Mr. Raymond E. Mitten Jr.,

I am writing to formally address the ongoing manipulation and failure to comply with my non-negotiable ADA accommodations as specified in my FOIA request and appeal (Reference No. 2025-A-00033). This communication is also intended to underscore the systemic patterns of non-compliance that impact individuals requesting basic accommodations under federal law, including the Americans with Disabilities Act (ADA) and Section 504 of the Rehabilitation Act.

Violation of ADA Accommodations

Despite my explicit request that all communications and records related to my FOIA request be handled exclusively through the MuckRock platform, I have received email correspondence from Anita Johnson (Johnson.Anita.L@dol.gov), bypassing the mandated platform. This deviation constitutes a direct violation of my rights under:

42 U.S.C. § 12101 et seq. (ADA): Ensuring equal access and accommodation in government processes.

29 U.S.C. § 794 (Section 504 of the Rehabilitation Act): Mandating reasonable accommodations in federally funded programs.

This failure undermines the transparency and accessibility safeguards critical to my participation in this process.

This appeal challenges the incomplete response to my FOIA request (Reference No. 2025-A-00033) concerning records related to NPIs 1962278119 and 1023012345. This document highlights:

Constitutional Rights Violations:

First, Fifth, and Fourteenth Amendment breaches.

FOIA Non-Compliance:

Failure to conduct reasonable searches and provide justifications for redactions.

ADA Accommodation Violations:

Refusal to meet non-negotiable accessibility requirements.

Urgency of Public Interest:

Impact on vulnerable Medicaid populations and potential misuse of taxpayer funds.

I demand immediate compliance with transparency and accessibility requirements as mandated by federal law and constitutional protections.

Constitutional Rights Violated

First Amendment:

My right to access public records for government transparency has been hindered. The failure to fulfill this request restricts my ability to scrutinize the use of public funds and advocate for systemic accountability.

Fifth Amendment (Due Process Clause):

The delay and inadequate response violate due process protections by obstructing my participation in Medicaid oversight and advocacy for vulnerable populations.

Fourteenth Amendment (Equal Protection Clause):

Failure to provide ADA accommodations discriminates against me as an individual with a disability, violating my right to equal protection under the law.

Supremacy Clause (Article VI):

Internal procedural policies cannot override federal FOIA requirements. The refusal to forward my request within the agency contradicts the Supremacy Clause.

Federal and State Statutory Violations

FOIA Non-Compliance (5 U.S.C. § 552):

No evidence of a reasonable search for wage compliance, 14(c) certifications, or Medicaid labor practices.

Failure to cite specific exemptions under 5 U.S.C. § 552(b) for redactions or denials.

Connecticut FOIA Non-Compliance (Conn. Gen. Stat. § 1-210):

Failure to meet statutory requirements for prompt record availability and public interest considerations.

ADA and Rehabilitation Act Violations:

42 U.S.C. § 12182(b)(2)(A)(ii) and 29 U.S.C. § 794d (Section 508) require electronic communication, accessible formats, and simplified summaries, none of which have been provided.

Corrective Actions Demanded

1. Immediate Action on ADA Accommodations:

MuckRock Platform Only: All communications must be sent exclusively via MuckRock, as requested.

Accessible Formats: Provide all documents in screen-reader-compatible PDFs.

Simplified Summaries: Include summaries for complex financial or legal records.

FOIA Officer Details: Name, title, and contact information of the FOIA officer must be provided.

2. Comprehensive Record Search:

Conduct a full search for records related to NPIs 1962278119 and 1023012345 across all relevant databases, including wage investigations, Medicaid compliance, and 14(c) certifications.

3. Referral to Other Agencies:

Forward my request to appropriate offices under 5 U.S.C. § 552(a)(6)(C)(i) if records are outside your jurisdiction.

4. Expedited Processing and Fee Waiver:

Approve expedited processing under 5 U.S.C. § 552(a)(6)(E) and waive fees due to the public interest nature of this request.

Timeline for Compliance

MuckRock Acknowledgment: 1 business day.

ADA Accommodation Confirmation: 2 business days.

Comprehensive Record Search and Referral: 5 business days.

Full Response with Justifications: 10 business days.

Escalation Framework

ADA Compliance: File a complaint with the Office for Civil Rights (OCR) for ADA violations.

FOIA Mediation: Notify the Office of Government Information Services (OGIS) for mediation.

Systemic Failures: Report to the U.S. Office of Special Counsel (OSC) for whistleblower protections.
Congressional Oversight: Escalate to Congressional Oversight Committees and DOGE Department of Government Efficiency for systemic inefficiency review.

Conclusion

I expect immediate compliance with this appeal. Failure to act will result in escalation to oversight bodies and legal action to enforce my constitutional and statutory rights. Confirm receipt within 1 business day and provide a timeline for resolution.

Sincerely,
David Medeiros
Founder & Owner, ABI Resources
DB.42.131.Inf.

CC:

Kristen Clarke (Assistant Attorney General)
Bobak Talebian (Director, Office of Information Policy)
Aundra Luckey (FOIA/PA Unit, Civil Rights Division)
OGIS (Office of Government Information Services)
Merrick B. Garland (Attorney General)
Chiquita Brooks-LaSure (CMS Administrator)
Xavier Becerra (HHS Secretary)
Congressional Oversight Committees:

House Committee on Oversight and Accountability
Senate Committee on Homeland Security and Governmental Affairs
House Subcommittee on Civil Rights and Civil Liberties
Senate Judiciary Committee Chairperson
Additional Oversight Entities:
U.S. Government Accountability Office (GAO)
Office of Special Counsel (OSC)
House Committee on Oversight and Accountability

Chairman: James Comer (R-KY)
Senate Committee on Homeland Security and Governmental Affairs

Chairman: Gary Peters (D-MI)
House Subcommittee on Civil Rights and Civil Liberties

Chairman: Jamie Raskin (D-MD)
Senate Judiciary Committee

Chairman: Dick Durbin (D-IL)
Additional Oversight Entities:

U.S. Government Accountability Office (GAO)

Comptroller General: Gene L. Dodaro
U.S. Office of Special Counsel (OSC)

FOIA compliance, ADA accommodations, Medicaid transparency, systemic reform, whistleblower protections, accountability in government, healthcare fraud investigations, Medicaid oversight, DOJ records request, civil rights enforcement, accessibility advocacy, whistleblower retaliation, constitutional law, First Amendment transparency, Fifth Amendment due process, Fourteenth Amendment equal protection, taxpayer accountability, inter-agency communications, OIG audits, congressional oversight, GAO reviews, federal-state coordination, Medicaid fraud prevention, healthcare policy reform, government transparency. FOIA Exemption Codes (5 U.S.C. § 552(b)): b(1), b(3), b(5)) Whistleblower Protections (5 U.S.C. § 2302(b)(8)): "ADA compliance," "Title II violations," and "civil rights complaints" DOJ, CMS, FBI, OIG, OSC, GAO, DHS Medicaid fraud," "systemic discrimination," "government transparency," and "FOIA litigation DB.42.131.Inf. Statutory and Executive Codes

5. U.S.C. § 552: Freedom of Information Act (FOIA) - Mandates transparency and inter-agency cooperation for information sharing.

42 U.S.C. § 12132: Americans with Disabilities Act (ADA) Title II - Requires accessibility and cross-agency compliance.

29 U.S.C. § 794: Rehabilitation Act, Section 504 - Prohibits discrimination across federally funded programs.

6. U.S.C. § 2302(b)(8): Whistleblower Protection Act - Shields employees reporting violations across agencies.

Executive Order 13392: Improving Agency Disclosure - Calls for government-wide improvements in FOIA processing.

44 U.S.C. § 3501: Paperwork Reduction Act - Encourages streamlined data sharing and reduced duplication.

31 U.S.C. §§ 3729-3733: False Claims Act - Promotes inter-agency coordination in addressing fraud and misuse of federal funds.

7. U.S.C. § 485: Homeland Security Information Sharing - Establishes cross-agency information-sharing protocols. "Systemic enforcement challenges requiring cross-agency collaboration."

"Mandated by Executive Order 13392 for improved inter-agency transparency."

"Coordinated federal response necessary for compliance with 42 U.S.C. § 12132."

"In alignment with Unified Federal Response Framework principles."

"Urgent action required to address inter-agency statutory obligations under FOIA and ADA." Office of Management and Budget (OMB): Coordinates federal budget and compliance.

Government Accountability Office (GAO): Investigates federal agency operations.

Office of Special Counsel (OSC): Manages whistleblower disclosures.

Department of Justice (DOJ) Civil Rights Division: Enforces ADA and civil rights laws.

This Freedom of Information Act (FOIA) request demands the immediate attention of the highest authorities in the U.S. government. It directly addresses systemic failures in Medicaid oversight, ADA enforcement, and whistleblower protections—issues central to the lives of millions of Americans and critical to the integrity of federal and state programs. By exposing potential misuse of taxpayer funds and barriers to accessibility for vulnerable populations, this request transcends individual cases to reveal a broader narrative of systemic accountability, justice, and public trust. Leaders in Congress, the Department of Justice, and oversight

agencies have a constitutional obligation to act decisively on this matter to uphold the values of transparency, equality, and justice that underpin our democracy. Failure to respond promptly and fully to this FOIA request risks exposing entrenched inequities that erode public faith in our institutions.

This FOIA request also represents a rallying cry for journalists, advocates, and every American committed to justice and systemic reform. It shines a spotlight on the intersection of healthcare, civil rights, and government accountability, demanding immediate national discourse and united action. As the most comprehensive and consequential transparency effort in U.S. history, it calls for investigative reporting that transcends political divisions and highlights the universal human rights at stake. This is not just a request for information—it is a demand for transformative change, and its response has the potential to shape the future of U.S. healthcare and governance, sparking a nationwide movement for accountability, equity, and justice.

The requested documents will be made available to the general public, and this request is not being made for commercial purposes.

Explicit References to Key Case Law

Tennessee v. Lane (2004): Establishes the mandate for ADA enforcement and access rights, reinforcing that equitable accommodations are not optional but a legal obligation.

NARA v. Favish (2004): Confirms FOIA's purpose of ensuring transparency in matters of public interest, especially when systemic failures and accountability are at stake.

Chevron U.S.A. Inc. v. NRDC (1984): Sets limits on agency discretion, ensuring FOIA exemptions are applied narrowly and in good faith to uphold public access to critical records.

Strengthened ADA Language

"Under 42 U.S.C. § 12182(b) (2) (A) (ii) and 29 U.S.C. § 794, ADA accommodations are non-negotiable and must be fully implemented to guarantee equitable access to the FOIA process. Any failure to comply with these mandates constitutes systemic discrimination, violating the fundamental principles of equity and accessibility as enshrined in federal law."

Elevated Congressional Involvement

"This matter requires immediate attention from Congressional oversight committees, including the House Committee on Oversight and Accountability and the Senate Committee on Homeland Security and Governmental Affairs. The systemic inefficiencies, corruption, and non-compliance revealed by this FOIA request undermine public trust and actively harm vulnerable populations. Congressional action is essential to ensure accountability and prevent further erosion of transparency and justice."

FOIA Enforcement Directives

"Agencies are legally obligated under 5 U.S.C. § 552(a) (6) (E) to adhere to statutory timelines for processing this FOIA request. Failure to meet these deadlines will result in:

Immediate escalation to the Office of Government Information Services (OGIS) for mediation.

Judicial intervention to enforce compliance and transparency mandates.

Direct Congressional review of the agency's non-compliance and its systemic implications for public accountability."

Impact on Vulnerable Populations

"Every delay in fulfilling this FOIA request perpetuates harm to vulnerable populations, including individuals with disabilities, Medicaid beneficiaries, and whistleblowers. These groups depend on transparent and accountable systems to protect their rights and ensure equitable access to care and services. Responding to this request is not merely a legal duty but a moral imperative to uphold justice for those most affected by systemic failures."

David Medeiros

ABI Resources

Dear DAVID MEDEIROS,

Thank you for registering with Department of Public Health FOI Request Center.

You may now log into the FOI Request Center to update any contact or password information. You will so be able to monitor and track the progress the of your request and receive responsive documents.

Your Login ID is: 175666-77164222@requests.muckrock.com

If you did not submit your request through the public portal but are receiving this e-mail, an account has been created for you where you can track and monitor the status of your request, and receive any documents in response to your request.

If you cannot remember your password you may request a temporary password here: Request Temporary Password
(https://u8387778.ct.sendgrid.net/ls/click?upn=u001.VEsWrlMiJDg0mXafq1mEXUOng7cw4c7KgCubXOhWHJCLX74tqAuzAGshluyRbUPFbiy3m76exqU1br3ES0J7Rg-3D-3DvK2v_xlTAZAdrPls-2FQRixocPtne2gyTsDCOB6T-2BLLJysZzBnSAGzC28xrCEcGV8vXXBWowOavRi80exy9AFYahbkph8czjPXydbvAt88o9cogE-2F-2Bqw41ngE7v2ziHQRnuwPZxHf1-2FHHVewalzpFK0jBM3cUpkzCf-2BYO0NG-2FQvnE2-2FuKy4gL5aT9fDKxlZ9XfMluhMMo8SomC1N-2FvLZT0WYcHPlgo1KDYsEZ9vKsn1vArr8w-3D)

Please login to My Records Center to update your account information, track the status of your request and receive requested records when they become available.

(https://u8387778.ct.sendgrid.net/ls/click?upn=u001.VEsWrlMiJDg0mXafq1mEXUOng7cw4c7KgCubXOhWHJAY4lRWWG1JxnPPXww4oQHJ8EAC8lawRqJ4yFYsk-2FmDbQ-3D-3DdDEc_xlTAZAdrPls-2FQRixocPtne2gyTsDCOB6T-2BLLJysZzBnSAGzC28xrCEcGV8vXXBWowOavRi80exy9AFYahbkph61sUXiTkTlNpEDBLGbVFZtq3yee9IHvD3jVG-2BVQXGBSAkvUno5uIiQ1HPjzI1-2Bzp9ToxjIy43IdBG5-2FdX2c8IFzmpl3wW-2BJ7gQ0G1AE9IoQV7q9FUGc08dNwHEVMgWoeHs6bvXwalTGdolbN-2BNb3Jk-3D)

This is an auto-generated email and has originated from an unmonitored email account. Please DO NOT REPLY

Dear DAVID MEDEIROS:

The Department of Public Health acknowledges receipt of your request (Reference #: R000770-110424) under the Freedom of Information Act, Conn. Gen. Stat. § 1-200 et. seq. dated November 04, 2024, for the item(s) described below:

01/01/2013 - 11/04/2024

To Whom It May Concern:

Pursuant to the Connecticut Freedom of Information Act, I hereby request the following records:

Subject: FOIA Request for Records Pertaining to Medicaid Services for NPI 1962278119 and NPI 1023012345

To Whom It May Concern,

Pursuant to the Freedom of Information Act (5 U.S.C. § 552) and the Connecticut Freedom of Information Act (Conn. Gen. Stat. § 1-200 et seq.), I am requesting access to records related to Medicaid services, contracts, financial transactions, referral practices, and regulatory compliance associated with the following National Provider Identifiers (NPIs):

NPI 1962278119

NPI 1023012345

This FOIA request is designed to support transparency, accountability, and public interest within Connecticut's Medicaid ABI Waiver Program. Below are the specific records requested from each department, including their individual responsibilities and contact information to facilitate processing.

Requested Records by Agency

Federal Agencies

U.S. Department of Health and Human Services (HHS)

Sub-agency: Centers for Medicare & Medicaid Services (CMS)

Responsibilities: Oversees Medicaid program compliance, funding allocation, and adherence to federal standards.

Records to Request:

1. Funding Allocation and Compliance Reports: All records showing Medicaid funding allocations, reimbursements, and compliance reviews or audits for services under NPI 1962278119 and NPI 1023012345, from January 1, 2013, to present.
2. CMS-DSS Correspondence: Communications between CMS and the Connecticut Department of Social Services (DSS) regarding services associated with the specified NPIs, including any directives or advisories on provider selection, compliance, and transparency.

Contact Information:

FOIA Officer, Centers for Medicare & Medicaid Services

Address: 7500 Security Boulevard, Mail Stop C2-21-15, Baltimore, MD 21244

Email: FOIA_Request@cms.hhs.gov

Phone: (410) 786-5353

U.S. Department of Justice (DOJ)

Sub-agency: Civil Division, Fraud Section

Responsibilities: Investigates healthcare fraud, Medicaid fraud, and enforces anti-kickback statutes.

Records to Request:

1. Investigations and Case Files: Records of any DOJ investigations or case files concerning Medicaid fraud or potential kickbacks involving NPI 1962278119 and NPI 1023012345.
2. Legal Proceedings or Settlements: Documentation of any legal actions, settlements, or penalties issued in cases related to these NPIs.

Contact Information:

FOIA/PA Mail Referral Unit

Address: Department of Justice, Room 115, LOC Building, Washington, DC 20530-0001

Email: MRUFOIA.Requests@usdoj.gov

Phone: (202) 616-0307

U.S. Department of Labor (DOL)

Sub-agency: Wage and Hour Division

Responsibilities: Enforces labor laws, including wage standards, particularly for disabled individuals working under Medicaid.

Records to Request:

1. Wage and Hour Investigations: Documentation of wage and hour compliance audits, investigations, or complaints involving NPI 1962278119, focusing on any employment of Medicaid consumers at sub-minimum wages.
2. 14(c) Certification Records: Records of any 14(c) certificates issued to entities associated with NPI 1962278119, authorizing sub-minimum wage payments to disabled workers.

Contact Information:

FOIA Coordinator, Wage and Hour Division

Address: 200 Constitution Ave NW, Washington, DC 20210

Email: foiarequests@dol.gov

Phone: (202) 693-0052

Connecticut State Agencies

Connecticut Department of Social Services (DSS)

Responsibilities: Administers Connecticut's Medicaid program, including provider enrollment, consumer rights, and compliance with state and federal standards.

Records to Request:

1. Contracts and Agreements: All contracts, MOUs, and agreements involving Medicaid funds directed to services under NPI 1962278119 and NPI 1023012345. Include documents that outline any exclusivity arrangements, referral restrictions, or financial incentives.
2. Provider Selection and Referral Policies: Internal guidelines, rules, and criteria for provider referrals associated with these NPIs, including distribution data and referral logs showing consumer choice limitations.
3. FOIA Compliance and Transparency Logs: Copies of FOIA requests related to these NPIs, including responses, reasons for any denials, and policies on FOIA compliance.

Contact Information:

FOIA Officer, Department of Social Services

Address: 55 Farmington Avenue, Hartford, CT 06105

Email: DSS.FOIA@ct.gov
Phone: (860) 424-4967

Connecticut Department of Public Health (DPH)

Responsibilities: Regulates and licenses healthcare providers, enforcing standards for Medicaid providers and addressing consumer complaints.

Records to Request:

1. Licensing and Inspection Reports: Records of licensing applications, inspection reports, and compliance reviews for entities associated with NPI 1962278119 and NPI 1023012345.
2. Complaint and Investigation Records: Documentation of any consumer complaints, investigations, or violations recorded against these NPIs, especially regarding quality of care, housing conditions, or employment practices.

Contact Information:

FOIA Coordinator, Department of Public Health
Address: 410 Capitol Avenue, Hartford, CT 06134
Email: DPH.FOIA@ct.gov
Phone: (860) 509-8000

Connecticut Office of the Attorney General

Responsibilities: Investigates healthcare fraud, consumer protection issues, and enforces state laws against anti-competitive practices.

Records to Request:

1. Investigative Records and Legal Actions: Records of any investigations, inquiries, or legal actions related to Medicaid fraud, consumer rights violations, or monopolistic practices associated with NPI 1962278119 and NPI 1023012345.
2. Correspondence with DSS: Communications between the Attorney General's office and DSS concerning referrals, provider restrictions, or consumer complaints associated with these NPIs.

Contact Information:

Public Records Administrator, Office of the Attorney General
Address: 165 Capitol Avenue, Hartford, CT 06106
Email: attorney.general@ct.gov
Phone: (860) 808-5318

Accommodation Requests

To ensure this FOIA request is processed accurately and meets my accessibility requirements, please adhere to the following accommodations. These accommodations are essential for my full participation in every aspect of this request:

Contact Requirement

1. All responses, updates, and communications must be sent exclusively via email to AabiWR@live.com. Do not use physical mail, phone calls, portal-based communications, external links, or any platform outside of direct email.
2. Format Requirement: Include the full text of each response within the body of the email, along with any attached documents. This ensures that all information is immediately accessible without requiring

downloads or access to external sites, allowing me to fully participate and understand the content.

3. Complete and Transparent Documentation

Provide all requested documents in full, without redactions unless legally required. For any necessary redactions, please cite the specific legal exemption or statute applied, and include a summary to facilitate understanding. This ensures that I have clear and complete access to all information.

4. Detailed Explanations for Any Denials

If any portion of this request is denied, include a clear, detailed explanation for each denied item, citing relevant legal statutes or exemptions. This clarity is essential to ensure I understand any limitations.

5. Guidance for Complex Records

For records containing complex financial, legal, or medical language, please include summaries or simplified explanations. This accommodation ensures that I can accurately interpret and fully understand the information provided.

6. Identification of FOIA Officer Handling This Request

Provide the full name, title, and direct contact information of the FOIA officer assigned to my request. While communication must remain email-only, I request this information for records and transparency.

7. Confirmation of Accommodations

Confirm receipt of this request, and explicitly acknowledge that each accommodation listed will be fully applied in all responses and communications.

Request for Expedited Processing of FOIA Request for Records Pertaining to Medicaid Services for NPI 1962278119 and NPI 1023012345

Pursuant to Federal Law and Connecticut FOIA Statutes, I am requesting expedited processing of this FOIA request due to the pressing public interest involved and the immediate impact on vulnerable Medicaid beneficiaries, as authorized under applicable legal provisions.

Request for Expedited Processing

Legal Basis: Under 5 U.S.C. § 552(a)(6)(E), expedited processing is required when there is an "urgency to inform the public concerning actual or alleged Federal Government activity." Additionally, Conn. Gen. Stat. § 1-210(a) mandates prompt availability of public agency records, especially where issues directly impact public welfare and accountability.

Justification for Expedited Processing

Public Interest and Transparency: These records are crucial for public scrutiny of Medicaid spending, potential monopolistic practices, consumer choice limitations, and wage compliance within Connecticut's Medicaid ABI Waiver Program.

Immediate Impact on Vulnerable Populations: This request addresses policies that may limit autonomy, financial independence, and housing

security for Medicaid beneficiaries, especially those with disabilities. Delays could harm these populations by preventing timely corrective action.

Compliance with FOIA Promptness Standards: Federal and Connecticut FOIA statutes require agencies to make records available "promptly." Any refusal to expedite processing would contravene both the letter and intent of FOIA law.

Potential Financial and Legal Violations: Requested records may reveal misuse of Medicaid funds or improper labor practices. Immediate access is necessary for regulatory assessment.

Request for Immediate Acknowledgment: Please provide immediate, written acknowledgment of this expedited processing request. If expedited processing is denied, provide a written statement detailing the specific legal grounds for denial, in compliance with FOIA statutes.

Thank you for your prompt attention to this matter.

Sincerely,
David Medeiros
ABI Resources
215 Mountain Street
Willimantic, CT 06226
Email: AabiWR@live.com

I also request that, if possible and pursuant to Conn. Gen. Stat. § 1-212(d), fees be waived as I believe this request is in the public interest and not made for commercial gain. The requested documents will be made available to the public at MuckRock.com.

In the event that there are fees, I would be grateful if you would inform me of the total charges in advance of fulfilling my request. I would prefer the request filled electronically, by e-mail attachment if available or CD-ROM if not.

Thank you in advance for your anticipated cooperation in this matter. I look forward to receiving your response to this request within 4 business days, as the statute requires.

Sincerely,

DAVID MEDEIROS

Upload documents directly:

https://accounts.muckrock.com/accounts/login/?next=https%3A%2F%2Fwww.muckrock.com%2Faccounts%2Flogin%2F%3Fnext%3D%252Faccounts%252Fagency_login%252Fdepartment-of-public-health-6612%252Frecords-pertaining-to-medicaid-services-for-npi-1962278119-and-npi-1023012345-department-of-public-health-175666%252F%253Femail%253DOlinda.Morales%252540ct.gov&url_auth_token=AAAhBV8zX9vNc5Bls5ZL9Du-DxM%3A1t80Ij%3AfmFjT4li-mDkG4vraibYaORPwQc1CMnhKScIvsp0x-k

Please note the department reserves the right to charge any such other fees as may be appropriate pursuant to the Freedom of Information Act.
Connecticut Department of Public Health

To:
FOIA Appeals Officer
Department of Public Health (DPH)
410 Capitol Avenue
Hartford, CT 06134
Email: DPH.FOIA@ct.gov

CC:
State of Connecticut Agencies:

Connecticut Department of Social Services (DSS):
Head: Dr. Deidre S. Gifford, Commissioner
Contact: foia.dss@ct.gov
Connecticut Office of the Attorney General:
Head: William Tong, Attorney General
Contact: attorney.general@ct.gov
Connecticut General Assembly (CGA):
Head: Senator Martin M. Looney, President Pro Tempore of the Senate
Contact: foia@cga.ct.gov
Connecticut Office of Policy and Management (OPM):
Head: Melissa McCaw, Secretary
Contact: opm.foia@ct.gov
Federal Agencies:

U.S. Department of Health and Human Services (HHS):
Head: Xavier Becerra, Secretary
Contact: HHS_FOIA@hhs.gov
Centers for Medicare & Medicaid Services (CMS):
Head: Chiquita Brooks-LaSure, Administrator
Contact: FOIA_Request@cms.hhs.gov
U.S. Department of Justice (DOJ):
Head: Merrick B. Garland, Attorney General
Contact: foia.requests@usdoj.gov
U.S. Department of Housing and Urban Development (HUD):
Head: Marcia L. Fudge, Secretary
Contact: foiarequests@hud.gov
U.S. Department of Labor (DOL):
Head: Julie Su, Acting Secretary
Contact: foiarequests@dol.gov
Federal Trade Commission (FTC):
Head: Alvaro M. Bedoya, Chair
Contact: FOIA@ftc.gov
Subject: Appeal of FOIA Request Determination - Records Pertaining to
Medicaid Services for NPI 1962278119 and NPI 1023012345
FOIA Reference Number: R000770-110424

Introduction

This appeal challenges the Connecticut Department of Public Health's (DPH) handling of FOIA Request #R000770-110424, submitted on November 2, 2024, which sought records related to Medicaid services associated with NPI 1962278119 and NPI 1023012345. The Department's response has been inadequate in scope and fails to fully address transparency requirements under state and federal laws.

As an individual with a traumatic brain injury (TBI), I emphasize my constitutional rights, state and federal statutory rights, and ADA accommodations to ensure equal access and transparency.

Basis for Appeal

1. Constitutional Violations

First Amendment (Right to Public Information): Public agencies have an obligation to provide access to government-held information for oversight and accountability purposes.

Fourteenth Amendment (Due Process and Equal Protection): The incomplete or delayed processing of this FOIA request violates due process and denies individuals with disabilities equal protection under the law.

Supremacy Clause (Article VI): Federal transparency laws, including FOIA and ADA, supersede administrative or procedural limitations imposed by state agencies.

2. Non-Compliance with FOIA and Connecticut FOI Laws

Connecticut FOIA Compliance (Conn. Gen. Stat. § 1-200 et seq.):

Scope of Search: DPH's response failed to provide records of Medicaid services associated with the specified NPIs. The absence of records, without a clear explanation of the search's scope, violates statutory requirements for transparency.

Referral Obligations (Conn. Gen. Stat. § 1-210(a)): DPH must refer my request to other agencies, such as DSS or CMS, if relevant records are held by those entities.

Federal FOIA Compliance (5 U.S.C. § 552):

Detailed Justifications: FOIA requires detailed explanations for redactions or denials, citing specific legal exemptions under 5 U.S.C. § 552(b).

Referral Obligations (5 U.S.C. § 552(a)(6)(C)(i)): Agencies must refer FOIA requests to appropriate entities if records are not within their jurisdiction.

3. Violations of ADA and Rehabilitation Act Accommodations

Under 42 U.S.C. § 12101 et seq. and 29 U.S.C. § 794, I am entitled to accommodations for equal access to the FOIA process. The non-negotiable accommodations I requested must be fully applied:

Non-Negotiable ADA Accommodations:

MuckRock Platform, Only Communication: All responses must be sent exclusively via MuckRock; no phone calls, physical mail, portals, or external links are acceptable.

Direct Text in Body: Responses must be embedded in the email body for accessibility.

PDF Attachments for Documents: All PDFs must be screen-reader compatible and properly formatted.

Simplified Summaries for Complex Records: Records must include summaries to ensure accessibility and comprehension.

Identification of Responsible Personnel: Provide the names, titles, and contact information of all FOIA officers involved.

Detailed Justifications for Redactions and Denials: Include statutory citations and summaries for any withheld or redacted records.

Expedited Processing: Process my request as a priority under 5 U.S.C. § 552(a)(6)(E) and Executive Order 13392 due to the urgent public interest.

4. Request for Clarification and Expanded Search Scope

The requested records intersect with multiple agencies and oversight areas. This appeal demands:

Detailed Explanation of the Initial Search Scope:

Identify all offices, databases, and personnel involved in the search. Specify search terms and timeframes applied.

Referral to Relevant Agencies:

Confirm whether the request has been referred to other agencies, such as DSS, CMS, or the Connecticut Attorney General.

Expanded Search to Include:

Licensing, inspection, and regulatory compliance records.

Interagency communications regarding Medicaid provider standards and fraud investigations.

Relief Requested

Comprehensive Record Search: Conduct a full and expanded search for responsive records, including:

Funding allocations, licensing records, and compliance reports for NPI 1962278119 and NPI 1023012345.

Consumer complaints, investigations, and interagency correspondence.

Referral to Other Agencies: Refer the request to DSS, CMS, or other relevant entities, as required by law.

Immediate Application of ADA Accommodations: Confirm adherence to all non-negotiable ADA accommodations listed above.

Expedited Processing: Prioritize this appeal under 5 U.S.C. § 552(a)(6)(E) and C.G.S. § 1-210(a) due to the urgent public interest.

Fee Waiver Approval: Approve a fee waiver under Conn. Gen. Stat. § 1-212(d) and 5 U.S.C. § 552(a)(4)(A)(iii) as this request serves the public interest and is not for commercial use.

Detailed Justifications for Initial Denial: Provide a complete explanation for any denied or withheld records, including statutory citations.

Conclusion

This appeal ensures compliance with federal and state transparency laws, constitutional rights, and disability accommodations. I expect a substantive response within four business days, as required under Conn. Gen. Stat. § 1-210(a).

Sincerely,

David Medeiros

Founder & Owner, ABI Resources

39 Kings HWY STE C

Gales Ferry, Connecticut, 06335

Email: AabiWR@live.com

Attachments:

Original FOIA Request (11/02/2024)

DPH Acknowledgment (11/04/2024)

Good morning,
Your request for information has been received.

The Department will respond in accordance with the requirements of the CT FOIA.

If there are any costs associated with complying with your request, an estimate will be provided to you before the records are compiled and provided to you.

Thank you.

[cid:image001.png@01DB2E91.48084A00]
KELLY BARTOMIOLI
Paralegal Specialist
Communications & Legislative Management
Privacy Officer & FOIA Officer
Department of Social
Services<https://portal.ct.gov/dsshome?language=en_US>
Phone: 860-984-0215
Kelly.Bartomioli@ct.gov<<mailto:Kelly.Bartomioli@ct.gov>>
PrivacyOfficer.DSS@ct.gov<<mailto:PrivacyOfficer.DSS@ct.gov>>
FOIA.DSS@ct.gov<<mailto:FOIA.DSS@ct.gov>>

Formal Response to Acknowledgment - FOIA Request for Medicaid Records (NPI 1962278119 & NPI 1023012345)

To: Kelly Bartomioli, Paralegal Specialist, Privacy Officer & FOIA Officer
Department of Social Services
Email: FOIA.DSS@ct.gov

Date: November 7, 2024

Dear Ms. Bartomioli,

Thank you for your acknowledgment dated November 4, 2024, confirming receipt of my Connecticut Freedom of Information Act request for records pertaining to Medicaid services linked to NPI 1962278119 and NPI 1023012345. I appreciate the Department of Social Services' (DSS) commitment to responding in alignment with Connecticut FOIA statutes.

1. Request for Fee Waiver

Under Conn. Gen. Stat. § 1-212(d), fees should be waived for requests made in the public interest, particularly where disclosure serves transparency without furthering a commercial benefit. The records requested are intended to:

Enable public scrutiny of Medicaid spending;

Assess consumer choice limitations;

Investigate labor practices affecting Medicaid recipients within Connecticut's ABI Waiver Program.

As this request directly supports public oversight and accountability, I respectfully reiterate my request for a complete fee waiver. Should DSS nonetheless determine fees are required, please provide a preliminary cost estimate, in compliance with Conn. Gen. Stat. § 1-212(a).

2. Request for Expedited Processing

The urgency of this request is grounded in the statutory and regulatory requirements of promptness under Connecticut and federal FOIA laws. Per Conn. Gen. Stat. § 1-210(a), public agency records should be made "promptly available" unless an express exemption applies. Additionally, under 5 U.S.C. § 552(a)(6)(E), expedited processing is warranted where an "urgency to inform the public concerning actual or alleged Federal Government activity" exists. Given that these records have immediate implications for the welfare of Medicaid beneficiaries with disabilities, expedited processing is both reasonable and necessary.

Please provide confirmation of the Department's intention to expedite the processing of this request or, alternatively, a projected timeline for disclosure of records.

3. Reaffirmation of Accessibility Accommodations

To ensure accessibility and transparency, I reiterate the following accommodations as outlined in my original request:

Electronic Communication Only: Kindly correspond exclusively via email to AabiWR@live.com. All responses and attachments should be directly included

in the body of the email or as email attachments to eliminate barriers to access.

Unredacted Records and Transparency for Any Redactions: Full access to responsive records is requested, with redactions limited to those strictly required by law. Where redactions are applied, please cite specific legal exemptions and provide contextual summaries per Conn. Gen. Stat. § 1-210(b).

Detailed Justification for Any Denials: In the event of any denial of access to records, a complete explanation is requested under Conn. Gen. Stat. § 1-210(b), with reference to the relevant exemption applied and reasoning for its applicability.

Summaries for Complex Records: For any records involving complex financial, legal, or technical language, I request simplified summaries to support accessibility, per DSS's obligations to provide access "in a form comprehensible to the requester" (Conn. Gen. Stat. § 1-210(a)).

Identification of FOIA Officer Assigned to This Request: For transparency and accountability, I respectfully request the name, title, and contact information of the FOIA officer assigned to process this request.

4. Obligation for Timely Compliance

Please note that the Department's duty to promptly provide access to public records, as set forth in Conn. Gen. Stat. § 1-210(a), remains paramount. I remind DSS of its statutory obligation to fulfill FOIA requests with due diligence and respect for the statutory timelines established under Connecticut law.

Confirmation of Receipt

Please confirm receipt of this communication and provide the requested updates on the projected timeline for record disclosure.

Thank you for your continued attention to this matter. I look forward to DSS's full compliance with its obligations under the Connecticut FOIA statutes and all relevant federal guidelines.

Respectfully,

David Medeiros
ABI Resources
215 Mountain Street
Willimantic, CT 06226
Email: AabiWR@live.com

Subject: Reaffirmation of Legal Requirements for FOIA Request Processing -
Records Pertaining to Medicaid Services (NPI 1962278119 & NPI 1023012345)

To: Kelly Bartomioli, Paralegal Specialist, Privacy Officer & FOIA Officer
Department of Social Services
Email: FOIA.DSS@ct.gov

Date: November 7, 2024

Dear Ms. Bartomioli,

Thank you for your acknowledgment of my Freedom of Information Act request dated November 4, 2024, concerning records related to Medicaid services under NPI 1962278119 and NPI 1023012345. I appreciate the Department of Social Services' prompt acknowledgment and the statement that DSS will fulfill its statutory obligations under Connecticut FOIA law.

In order to facilitate transparent and timely processing of this request, I respectfully reiterate the following key components of my request, which the agency is statutorily obligated to address in compliance with Conn. Gen. Stat. § 1-200 et seq. and the federal FOIA, 5 U.S.C. § 552.

1. Fee Waiver Request

Per Conn. Gen. Stat. § 1-212(d), I respectfully reiterate my request for a waiver of any fees associated with this request, as it serves the public interest and is not being made for commercial benefit. The requested documents will be made available to the public on MuckRock.com and will directly contribute to public oversight of Connecticut Medicaid practices, including spending accountability, provider selection transparency, and labor standards for Medicaid-supported employees. Should DSS determine that fees are unavoidable, please provide an itemized cost estimate per Conn. Gen. Stat. § 1-212(a) prior to any record compilation.

2. Request for Expedited Processing

In my initial submission, I requested expedited processing based on the urgency of the issues addressed, as authorized under Conn. Gen. Stat. § 1-210(a) and 5 U.S.C. § 552(a)(6)(E). These records are of immediate importance due to their relevance to the autonomy, financial independence, and security of Medicaid beneficiaries with disabilities under the ABI Waiver Program. Delays could impede corrective action, impacting vulnerable populations.

In light of these factors, please confirm DSS's intent to process this request on an expedited basis. If DSS cannot provide expedited processing, I request an explanation outlining the reasons and an estimated timeline for fulfillment, as the Connecticut FOIA mandates that "prompt" access to public records must be provided.

3. Reminder of Specific Accessibility Accommodations

I wish to reaffirm the following accommodations, which are necessary for my full participation and understanding of the information provided:

Electronic Correspondence and Format: All responses, documents, and updates should be delivered exclusively via email to AabiWR@live.com. Any

responses should be included within the body of the email or as accessible attachments to ensure immediate accessibility without external links or downloads.

Full Access and Redaction Transparency: I request full, unredacted copies of all responsive records unless redactions are legally required. For any redacted material, DSS must provide specific legal citations per Conn. Gen. Stat. § 1-210(b), along with summaries where appropriate.

Detailed Justification for Any Denials: If any records are withheld, I request a comprehensive explanation for each item withheld, with specific reference to applicable legal exemptions.

Plain-Language Summaries for Complex Records: For records that involve complex legal, financial, or technical language, I request plain-language summaries to support accessibility and comprehensive understanding, as consistent with the agency's obligation to provide access in a comprehensible format.

Identification of Assigned FOIA Officer: For transparency and accountability, please provide the name, title, and contact information of the FOIA officer assigned to handle this request.

4. Obligation for Compliance with FOIA Timelines

I wish to remind DSS of its statutory obligations to provide a "prompt" response under Conn. Gen. Stat. § 1-210(a). As noted, this request is submitted in the interest of public transparency, particularly regarding potential practices that may affect Medicaid beneficiaries' rights, independence, and financial welfare. I respectfully request DSS's full cooperation to ensure compliance with these statutory requirements and timely fulfillment of this request.

Confirmation of Receipt

Please confirm receipt of this communication and acknowledge that each of the specific accommodations listed herein will be applied. I also request an update on the projected timeline for fulfillment or any further action DSS may require to ensure timely compliance.

Thank you for your commitment to transparency and your attention to this matter.

Sincerely,

David Medeiros
ABI Resources
215 Mountain Street
Willimantic, CT 06226
Email: AabiWR@live.com

Reaffirmation of Statutory Obligations for FOIA Request Fulfillment –
Medicaid Records for NPI 1962278119 and NPI 1023012345

To: Kelly Bartomioli, Paralegal Specialist, Privacy Officer & FOIA Officer
Department of Social Services
Email: FOIA.DSS@ct.gov

Date: November 7, 2024

Dear Ms. Bartomioli,

Thank you for your acknowledgment dated November 4, 2024, confirming receipt of my Freedom of Information Act (FOIA) request for records relating to Medicaid services associated with NPI 1962278119 and NPI 1023012345.

This request, submitted in accordance with the Connecticut FOIA (Conn. Gen. Stat. § 1-200 et seq.) and federal FOIA (5 U.S.C. § 552), seeks critical public records to promote transparency and oversight of Medicaid-related practices impacting Connecticut's ABI Waiver Program. Given the significant public interest and urgent nature of these records, I respectfully request the Department's full adherence to its statutory obligations in processing this FOIA request.

1. Confirmation of Fee Waiver Eligibility

As indicated in my initial request, I seek a waiver of fees for this FOIA request under Conn. Gen. Stat. § 1-212(d). This statute encourages fee waivers for requests serving the public interest without commercial benefit. The requested records, which address the oversight of public Medicaid funds, provider practices, and regulatory compliance, will be made publicly available and used solely to inform the public.

Please confirm DSS's intent to waive fees for this request. Should fees nonetheless apply, I request an advance, itemized estimate per Conn. Gen. Stat. § 1-212(a) before any action to compile records, ensuring transparency regarding potential costs.

2. Request for Expedited Processing

This FOIA request was submitted with a request for expedited processing due to the immediate relevance of these records to vulnerable Medicaid beneficiaries, as supported by Conn. Gen. Stat. § 1-210(a) and 5 U.S.C. § 552(a)(6)(E). Federal and Connecticut FOIA statutes underscore that records with substantial public interest, especially those affecting individuals' autonomy, financial welfare, and legal protections, require prompt access. I request DSS's written confirmation of expedited processing or, if denied, a detailed explanation of the legal basis for that decision.

3. Required Accommodations for Accessibility and Transparency

To ensure full accessibility, I emphasize the importance of the following accommodations, which were detailed in the original request and are necessary to facilitate the complete and efficient processing of this FOIA request:

Exclusive Electronic Correspondence: Please communicate solely via email to AabiWR@live.com, including all response text within the body of the email and attaching any relevant documents. This accommodation ensures immediate and unrestricted access to communications.

Full Document Access with Limited Redactions: I request full, unredacted access to all responsive records, with redactions limited to those required by law. Each redaction must be supported by a specific statutory citation, per Conn. Gen. Stat. § 1-210(b).

Detailed Explanations for Any Denials: Should any records be denied, I expect a comprehensive justification for each withheld item, with citations to all applicable statutory exemptions, to comply with Conn. Gen. Stat. § 1-210(b).

Summaries for Complex Documentation: For records involving technical, legal, or financial terminology, please provide plain-language summaries or contextual explanations to ensure full comprehension.

Identification of FOIA Officer: For transparency and accountability, please provide the name, title, and contact information of the FOIA officer assigned to manage this request.

4. Clarification of Response Timeline

In accordance with Conn. Gen. Stat. § 1-210(a), Connecticut FOIA law mandates that public records be made available "promptly." Given the public welfare implications tied to these records, I respectfully request a clear timeline for the anticipated response to this FOIA request, including a preliminary estimate for completion.

Confirmation of Compliance

Please confirm receipt of this communication and provide written acknowledgment of the accommodations and processing requests outlined above. Additionally, I request confirmation that each accommodation, including fee waiver eligibility and expedited processing, will be fully applied in alignment with Connecticut FOIA requirements.

Thank you for your attention to these matters, and I appreciate DSS's commitment to transparency in processing this request.

Respectfully,

David Medeiros
ABI Resources
215 Mountain Street
Willimantic, CT 06226
Email: AabiWR@live.com

From: David Medeiros, Founder, ABI Resources
Date: November 20, 2024
Subject: Formal FOIA Appeal: Records Pertaining to Medicaid Services for
NPI 1962278119 and NPI 1023012345 (Connecticut Department of Social
Services)

To:
Kelly Bartomioli
Paralegal Specialist, Privacy Officer & FOIA Officer
Connecticut Department of Social Services (DSS)

CC: Relevant State and Federal Authorities
Centers for Medicare & Medicaid Services (CMS): Chiquita Brooks-LaSure,
Administrator
U.S. Department of Health and Human Services (HHS): Xavier Becerra,
Secretary
Connecticut Department of Public Health (DPH): Dr. Manisha Juthani,
Commissioner
Connecticut Office of the Attorney General: William Tong, Attorney General
U.S. Department of Justice (DOJ): Merrick Garland, Attorney General
Subject: Formal FOIA Appeal - Comprehensive Compliance and Accommodations
Background

This appeal concerns the Connecticut Department of Social Services' (DSS) processing of my FOIA request submitted on November 2, 2024, seeking records associated with Medicaid services linked to NPI 1962278119 and NPI 1023012345. My request was acknowledged by DSS on November 4, 2024, but substantive compliance remains pending. This appeal outlines the necessary actions, accessibility accommodations, and legal compliance required to ensure timely and transparent disclosure.

Summary of Issues

Inadequate Response and Delays:

The DSS acknowledgment failed to address critical elements of my FOIA request, including expedited processing, fee waiver eligibility, and compliance with requested ADA accommodations.

Failure to Apply ADA and Section 504 Accommodations:

DSS has yet to confirm its application of accessibility accommodations required under ADA (42 U.S.C. § 12101) and Section 504 of the Rehabilitation Act (29 U.S.C. § 794), hindering my equal access to public records.

Transparency and Statutory Compliance:

DSS has not provided an estimated timeline for fulfillment, justification for potential delays, or confirmation of adherence to statutory requirements under Conn. Gen. Stat. § 1-210 and FOIA (5 U.S.C. § 552).

Legal Authorities and Case Law Supporting Appeal

Connecticut FOIA Law (Conn. Gen. Stat. § 1-210 et seq.):

Mandates "prompt" access to public records and prohibits unwarranted delays.

Freedom of Information Act (5 U.S.C. § 552):

Requires agencies to process requests promptly, with expedited processing when justified by public interest.
ADA and Section 504:

Guarantee full and equal access to federally funded services, including public records. DSS must implement accommodations to meet these obligations.

Relevant Case Law:

Lane v. Brown (2014): Reinforces the necessity of accommodations under ADA and Section 504 in public programs.

U.S. DOJ v. Reporters Committee for Freedom of the Press (1989):

Highlights the public's right to government transparency.

Requested Actions

To address these deficiencies and ensure compliance with state and federal law, I respectfully request the following:

1. Immediate Acknowledgment of Accommodations

DSS must confirm in writing that all requested ADA accommodations will be fully applied, including:

MuckRock Platform, Only Communication: All responses must be submitted exclusively via MuckRock. No phone calls, physical mail, or portal responses are permitted.

Direct Text in Body: Responses must be included in the email body for accessibility.

PDF Attachments for Documents: Attachments must be properly labeled, accessible, and screen-reader compatible.

Simplified Summaries for Complex Records: Include plain-language summaries of any complex financial, legal, or procedural records.

Identification of FOIA Personnel: Provide the names, titles, and contact details of all FOIA officers and supervisors handling this request.

2. Expedited Processing

DSS must process this request expeditiously under Conn. Gen. Stat. § 1-210(a) and 5 U.S.C. § 552(a)(6)(E) due to the immediate public interest in Medicaid-related transparency and the welfare of vulnerable populations.

3. Fee Waiver Confirmation

DSS must confirm eligibility for a fee waiver under Conn. Gen. Stat. § 1-212(d) and 5 U.S.C. § 552(a)(4)(A)(iii), as this request serves the public interest without commercial benefit.

4. Provision of Estimated Timeline

DSS must provide an estimated timeline for the disclosure of responsive records, in accordance with Conn. Gen. Stat. § 1-210(a).

5. Comprehensive Disclosure Without Redactions (Unless Legally Required)

DSS must ensure full access to unredacted records, with any necessary redactions clearly justified under Conn. Gen. Stat. § 1-210(b) and 5 U.S.C. § 552(b).

Statutory Compliance Obligations

DSS must adhere to the following statutory and constitutional obligations to fulfill this FOIA request:

Connecticut FOIA Law (Conn. Gen. Stat. § 1-200 et seq.):

Provides clear timelines and mandates full access to public records, with limitations only for statutory exemptions.

Freedom of Information Act (5 U.S.C. § 552):

Requires DSS to respond within 20 business days and justify any redactions or delays.

ADA and Section 504:

Ensure DSS provides reasonable accommodations to prevent discrimination and facilitate equal access to public records.

First Amendment - Right to Petition:

Protects my right to access government information necessary to petition for redress and oversight effectively.

Request Timeline

Immediate Action Required:

Written acknowledgment of ADA accommodations and processing timeline.
Confirmation of expedited processing and fee waiver eligibility within 5 business days of receipt of this appeal.

Failure to Respond:

If DSS fails to provide the requested accommodations, transparency, or statutory compliance, I will escalate this matter to the following:

Office for Civil Rights (OCR), U.S. Department of Health and Human Services (HHS): Complaint for ADA non-compliance.

Connecticut Freedom of Information Commission: Complaint for non-compliance with Conn. Gen. Stat. § 1-200 et seq.

Judicial Review: Filing of a federal or state lawsuit to enforce compliance and accommodations.

Conclusion

This FOIA request represents a critical inquiry into Medicaid provider practices and regulatory compliance under Connecticut's ABI Waiver Program. DSS's obligations under state and federal law are unequivocal. Transparency, timely processing, and ADA-compliant accommodations are not discretionary; they are mandatory.

I look forward to your prompt and substantive response addressing all points outlined in this appeal.

Sincerely,

David Medeiros

Founder, ABI Resources