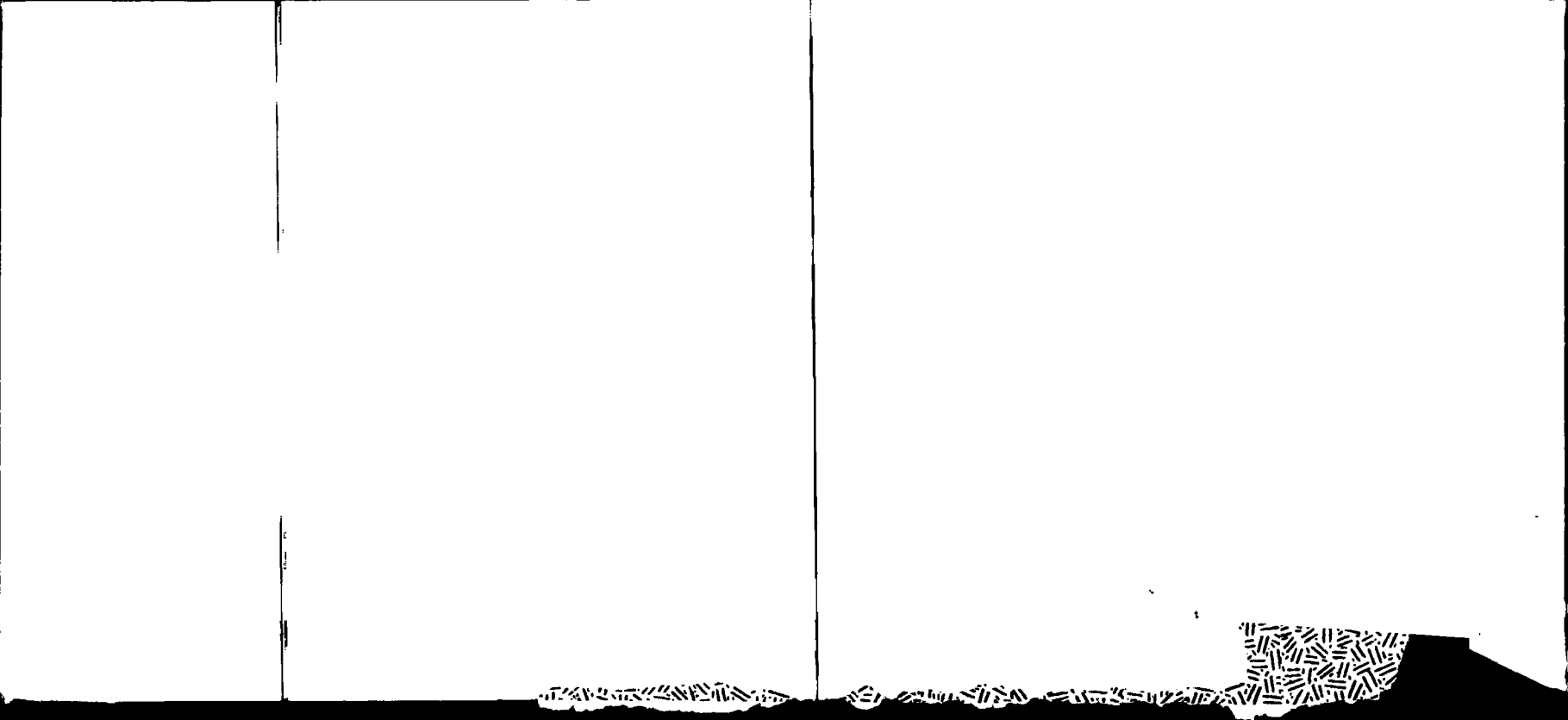


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FOIA APPEAL

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CENTERS FOR MEDICARE & MEDICAID SERVICES
FOIA OFFICE
7500 SECURITY BLVD
BALTIMORE MD 21244-1850

December 19, 2024

This is a follow up to a previous request:

Escalated Complaint and Appeal
Subject: Immediate Enforcement of Constitutional, Whistleblower, Taxpayer, and ADA Rights

Date: December 19, 2024

To:
FOIA Officer (Name Requested)
Centers for Medicare & Medicaid Services (CMS)
Office for Civil Rights (OCR), U.S. Department of Health and Human Services (HHS)
Civil Rights Division, U.S. Department of Justice (DOJ)
Office of Special Counsel (OSC)
Connecticut Department of Social Services (DSS)
Office of Inspector General (OIG), Department of Health and Human Services (HHS)

From:
David Medeiros
Founder, ABI Resources

Introduction
This escalated complaint and appeal seeks immediate enforcement of my constitutional rights, whistleblower protections, taxpayer accountability measures, and ADA mandates in light of systemic violations by CMS, DSS, and related agencies. These failures stem from ongoing retaliation following my December 18, 2023, whistleblower report and include:

Denial of constitutional rights under the First, Fifth, and Fourteenth Amendments.
Retaliatory actions violating federal whistleblower laws.
Lack of transparency under FOIA, impacting taxpayer oversight.
Systemic barriers violating ADA standards for accessibility and accommodations.
This appeal demands immediate corrective actions to restore compliance with these foundational legal frameworks.

Violations and Legal Framework
1. Constitutional Rights Violations
First Amendment (NARA v. Favish, 541 U.S. 157): Denial of requested records obstructs my right to petition the government for redress of grievances.

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Fifth Amendment (Goldberg v. Kelly, 397 U.S. 254): Delays and incomplete responses infringe on due process rights by denying fair procedural mechanisms.
Fourteenth Amendment (Tennessee v. Lane, 541 U.S. 509): Systemic barriers to ADA compliance violate the Equal Protection Clause, excluding individuals with disabilities from equal participation.
2. Whistleblower Protection Violations
Failure to Investigate (5 U.S.C. § 1213): Agencies, including OSC and CMS, failed to investigate disclosures in my whistleblower report.
Retaliation (Whistleblower Protection Act): Actions such as Medicaid billing restrictions, premature case closures, and programmatic changes demonstrate retaliatory intent.
3. Taxpayer Accountability Violations
FOIA Non-Compliance (5 U.S.C. § 552): Failure to provide requested records undermines public oversight of federally funded programs.
Economic Impact: Delays and non-compliance impede transparency, increasing risks of fraud, waste, and abuse in Medicaid programs.
4. ADA Non-Compliance
Failure to Provide Accommodations (42 U.S.C. § 12132; 28 C.F.R. § 35.160):
Systemic Discrimination: Exclusion from public programs constitutes systemic discrimination against individuals with disabilities (Lane v. Peña, 518 U.S. 187).
Demands for Immediate Action

Despite explicit requests, your agency has again failed to implement my Non-Negotiable ADA Accommodations, which include:

Muckrock Platform Only Communications: Responses exclusively via Muckrock Platform.
Accessible Formats: Screen-reader-compatible PDFs.
Plain-Language Summaries: Simplified explanations for complex documents.
Identification of FOIA Personnel: Names, titles, and contact details for all FOIA staff handling this request.

1. Full Disclosure of Records
Provide unredacted copies of all requested records, including but not limited to:

Communications and directives related to Sandata EVV Ticket #539494.
Documentation of retaliatory actions following the December 18, 2023, whistleblower report.

ADA compliance policies, accommodation requests, and decisions.
2. ADA-Compliant Communication
3. Transparency in Search Methodology
Submit a sworn affidavit specifying:

Databases and systems searched.
Keywords and filters used.
Personnel involved in processing this FOIA request.
4. Identification of FOIA Officers and Key Personnel
Provide the names, titles, and roles of all individuals responsible for processing this FOIA request and ADA accommodations.

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5. Compliance Timeline
Full compliance must be achieved by December 26, 2024, including:

Delivery of all requested records.
Implementation of ADA accommodations.
Transparent explanations for any exemptions or delays.
Consequences for Non-Compliance
1. Formal Complaints
Non-compliance will prompt complaints to:

Office of Government Information Services (OGIS).
DOJ Civil Rights Division.
Government Accountability Office (GAO).
2. Legal Action
Judicial remedies will be pursued under FOIA, ADA, whistleblower protection, and constitutional statutes.

3. Public Advocacy
Media outlets, advocacy organizations, and watchdog groups will be engaged to expose systemic failures and demand accountability.

Conclusion
CMS, DSS, and related agencies have systematically violated my rights under FOIA, ADA, and federal whistleblower laws. Immediate corrective action is required to rectify these failures and uphold legal and ethical obligations.

I expect a substantive response addressing all demands by December 26, 2024. Failure to comply will result in further escalation as outlined above.

Sincerely,
David Medeiros
Founder, ABI Resources

CC: Oversight and Accountability Authorities
State of Connecticut
Ned Lamont
Title: Governor of Connecticut
Phone: (860) 566-4840
Email: governor.lamont@ct.gov

William Tong
Title: Attorney General of Connecticut
Phone: (860) 808-5318
Email: attorney.general@ct.gov

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Andrea Barton Reeves
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Phone: (860) 424-5053
Email: andrea.bartonreeves@ct.gov

Connecticut Freedom of Information Commission (FOIC)
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Matthew S. Antonetti
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U.S. Department of Health and Human Services (HHS)
Xavier Becerra
Title: Secretary, U.S. Department of Health and Human Services
Phone: (202) 690-7000
Email: HHS_FOIA@hhs.gov

Chiquita Brooks-LaSure
Title: Administrator, Centers for Medicare & Medicaid Services (CMS)
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Email: FOIA_Request@cms.hhs.gov

Lisa Pino
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Email: ocrmail@hhs.gov

Emmett Nicholson
Title: Senior Medicaid Compliance Official, Centers for Medicare & Medicaid Services (CMS)
Phone: (410) 786-7623
Email: emmett.nicholson@cms.hhs.gov

Michelle A. James
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U.S. Department of Justice (DOJ)
Merrick B. Garland
Title: Attorney General, U.S. Department of Justice
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Email: doj.oag@usdoj.gov

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Kristen Clarke
Title: Assistant Attorney General, Civil Rights Division
Phone: (202) 514-4609
Email: civilrights.justice@usdoj.gov

Michael E. Horowitz
Title: Inspector General, DOJ Office of Inspector General
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Email: oig.hotline@usdoj.gov

Priscilla Jones
Title: Supervisory Administrative Specialist, Office of Information Policy (OIP)
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Email: oip.foia@usdoj.gov

Michael G. Seidel
Title: Section Chief, Record/Information Dissemination Section, FBI
Phone: (202) 324-3000
Email: foipaquestions@fbi.gov

Alina M. Semo
Title: Director, Office of Government Information Services (OGIS), National Archives and Records Administration (NARA)
Phone: (202) 741-5770 | Toll-Free: 1-877-684-6448
Email: ogis@nara.gov

Congressional Oversight Committees
James Comer
Title: Chair, House Committee on Oversight and Accountability
Phone: (202) 225-5074
Email: oversightpress@mail.house.gov

Gary Peters
Title: Chair, Senate Committee on Homeland Security and Governmental Affairs
Phone: (202) 224-2627
Email: committee@hsgac.senate.gov

Jamie Raskin
Title: Chair, House Subcommittee on Civil Rights and Civil Liberties
Phone: (202) 225-5341
Email: civilrights@mail.house.gov

Dick Durbin
Title: Chair, Senate Judiciary Committee

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Phone: (202) 224-2152
Email: judiciary@senate.gov

Rosa DeLauro
Title: Ranking Member, House Appropriations Committee
Phone: (202) 225-3661
Email: appropriations@mail.house.gov

Bernie Sanders
Title: Chair, Senate Health, Education, Labor, and Pensions Committee
Phone: (202) 224-5141
Email: helpcommittee@senate.gov

Catherine Lhamon
Title: Chair, U.S. Commission on Civil Rights
Phone: (202) 376-7533
Email: contact@usccr.gov

Richard Blumenthal
Title: Senator, Connecticut
Phone: (202) 224-2823
Email: blumenthal@senate.gov

Chris Murphy
Title: Senator, Connecticut
Phone: (202) 224-4041
Email: murphy@senate.gov

Sincerely,
David Medeiros
Founder, ABI Resources
DB.42.131.Inf. https://www.ctbraininjury.com/blog/tags/db-42-131-inf
https://x.com/ABIresources/status/1866212331279339765
https://www.youtube.com/@ABI.RESOURCES-CT-ABI-MFP-CARE/videos?view=0&sort=dd&shelf_id=2

Reference: OPM ID # 24-85 A-2025-00307 FCC-FOIA-2025-000358-A FIC 2024-0683 R000748-102524 2025-F-01035 R000354-102024 R000737-102024 AD2414036 A-2025-00351 2025-00027-A-PHS A-2025-00395 2025-00434-FOIA-OS A-2025-00393 OPM ID # 24-83 A-2025-00393 2025-00446-FOIA-PHS A-2025-00399 A-2025-00392 25-00142-FOIA PRI-25-023 2025-00032-A-PHS 110620247022 24-86 AD2414644 R000770-110424 2025-F-01651 A-2025-00467 A-2025-00401 2025-00481-FOIA-PHS 112020247009 112020247039 2025-00024-A-OS A-2025-00420 25-00044-F A-2025-00069 A-2025-00469 OPM ID# 24-88 & 89 2025-00638-FOIA-OS AP-2025-001 FOIA-2025-00562 FOIA-2025-00563 EMRUFOIA111524 F-2025-03523 2025-00574-FOIA-PHS 145-FOI-21320 OPM ID #24-94 25-OIG-177 FOIA-2025-01054 FOIA-2025-01052 EMRUFOIA120324-7 FOIA-2025-01053 OPM ID #24-95

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On Dec. 19, 2024:
Subject: FW: SWIFT Mail 121824M00207
Good Afternoon,

Please, provide the CTRL# for your case for a proper search and further assistance.

Thank You, and Have a Great & Safe/Healthy Day!

On Nov. 13, 2024:
Subject: Freedom of Information Act Request: Records on Medicaid Billing Actions, ADA Compliance, and Retaliation Against ABI Resources LLC Ticket #539494 Following December 18, 2023, Whistleblower Report (Centers for Medicare and Medicaid Services)
To Whom It May Concern:

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

Comprehensive FOIA Request for Records on Medicaid Billing Actions, ADA Compliance, and Retaliation Against ABI Resources, LLC Following December 18, 2023, Whistleblower Report

Subject: Comprehensive FOIA Request for Records on Medicaid Billing Actions, ADA Compliance, and Retaliation Against ABI Resources, LLC Following December 18, 2023, Whistleblower Report
To:

FOIA Officer, Centers for Medicare & Medicaid Services (CMS)

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FOIA Officer, Office for Civil Rights (OCR), U.S. Department of Health and Human Services (HHS)
FOIA Officer, Civil Rights Division, U.S. Department of Justice (DOJ)
FOIA Officer, Office of Special Counsel (OSC)
FOIA Officer, Connecticut Department of Social Services (DSS)
FOIA Officer, Office of Inspector General (OIG), Department of Health and Human Services (HHS)
Summary of FOIA Request
This FOIA request demands comprehensive documentation regarding retaliatory actions, ADA non-compliance, and procedural violations by the Connecticut Department of Social Services (DSS) and the Centers for Medicare & Medicaid Services (CMS) following a whistleblower report submitted by David Medeiros, founder of ABI Resources, LLC, on December 18, 2023. It further seeks records held by federal oversight agencies on related actions, communications, and decisions.

Purpose of Request
This request seeks complete, unredacted records to establish evidence of:

Retaliatory Actions: Impacts on ABI Resources, including Medicaid billing restrictions, program changes, and ticket closures.
ADA Non-Compliance: Documenting any failures by DSS, CMS, and associated entities in providing accessible communication for David Medeiros.
FOIA Procedural Violations: Highlighting instances of partial responses and unsupported denials of relevant records.
Scope of Records Sought
The records requested cover December 1, 2023, to present. This scope includes, but is not limited to, emails, text messages, digital communications, internal memoranda, directives, meeting notes, attachments, drafts, and related working documents across all relevant departments, divisions, or offices.

1. Medicaid Billing Suspension and Sandata EVV Ticket #539494 (CMS and DSS)
Comprehensive Communications and Directives: Full records (emails, memos, reports, directives, attachments, text messages) from DSS, CMS, and Sandata Technologies concerning Medicaid billing privileges for ABI Resources, LLC, including names and roles of those involved in discussions and approvals.

Complete Documentation of Sandata EVV Ticket #539494: All records associated with Ticket #539494, including:

Initial ticket details, problem descriptions, resolution requests, and follow-ups.
Communications detailing each stage of the ticket's handling, the reason for marking it "resolved," and personnel involved in closing it.
2. Retaliatory Actions Following December 18, 2023, Whistleblower Report (DSS, CMS, DOJ, OSC)
Internal and External Correspondence: All records, including emails, directives, text messages, memos, and meeting notes, discussing the whistleblower report filed on December 18, 2023, including responses, assessments, and any retaliatory actions considered or taken against ABI Resources.

Documentation of Investigative Actions: All documentation related to any investigations launched in response to the whistleblower complaint, identifying personnel involved, findings, and any

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recommendations or disciplinary actions.

3. ADA Compliance Documentation and Accommodation Requests (OCR, DOJ, DSS, CMS)
ADA Accommodation Requests: All records concerning ADA accommodations requested by David Medeiros and ABI Resources, with full documentation of responses, denials, and any internal discussions on ADA compliance obligations.

ADA Compliance Policies and Internal Guidelines: Copies of internal policies, training materials, and guidelines used by DSS and CMS related to ADA compliance, particularly on communication accessibility and auxiliary aids for individuals with disabilities.

4. Records on Program Changes Impacting ABI Resources (DSS, CMS)
Companion Authorizations Termination Records: All communications, policy documents, and assessments on the termination of companion authorizations for the ABI Waiver Program as of December 31, 2023, including any correspondence between DSS, CMS, and Sandata Technologies related to this decision.
5. Documentation of Specific Individuals' Involvement (All Relevant Agencies)
Records Involving Named Personnel:
Andrea Barton Reeves, Commissioner, DSS
Matthew S. Antonetti, Legal Director, DSS
Astread Ferron-Poole, DSS Associate
Michelle A. James and Emmett Nicholson, CMS officials overseeing Medicaid compliance
All communications, directives, notes, meeting minutes, or any form of correspondence or records involving the above-named individuals with respect to ABI Resources, LLC, particularly regarding Medicaid billing restrictions, ADA accommodation requests, and actions following the December 18, 2023, whistleblower report.

Legal Basis for FOIA Request and Compliance Mandates
1. FOIA Compliance (5 U.S.C. § 552)
FOIA mandates timely responses, full disclosure of non-exempt records, and explicit justifications for any redactions or denials. Any failure by DSS, CMS, or other federal agencies to meet these statutory requirements will constitute non-compliance. All denials must include precise statutory citations under FOIA, and records must be provided in their entirety unless exemptions are clearly and legally justified.

2. ADA Compliance Obligations (42 U.S.C. § 12132; 28 C.F.R. § 35.160)
Under Title II of the ADA, public entities must ensure effective communication with individuals with disabilities. This includes providing accessible documents in screen-reader-compatible formats and meeting specific requests for auxiliary aids. DSS and CMS's failure to meet these requests for ADA accommodations in communications constitutes non-compliance under federal ADA statutes.

3. Federal Whistleblower Protection Standards
Whistleblower protections prohibit retaliation against individuals who report agency misconduct. The actions taken against ABI Resources and David Medeiros, including billing suspension, premature ticket resolution, and operational disruptions following his whistleblower report, are viewed as retaliatory actions that must be substantiated and documented by all relevant agencies.

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Specific Demands for Compliance
To ensure adherence to FOIA and ADA mandates, and to facilitate the transparency required by federal and state law, I formally request:

Delivery of ADA-Compliant Records in Full:

Email-Only Communication via MuckRock Platform: All responses, updates, and records must be sent exclusively via email to eliminate accessibility barriers. CMS must refrain from using phone calls, physical mail, or portal-based responses.
Direct Text in Email Body: Embed response text directly in the email body for immediate readability and accessibility.
PDF Attachments for Documents: All records should be provided as clearly labeled PDF attachments, organized by date and document type, with original formatting preserved for clarity and navigability.
Identification of Responsible Personnel: Each response must include names, titles, and contact information of all FOIA officers, decision-makers, and supervisory personnel responsible for processing my request, ensuring transparency and accountability.

Detailed Justifications for Redactions and Denials: Any information withheld or redacted must include detailed explanations citing specific statutory exemptions, in accordance with 5 U.S.C. § 552(b). These explanations must include enough detail to verify the legal basis for each exemption claimed.

Request for Expedited Processing of FOIA Request
Pursuant to 5 U.S.C. § 552(a)(6)(E), I formally request expedited processing of this FOIA request. This demand is based on critical statutory factors, including significant public interest, imminent risks to the rights of individuals with disabilities, and the need for urgent transparency to prevent ongoing retaliatory actions by public agencies.

Failure to grant expedited processing within the statutory 10-day review period will constitute non-compliance with FOIA's provisions, necessitating formal escalation of this request to administrative or legal authorities.

Consequences of Non-Compliance
Failure to respond to this FOIA request in full compliance, or any delays without proper statutory explanation, may result in formal escalation through administrative, legal, or public channels. DSS, CMS, and other involved agencies are expected to adhere strictly to statutory timelines, ensuring transparency and adherence to ADA and FOIA standards. Non-compliance will be documented and pursued through all available legal remedies.

Conclusion

This FOIA request seeks full and unambiguous access to records necessary to verify and substantiate claims of retaliation, ADA non-compliance, and procedural violations following the December 18, 2023, whistleblower report. I expect each agency to adhere strictly to both FOIA and ADA standards, ensuring prompt and thorough disclosure of all relevant documentation.

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Sincerely,
David Medeiros
~~Founder~~, ~~ABI Resources~~, LLC

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

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 20 business days, as the statute requires.

Sincerely,

DAVID MEDEIROS

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