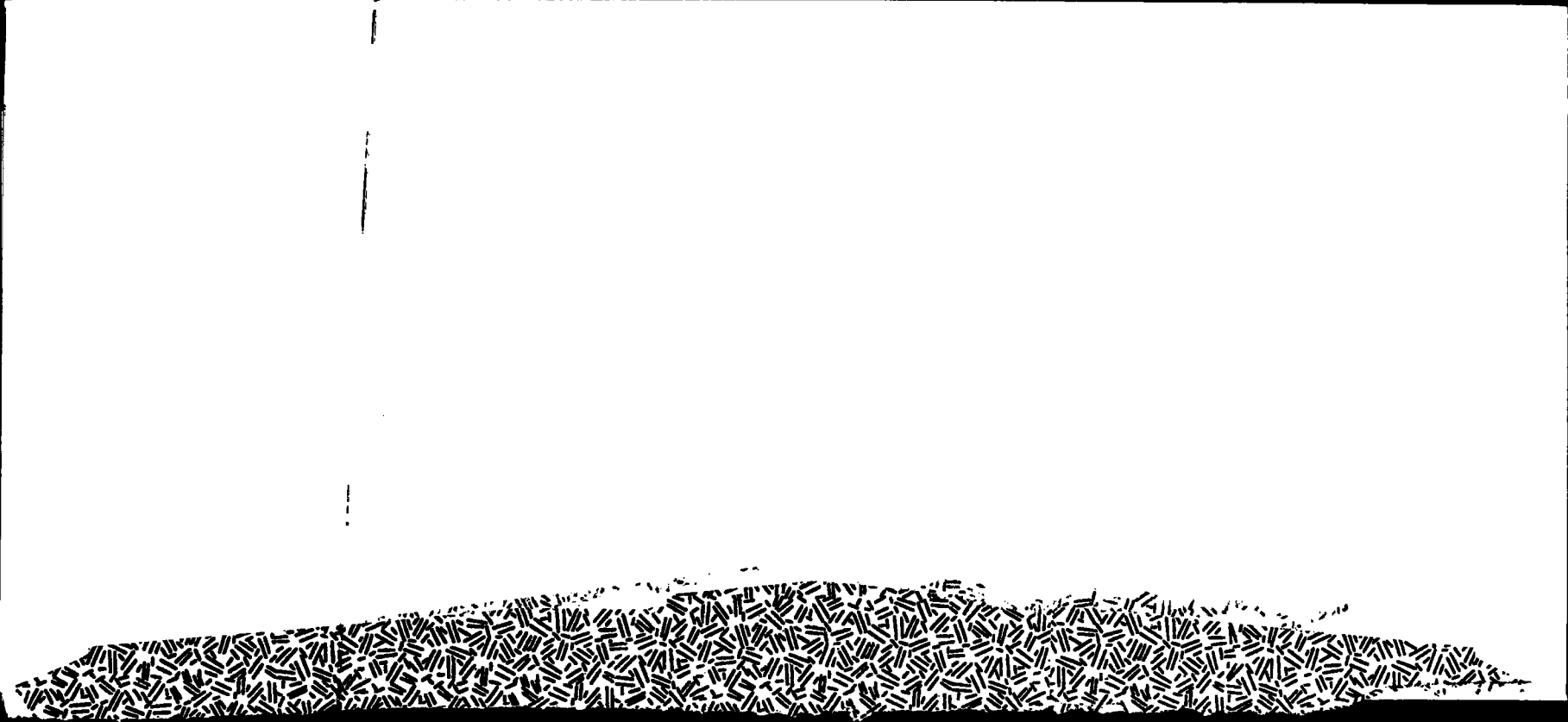


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FOIA APPEAL

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

January 2, 2025

This is a follow up to a previous request:

This complaint addresses violations of federal laws protecting transparency, accessibility, and whistleblower rights. It demands the release of government records related to ADA accommodations, Medicaid oversight, and whistleblower complaints, including DOJ cases. Agencies have failed to meet legal obligations under the Freedom of Information Act (FOIA) and the Americans with Disabilities Act (ADA) by not providing timely responses, accessible documents, or clear justifications for delays. This obstructs my constitutional rights to due process and government accountability. I am requesting immediate corrective actions, including the release of all requested records, compliance with ADA accommodations, and expedited processing to address urgent public interest concerns about government transparency, civil rights protections, and the ethical use of taxpayer funds.

Date: January 2, 2025
01/02/2025

Subject: Formal Complaint and Appeal Regarding Non-Compliance with FOIA, ADA Accommodations, Whistleblower Protections, and Taxpayer Transparency Obligations for DOJ Complaints (#534659-XGL, #539298-RJM, #534060-HWM, #539330-JBZ)

To: All
Federal Recipients:

Office of Information Policy (OIP), DOJ

FOIA Officer: Sean R. O'Neill
Address: U.S. Department of Justice, 441 G Street NW, Room 6226, Washington, DC 20530
Civil Rights Division, DOJ

FOIA Officer: Brenda A. Mallory
Address: 950 Pennsylvania Avenue, NW, Washington, DC 20530-0001
Centers for Medicare & Medicaid Services (CMS)

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FOIA Officer: George Mills, Director
Address: 7500 Security Boulevard, Baltimore, MD 21244
Connecticut State Agencies:

Office of Policy and Management (OPM)

FOIA Officer: Michelle Gilman, Secretary
Address: 450 Capitol Avenue, Hartford, CT 06106
Connecticut Department of Social Services (DSS)

FOIA Officer: Dr. Deidre S. Gifford, Commissioner
Address: 55 Farmington Avenue, Hartford, CT 06105
Introduction and Background
This formal complaint and appeal address widespread non-compliance with FOIA (5 U.S.C. § 552), ADA Title II (42 U.S.C. § 12132), Section 504 of the Rehabilitation Act (29 U.S.C. § 794), and whistleblower protection laws (5 U.S.C. § 2302(b)(8)).

On November 22, 2024, I submitted a FOIA request for comprehensive records regarding the handling of DOJ Complaints #534659-XGL, #539298-RJM, #534060-HWM, and #539330-JBZ. The request also included ADA accommodation requirements for accessible communication. Despite the statutory timeframe of 20 business days, no substantive response has been provided, violating federal law and infringing upon my constitutional and statutory rights.

Violations Identified

1. FOIA Non-Compliance
Failure to Provide Responsive Records:
Agencies have failed to produce records, provide interim updates, or deliver even partial responses. This violates 5 U.S.C. § 552(a)(6)(A), which requires agencies to process requests within 20 business days.
Absence of Justifications for Denials or Delays:
FOIA mandates detailed statutory justifications for any redactions or withheld information (5 U.S.C. § 552(b)). None have been provided.
No Identification of Personnel:
Agencies are required to identify responsible personnel to ensure transparency (5 U.S.C. § 552(a)(6)(C)). This requirement has been ignored.

2. ADA Non-Compliance
Failure to Provide Accessible Formats:
Requested documents have not been provided in screen-reader-compatible formats as required under ADA Title II (42 U.S.C. § 12132) and Section 504 of the Rehabilitation Act (29 U.S.C. § 794).
Inaccessible Communication Methods:
Lack of Simplified Summaries:
Agencies have failed to provide plain-language summaries of complex records, hindering accessibility for individuals with cognitive impairments.
ADA Accommodations Request

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This request includes explicit ADA accommodations to address cognitive processing challenges resulting from my traumatic brain injury (TBI). These accommodations are legally required under Title II of the ADA (42 U.S.C. § 12132) and Section 504 of the Rehabilitation Act (29 U.S.C. § 794).

Requested ADA Accommodations
To ensure accessibility and compliance with ADA standards (42 U.S.C. § 12101 et seq.), I request the following accommodations for all communications and records:

Screen-Reader Compatible Formats

All documents must be provided in properly labeled PDFs or plain-text files.
Ensure the documents are screen-reader compatible and retain clear formatting.
Exclusive MuckRock Platform Communication

All communications must occur via the MuckRock platform.
Do not send external links, emails, portals, passwords, codes, or require phone calls for access.
Text Embedded in Email Bodies

Key information must be embedded directly in the email body to facilitate comprehension.
Simplified Summaries

Provide plain-language summaries for complex or legal documents to ensure clarity.
Identification of Responsible Officers

Include the full name, title, and contact information of all responsible officers handling this request.
Non-Negotiable Compliance
These accommodations are non-negotiable and are essential for ensuring equal access to information. Any failure to provide the requested accommodations may constitute a violation of the ADA and the Rehabilitation Act. Thank you for ensuring compliance and accessibility in addressing this request.

3. Whistleblower Retaliation and Suppression of Records
The failure to release records related to DOJ Complaints #534659-XGL, #539298-RJM, #534060-HWM, and #539330-JBZ suggests retaliation against whistleblower activities. This violates 5 U.S.C. § 2302(b)(8), which protects employees and citizens who report agency misconduct.

4. Constitutional Violations
First Amendment:
By obstructing access to public records, agencies infringe on my right to petition the government for redress of grievances.
Fifth and Fourteenth Amendments:
Agencies' failures to provide ADA accommodations and timely responses violate due process and equal protection guarantees.
Demands for Corrective Action

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1. FOIA Compliance
Release of Responsive Records:
Provide all requested records related to DOJ Complaints #534659-XGL, #539298-RJM, #534060-HWM, and #539330-JBZ, including correspondence, decisions, and ADA compliance policies.
Detailed Vaughn Index:
Justify any redactions or withholdings by providing a Vaughn index citing specific statutory exemptions under 5 U.S.C. § 552(b).
Identification of Responsible Personnel:
Disclose the names, titles, and roles of all personnel involved in processing these requests.

2. ADA Compliance
Accessible Document Formatting:
Reformat all records into screen-reader-compatible PDFs with proper tagging and indexing.
Simplified Summaries:
Accompany complex records with plain-language explanations for accessibility.
Exclusive MuckRock Use:
Transition all communications to the MuckRock platform to eliminate barriers created by inaccessible portals or external systems.

3. Oversight and Accountability
Audit of FOIA and ADA Practices:
Request GAO and OIG to conduct a full audit of DOJ, CMS, OPM, and DSS practices regarding FOIA and ADA compliance.
Bi-Weekly Status Updates:
Provide bi-weekly updates on the status of this FOIA request until its completion.

4. Expedited Processing
Confirm expedited processing under 5 U.S.C. § 552(a)(6)(E) based on significant public interest in ADA compliance, government transparency, and whistleblower protections.
Consequences of Continued Non-Compliance

1. Administrative Complaints
File complaints with the Office of Government Information Services (OGIS) and DOJ Civil Rights Division (OCR) for mediation and enforcement of ADA and FOIA obligations.

2. Judicial Action
Initiate litigation under 5 U.S.C. § 552(a)(4)(B) and 42 U.S.C. § 12133 to compel compliance and seek damages for violations of statutory and constitutional rights.

3. Public Advocacy
Engage transparency organizations, civil rights advocates, and media outlets to expose systemic non-compliance with FOIA and ADA laws.
Request for Expedited Processing Justifications
Expedited processing is warranted under 5 U.S.C. § 552(a)(6)(E) due to:

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Public Interest: This request addresses systemic failures in ADA compliance, FOIA practices, and whistleblower protections—issues of significant public concern.
Civil Rights Concerns: Delays exacerbate potential violations of ADA Title II and suppress transparency around government handling of whistleblower complaints.
Fifth Amendment Due Process: Failure to provide timely information obstructs legal and public advocacy efforts critical to safeguarding rights.

Conclusion
This submission demands immediate corrective action to uphold transparency, accessibility, and accountability in government practices. Failure to comply with FOIA, ADA, and whistleblower protection laws undermines public trust and constitutional guarantees.

Sincerely,
David Medeiros
Founder, ABI Resources

CC List for Oversight and Accountability
Federal Oversight Officials
Merrick Garland, U.S. Attorney General
Kristen Clarke, Assistant Attorney General, DOJ Civil Rights Division
Xavier Becerra, Secretary, HHS
Gene L. Dodaro, Comptroller General, GAO
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
Transparency and Advocacy Entities
Office of Special Counsel (OSC)
Government Accountability Office (GAO)
Office of Government Information Services (OGIS)

From: DAVID MEDEIROS

11/13/2024
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 (Department of State, Office of the Inspector General)

Email
To Whom It May Concern:

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

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~~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)
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

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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 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

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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.

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.

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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.

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

From: DAVID MEDEIROS

12/03/2024
Subject: RE: 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 (Department of State, Office of the Inspector General)

None
Formal Complaint and Appeal for Non-Acknowledgment and Non-Compliance with FOIA Request
Date: December 3, 2024
From: David Medeiros, Founder, ABI Resources LLC
Subject: Formal Complaint and Appeal Regarding Non-Acknowledgment and Non-Compliance with FOIA Request Submitted November 13, 2024

To Whom It May Concern,

This complaint and appeal address the failure of the Department of State, Office of the Inspector General (OIG) to acknowledge or respond to my Freedom of Information Act (FOIA) request submitted on November 13, 2024. This request concerns critical records pertaining to Medicaid billing actions, ADA

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compliance, and retaliation against ABI Resources LLC following a December 18, 2023 whistleblower report (Ticket #539494).

Summary of Violations
Failure to Acknowledge the FOIA Request:

The FOIA request has not been acknowledged within the statutory timeframe of 20 business days as required under 5 U.S.C. § 552(a)(6)(A).
There has been no communication confirming receipt or providing an Estimated Date of Completion (EDC) within 10 business days, violating 5 U.S.C. § 552(a)(7)(B)(ii).
Failure to Provide ADA-Compliant Communication:

The request outlined specific, non-negotiable ADA accommodations under 42 U.S.C. § 12132 and 28 C.F.R. § 35.160, including:
Exclusive email communication via the MuckRock platform.
Direct text in the email body for accessibility.
Clearly labeled, screen-reader-compatible PDF attachments.
These accommodations have not been adhered to, violating federal disability rights laws.
Obstruction of Whistleblower Protections:

The requested records are critical to addressing retaliation and systemic violations reported under whistleblower protections outlined in 5 U.S.C. § 2302(b)(8) and related laws.
Non-responsiveness obstructs accountability and transparency in public administration.
Failure to Ensure Transparency and Accountability:

Non-compliance with the request denies public access to vital information, violating the principles of transparency mandated under 5 U.S.C. § 552 and undermining public trust in the use of taxpayer funds.
Specific Remedies Requested
To rectify these violations, I formally request the following actions:

Immediate Acknowledgment of FOIA Request:

Acknowledge receipt of the request dated November 13, 2024, and provide a written confirmation.
Include an Estimated Date of Completion (EDC) in compliance with 5 U.S.C. § 552(a)(7)(B)(ii).
Provision of ADA-Compliant Responses:

Deliver all requested records via the MuckRock platform, with response text embedded directly in the email body and documents attached as clearly labeled, screen-reader-compatible PDFs.
Include simplified summaries for complex or technical records to enhance accessibility for individuals with cognitive impairments.
Comprehensive Release of Records:

Provide all requested records in full without improper redactions. Any withheld information must include detailed statutory justifications as per 5 U.S.C. § 552(b).
Identification of Responsible Personnel:

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Disclose the names, titles, and contact information of all FOIA officers, decision-makers, and supervisory personnel involved in processing this request.
Expedited Processing:

Expedite the processing of this request based on significant public interest and the urgent need for transparency to address retaliation and ADA violations.
Legal Basis for Complaint and Appeal
Freedom of Information Act (5 U.S.C. § 552):

Requires acknowledgment, timely responses, and explicit justification for redactions or denials.
Mandates agencies to provide public records unless specific exemptions are clearly applicable.
Americans with Disabilities Act (42 U.S.C. § 12132; 28 C.F.R. § 35.160):

Ensures equitable communication and access for individuals with disabilities.
Non-compliance with ADA accommodation requests constitutes discrimination under federal law.
Whistleblower Protection Act (5 U.S.C. § 2302(b)(8)):

Protects individuals reporting government misconduct.
Retaliatory actions or obstruction of whistleblower-related inquiries are violations of federal protections.
Consequences of Continued Non-Compliance
Failure to address this complaint promptly will result in the following actions:

Administrative Escalation:

Filing complaints with oversight bodies, including the Office of Government Information Services (OGIS) and the Department of Justice (DOJ) Civil Rights Division.
Judicial Remedies:

Initiating legal action under FOIA and ADA statutes to compel compliance and enforce accountability.
Public Disclosure:

Engaging with media outlets, advocacy organizations, and public forums to highlight systemic failures and the lack of transparency.
Conclusion
This submission reflects a comprehensive effort to secure transparency, accountability, and adherence to legal obligations under FOIA, ADA, and whistleblower protection laws. I expect an immediate acknowledgment of this complaint and a commitment to rectifying the outlined violations without delay.

Sincerely,
David Medeiros
Founder, ABI Resources LLC
DB.42.131.Inf.

CC Agency Leadership:

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Andrea Barton Reeves

Commissioner, Connecticut Department of Social Services (DSS)
Email: andrea.barton.reeves@ct.gov
Matthew S. Antonetti

Legal Director, Connecticut Department of Social Services (DSS)
Email: matthew.antonetti@ct.gov
Aundra Luckey

Chief, FOIA/PA Branch, Civil Rights Division, U.S. Department of Justice (DOJ)
Email: civil.routing.FOIA@usdoj.gov
Alina M. Semo

Director, Office of Government Information Services (OGIS), National Archives and Records Administration
Email: alina.semo@nara.gov
Federal Oversight Entities:

Centers for Medicare & Medicaid Services (CMS)

FOIA Officer: Joseph Tripline
Email: FOIA_Request@cms.hhs.gov
Office for Civil Rights (OCR), U.S. Department of Health and Human Services (HHS)

FOIA Officer: Arianne Perkins
Email: FOIARequest@hhs.gov
Office of Inspector General (OIG), U.S. Department of Health and Human Services (HHS)

FOIA Officer
Email: foia@oig.hhs.gov
Office of Special Counsel (OSC)

FOIA Officer
Email: foia@osc.gov
State-Level Entities:

Governor's Office, State of Connecticut

Email: governor.lamont@ct.gov
Connecticut Freedom of Information Commission (FOIC)

Email: foic@ct.gov
Attorney General's Office, Connecticut