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FOIA APPEAL

MUCKROCK NEWS
DEPT MR 176762
263 HUNTINGTON AVE
BOSTON, MA 02115

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:

01/02/2025

Subject: Request for Reassignment and Formal Complaint Regarding FOIA Request Handling
To Whom It May Concern,

I am writing regarding my Freedom of Information Act (FOIA) request submitted on November 22, 2024, which seeks records related to ADA accommodations, Medicaid oversight, and whistleblower complaints, including DOJ cases #534659-XGL, #539298-RJM, #534060-HWM, and #539330-JBZ.

Recent correspondence from Ms. Doris Davis has raised concerns about the handling of this request. Specifically:

Failure to Acknowledge Responsibility: Ms. Davis requested a control number for my FOIA submission, despite the obligation of the agency to assign and communicate such identifiers under FOIA regulations (5 U.S.C. § 552(a)(7)(A)).
Failure to Address ADA Accommodations: My request explicitly included legally mandated accommodations under the ADA (42 U.S.C. § 12132), including the use of the MuckRock platform, accessible screen-reader-compatible documents, and simplified summaries. These requirements have not been addressed, constituting non-compliance with federal disability rights laws.
Given these deficiencies, I respectfully request:

1. Immediate Reassignment of My FOIA Request
Reassign my FOIA request to another Government Information Specialist or supervisory official within the CMS FOIA Division to ensure compliance with statutory obligations, ADA requirements, and professional standards.

2. Oversight by CMS FOIA Public Liaison
Ensure direct oversight by the CMS FOIA Public Liaison or a supervisory officer to facilitate timely and appropriate handling of my request.

3. Confirmation of Compliance with FOIA and ADA Obligations
Provide an acknowledgment of this escalation and confirm adherence to the following:

Timely and Transparent Processing: Fulfill my request within statutory deadlines, with immediate release of all available responsive records.

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Accessible Communication: Deliver all records as screen-reader-compatible PDFs with plain-text summaries embedded in the email body.
Identification of Personnel: Disclose the names, titles, and contact information of all personnel involved in processing my request.

Legal Basis for This Escalation
FOIA Compliance (5 U.S.C. § 552): Requires timely acknowledgment, assignment of tracking numbers, and explicit justification for redactions or denials.
ADA Compliance (42 U.S.C. § 12132): Mandates effective communication and equitable access for individuals with disabilities.
Constitutional Protections: Failure to comply infringes upon my First Amendment right to petition the government and my Fifth and Fourteenth Amendment rights to due process and equal protection.
Next Steps

Failure to address this escalation promptly will result in further actions, including:

Administrative Complaints: Filing with the Office of Government Information Services (OGIS) and the DOJ Civil Rights Division.
Judicial Remedies: Initiating legal action under FOIA and ADA statutes to compel compliance and seek remedies for violations.
Public Advocacy: Engaging transparency organizations and media outlets to highlight systemic issues with FOIA and ADA compliance.
I trust that CMS will take swift corrective action to ensure proper handling of this matter. Please confirm receipt of this request and provide an update on the reassignment of my case within 5 business days.

Thank you for your attention to this matter.

Sincerely,
David Medeiros
Founder, ABI Resources

CC:

Chiquita Brooks-LaSure, Administrator, Centers for Medicare & Medicaid Services
Kristen Clarke, Assistant Attorney General, Civil Rights Division
Merrick Garland, U.S. Attorney General
Alina M. Semo, Director, Office of Government Information Services (OGIS)
Congressional Oversight Committees

CC:

William Tong, Attorney General of Connecticut
Andrea Barton Reeves, Commissioner, DSS
Alina M. Semo, Director, OGIS

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Aundra Luckey, Chief, FOIA/PA Branch, DOJ
CMS and OCR Leadership

Sincerely,
David Medeiros
Founder, ABI Resources

CC: Congressional Oversight Committees, DOJ Civil Rights Division, OGIS, and relevant stakeholders.
Copies To:

Office of the Attorney General, Connecticut
Connecticut Department of Social Services
Centers for Medicare & Medicaid Services
Office of Government Information Services (OGIS)

CC: Oversight and Accountability Authorities
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Congressional Oversight Committees
James Comer
Title: Chair, House Committee on Oversight and Accountability

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Sincerely,
David Medeiros

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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 FOIA-2025-01056 EMRUFOIA120324-7 FOIA-2025-01055 FOIA-2025-01057 R005487-120324 2025-01079-FOIA-PHS 2025-01078-FOIA-PHS FOIA-2025-056 PRI-25-045 FOIA-2025-01060 FOIA-2025-01059 FOIA-2025-060 FOIA-2025-01203 EMRUFOIA121324 #FOIA-2025-063 11034 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.6779 7959 17303 17304 3033 5282 14733 6577 10 10527 3519 28368 8560 63 3814 4923 4126 6612 4809 4850 35673 74 239 4850 3519 166 10661 14578 239 3033 4923 166 4850 6779 14733 3519 166 4850 10661 14578 3033 4923 166 6779 4850 166 3519 152 4121 10661 74 3033 239 5282 4850 14733 4923 4850 6612 4923 10672 63 6959 115 35673 10661 239 74 6779 3033 239 4923 166 3519 3033 14578 35673 166 4297 14 3519 5123 287 35673 14 59 3519 287 14733 4809 23077 4923 74 4735 4850 2667 3519 796 59 166 856 22238 35673 14 10835 3033 239 4297 3519 14733 796 3519 856 35673 22005 5123 59 4923 3033 239 14733 166 4297 3519 35673 5123 59 3124 14578 7683 74 10661 3033 239 7982 14587 2667 4121 287 129 11109 856 3519 59 2667 35673 22238 2667 11034: Commission on Fiscal Stability and Economic Growth 6779: Connecticut Commission on Human Rights and Opportunities 7959: Senate Office of Public Records 17303: Republican State Central Committee Of Connecticut 17304: Connecticut House Of Representatives 3033: Centers for Medicare and Medicaid Services 5282: Office of the State Comptroller 14733: Office Of Policy And Management 6577: Office of State Ethics 10: Federal Bureau of Investigation 10527: Federal Communications Commission Office of the Inspector General 3519: Department of Justice, Civil Rights Division 28368: Department Of Labor 8560: Department of Public Health - Medical Examining Board 63: Department of Labor 3814: Department of Consumer Protection 4923: Department of Social Services 4126: Department of Economic and Community Development 6612: Department of Public Health 4809: Office of the Governor 4850: Office of the Attorney General - Connecticut 35673: Department Of Justice 74: Department of Health and Human Services 239: Department of Health and Human Services, Centers for Medicare & Medicaid Services 166: Department of Justice, Disability Rights Division 10661: Department of Health and Human Services Office of Inspector General 14578: Department Of Health And Human Services, Office For Civil Rights 152: Centers for Disease Control and Prevention 4121: Government Accountability Office 10672: Department of Labor, Wage and Hour Division 6959: Department of Justice, Office of Justice Programs 115: Department of Justice, Criminal

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DI-25-000310 DI-25-000325 DI-25-000379
DI-12192024714 DI-12112024134 FBI

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