NATIONAL ARCHIVES

Onaona Guay <onaona.guay@nara.gov>

Fwd: Freedom of Information Act Request: Exposing Systemic Failures in Medicaid Oversight, ADA Enforcement, and Whistleblower Protections to Ensure Justice and Transparency for All Americans (National Archives and Records Administration)

(b) (6) Tue, Dec 10, 2024 at 12:36 PM
To: Onaona Guay <onaona.guay@nara.gov>

(b) (6)

---------- Forwarded message ---------
From: Operational FOIA and Access Division <foia@nara.gov>
Date: Friday, December 6, 2024 at 12:12:56 PM UTC-5
Subject: Fwd: Freedom of Information Act Request: Exposing Systemic Failures in Medicaid Oversight, ADA Enforcement, and Whistleblower Protections to Ensure Justice and Transparency for All Americans (National Archives and Records Administration)
To: 176817-26912251@requests.muckrock.com <176817-26912251@requests.muckrock.com>
Cc: Textual Reference Archives II Branch <archives2reference@nara.gov>, NARA General Counsel FOIA Office <foia@nara.gov>

Dear Mr. Medeiros:
Thank you for submitting your Freedom of Information Act (FOIA) request to the National Archives and Records Administration (NARA) via email to foia@nara.gov. We received your request on **December 3, 2024**. Your request states:

> *I request access to all records, communications, and agreements from the Department of Justice (DOJ) and related agencies. This request is submitted under federal law to ensure transparency, constitutional compliance, and accountability concerning whistleblower protections, ADA enforcement, and Medicaid oversight. The requested information holds significant public interest in safeguarding civil rights, promoting systemic reform, and ensuring taxpayer accountability.*
>
> *Scope of Request*
> *1. Case Identifiers Provide all records and inter-agency communications related to the following cases: 539330-JBZ, 539298-RJM, 534659-XGL, 534094-QZH, 534069-BRQ, 534060-HWM, 533252-GXC, 535276-FSL, 532832-MJV, 532674-QMM, 532671-PPV, 532667-DRF, 523966-VSF, 497211-PFB, 490797-TJJ, 489456-MCB, 490814-TPF, 490215-DKH, 478957-DPX, 478956-NSD, 473045-JNW, 452335-DDT, 413343-FZP, 405540-ZXW, 397760-PRZ, 395050-TWW, 392179-NCW, 385105-BPN, 376153-JVL, 357494-WND, 354718-LTZ, 275528-PKR, 301882-TRG, 327008-WFC, 339860-FQG, 352533-WJH.*
> *2. ADA Compliance and Enforcement Records, communications, and agreements related to: ADA Title II enforcement policies. Complaints or investigations regarding ADA non-compliance in Medicaid programs. Inter-agency communications between DOJ, CMS, and other entities concerning ADA accommodations, including whistleblower protections.*
> *3. Whistleblower Protections All records, policies, and communications involving whistleblower protections under 5 U.S.C. § 2302(b)(8). Internal policies addressing retaliation protections for individuals reporting non-compliance with FOIA, ADA, or Medicaid oversight.*
> *4. Medicaid Oversight Internal audits, investigations, and compliance reviews conducted by the DOJ, CMS, and other agencies. Records of Medicaid provider complaints, sanctions, or violations under the Acquired Brain Injury (ABI) Waiver Program. Communication regarding systemic Medicaid transparency failures.*
> *5. Processing Records Metadata, logs, and records detailing how this FOIA request has been processed, including internal communications, software platforms used, and timestamps for all actions.*
> *6. Cross-Referenced Searches Ensure a thorough search of: …*

Our office handles FOIA and Privacy Act requests for NARA's **operational** records (records created by this agency). Because your FOIA request is for records that may be **archival** records (records created by or originated in a different agency but that may have been transferred to the legal custody of NARA), we are forwarding it by this email to our *Office of Research Services, Textual Reference (RR2RR)* staff who handle FOIA requests for textual archival records.

That office will assign your request a tracking number and respond directly to you. In the future, if you need to follow up with that office directly, please contact them at the address below, or electronically via email (email is preferred).

National Archives and Records Administration
Research Services, Textual Reference Branch (RR2RR)
8601 Adelphi Road, Room 2400
College Park, MD 20740

Phone: 301-837-3091
Fax: 301-837-1752
Email: archives2reference@nara.gov

For your reference, a copy of your request is below.

Please visit our website at www.archives.gov/foia for further information about making a FOIA request to NARA. On our main website, www.archives.gov, you can learn more about the resources we offer to the public, and you can access our online catalog.

Sincerely,

NATIONAL ARCHIVES

Ashley Bryan
Government Information Specialist
Operational FOIA and Access Division
College Park, Maryland, 20740-6001
301-837-3642

---------- Forwarded message ---------
From: <176817-26912251@requests.muckrock.com>
Date: Tue, Dec 3, 2024 at 1:36 PM
Subject: Freedom of Information Act Request: Exposing Systemic Failures in Medicaid Oversight, ADA Enforcement, and Whistleblower Protections to Ensure Justice and Transparency for All Americans (National Archives and Records Administration)
To: <foia@nara.gov>

Nat'l Archives & Records Admin
FOIA Office
Room 3110
8601 Adelphi Road
College Park, MD 20740

December 3, 2024

To Whom It May Concern:

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

Freedom of Information Act Request
Date: November 23, 2024
Submitted By: David Medeiros
Founder, ABI Resources
39 Kings Hwy STE C
Gales Ferry, CT 06335

Subject: Comprehensive FOIA Request – Records Pertaining to Transparency, ADA Compliance, Whistleblower Protections, Medicaid, and Related Matters

To:
Freedom of Information Act Officer
U.S. Department of Justice
Office of Information Policy (OIP)
441 G Street NW, Sixth Floor
Washington, DC 20530-0001

CC:
Kristen Clarke, Assistant Attorney General for Civil Rights Division
Bobak Talebian, Director, Office of Information Policy
Aundra Luckey, Freedom of Information/Privacy Acts Unit, Civil Rights Division
Office of Government Information Services (OGIS), National Archives and Records Administration
Relevant Congressional Oversight Committees

Introduction
Pursuant to the Freedom of Information Act (FOIA), 5 U.S.C. § 552, I request access to all records, communications, and agreements from the Department of Justice (DOJ) and related agencies. This request is submitted under federal law to ensure transparency, constitutional compliance, and accountability concerning whistleblower protections, ADA enforcement, and Medicaid oversight. The requested information holds significant public interest in safeguarding civil rights, promoting systemic reform, and ensuring taxpayer accountability.

Scope of Request
1. Case Identifiers
Provide all records and inter-agency communications related to the following cases:
539330-JBZ, 539298-RJM, 534659-XGL, 534094-QZH, 534069-BRQ, 534060-HWM, 533252-GXC, 535276-FSL, 532832-MJV, 532674-QMM, 532671-PPV, 532667-DRF, 523966-VSF, 497211-PFB, 490797-TJJ, 489456-MCB, 490814-TPF, 490215-DKH, 478957-DPX, 478956-NSD, 473045-JNW, 452335-DDT, 413343-FZP, 405540-ZXW, 397760-PRZ, 395050-TWW, 392179-NCW, 385105-BPN, 376153-JVL, 357494-WND, 354718-LTZ, 275528-PKR, 301882-TRG, 327008-WFC, 339860-FQG, 352533-WJH.

2. ADA Compliance and Enforcement
Records, communications, and agreements related to:

ADA Title II enforcement policies.
Complaints or investigations regarding ADA non-compliance in Medicaid programs.
Inter-agency communications between DOJ, CMS, and other entities concerning ADA accommodations, including whistleblower protections.
3. Whistleblower Protections

All records, policies, and communications involving whistleblower protections under 5 U.S.C. § 2302(b)(8).
Internal policies addressing retaliation protections for individuals reporting non-compliance with FOIA, ADA, or Medicaid oversight.
4. Medicaid Oversight

Internal audits, investigations, and compliance reviews conducted by the DOJ, CMS, and other agencies.
Records of Medicaid provider complaints, sanctions, or violations under the Acquired Brain Injury (ABI) Waiver Program.
Communication regarding systemic Medicaid transparency failures.
5. Processing Records

Metadata, logs, and records detailing how this FOIA request has been processed, including internal communications, software platforms used, and timestamps for all actions.
6. Cross-Referenced Searches
Ensure a thorough search of:

Digital archives, email servers, and shared inter-agency platforms.
Archived repositories, including records stored by supervisory personnel and contractors.
Constitutional and Statutory Justifications
First Amendment

Access to information is critical for public participation in governance, as recognized in New York Times Co. v. United States (1971).
Fifth and Fourteenth Amendments

Procedural delays and denials violate due process and equal protection under the law (Tennessee v. Lane, 2004).
Supremacy Clause (Article VI, Clause 2)

Federal FOIA and ADA laws supersede any conflicting agency-specific practices.
Relevant Statutes and Case Law

FOIA: 5 U.S.C. § 552, U.S. DOJ v. Reporters Committee for Freedom of the Press (1989).
ADA: Title II, 42 U.S.C. § 12132, and Section 504 of the Rehabilitation Act, 29 U.S.C. § 794.
Whistleblower Protections: 5 U.S.C. § 2302(b)(8).

Non-Negotiable ADA Accommodations
To ensure accessibility, I request adherence to the following accommodations:

MuckRock Platform Only: All communication must occur via MuckRock. Phone calls, external portals, and physical mail are prohibited.
Text in Email Body: Embed all response text in the email body for screen-reader compatibility.
Screen-Reader Compatible PDFs: All documents must be clearly labeled and provided in accessible formats.
Simplified Summaries: Include clear summaries for complex records.
Identification of Personnel: Provide names, titles, and contact information of all responsible individuals.
Statutory Justifications: Include detailed explanations for any redactions or denials, citing specific FOIA exemptions under 5 U.S.C. § 552(b).
Expedited Processing: As this request involves public interest and ADA rights, process expeditiously under 5 U.S.C. § 552(a)(6)(E).
Public Interest Framing
This request directly serves public interest by:

Ensuring transparency and accountability in government programs involving taxpayer funds.
Safeguarding constitutional rights under the First, Fifth, and Fourteenth Amendments.
Highlighting systemic reform needs in ADA enforcement, Medicaid transparency, and whistleblower protections.
Consequences of Non-Compliance
Failure to comply with this request will result in:

Judicial Action: Pursuing legal remedies for injunctive relief and damages under FOIA and ADA statutes.
Oversight Escalation: Filing complaints with DOJ OIG, OGIS, or federal courts.
Public Disclosure: Engaging media, advocacy groups, and watchdog organizations to expose systemic non-compliance.
Conclusion
This request invokes the highest standards of constitutional law and statutory obligations. I expect a complete and transparent response within 20 business days, as required under 5 U.S.C. § 552(a)(6)(A).

Sincerely,
David Medeiros
Founder, ABI Resources

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.
5 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.
6 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.

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

View request history, upload responsive documents, and report problems here:
https://accounts.muckrock.com/accounts/login/?next=https%3A%2F%2Fwww.muckrock.com%2Faccounts%2Flogin%2F%3Fnext%3D%252Faccounts%252Fagency_login%252Fnational-archives-and-records-administration-129%252Fexposing-systemic-failures-in-medicaid-oversight-ada-enforcement-and-whistleblower-protections-to-ensure-justice-and-transparency-for-all-americans-national-archives-and-records-administration-176817%252F%253Femail%253Dfoia%252540nara.gov&url_auth_token=AAAj2hmfHxtGa_KKNGepCdxDtkU%3A1tIXl9%3AXWBDvQe5jXl_m1xYkLTVtfK0doX9FgCHwjZ4B_Up77c

If prompted for a passcode, please enter:
VVLURWKE

Filed via MuckRock.com
E-mail (Preferred): 176817-26912251@requests.muckrock.com

PLEASE NOTE OUR NEW ADDRESS
For mailed responses, please address (see note):
MuckRock News
DEPT MR 176817
263 Huntington Ave
Boston, MA 02115

PLEASE NOTE: This request is not filed by a MuckRock staff member, but is being sent through MuckRock by the above in order to better track, share, and manage public records requests. Also note that improperly addressed (i.e., with the requester's name rather than "MuckRock News" and the department number) requests might be returned as undeliverable.