DEPARTMENT OF HEALTH & HUMAN SERVICES
Centers for Medicare & Medicaid Services
7500 Security Boulevard, Mail Stop C5-11-06
Baltimore, Maryland 21244-1850

Office of Strategic Operations and Regulatory Affairs/Freedom of Information Group
Refer to: Control Number 021420257046 and PIN Q3JZ

2/18/2025

David Medeiros
ABI Resources, LLC
39 Kings Hwy, STE C
Gales Ferry, CT 06335

Dear David Medeiros:

I am responding to your 12/23/2024 letter requesting expedited processing of your Freedom of Information Act (FOIA) request for documents regarding ADA Accommodations and Handling of Complaints. The basis for expedited processing set forth in your letter states it is essential to ongoing oversight of systemic practices affecting public transparency and ADA compliance.

I reviewed your request in line with 5 U.S.C. §552(a)(6)(E). This section provides for expedited processing of FOIA requests when the person requesting the records demonstrates a compelling need as defined by the statute; i.e., an imminent threat to the life and safety of an individual; or, for the media, urgency to inform the public concerning actual or alleged government activity. On the basis of the information available to me, I find that your request does not qualify for expedited processing based upon "compelling need."

I also reviewed your request in light of "other" circumstances that warrant expedited processing according to this agency's Federal Register Notice Vol. 81, No. 209 (dated Friday, October 28, 2016). Such circumstances cover the need for disclosure of the specific records in question because the requester must meet: a deadline in litigation, either in court or before an administrative tribunal; or a deadline imposed by a governmental agency for commenting on a proposed regulation. I find that none of these circumstances apply here.

Finally, in line with the provision of our Federal Register Notice that requires consideration of all requests that do not fall within the circumstances enumerated therein, I have considered the situation set forth in your letter. Unfortunately, I cannot conclude from the information you have provided that there is "exceptional need or urgency" justifying expedited processing in this case.

Therefore, I cannot grant your request for expedited processing. This Group will process your request in accordance with this agency's "first in, first out" practice.

You have asked for a waiver or reduction of the fees that we would customarily charge for furnishing agency records. You have not, however, furnished sufficient information to enable us to determine whether a waiver or reduction of fees is warranted. In order to consider your request for a waiver or reduction of fees, we will need additional information from you. Enclosed you will find a copy of the Department of Health and Human Services FOIA regulation which sets forth the two tests which disclosure of information must meet in order for fees to be waived or reduced. Please carefully review this information and provide a detailed explanation of how disclosure to you will meet the stated tests. I especially need to know how you intend to disseminate the information to the public.

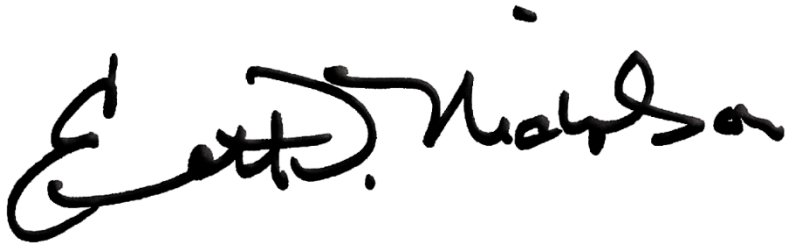
When submitting additional information, please refer to the case number listed at the top left-hand corner of this letter, and send it to: Freedom of Information Act Group, C5-11-06, 7500 Security Boulevard, Baltimore, Maryland 21244-1850.

If you do not furnish any additional information to justify a waiver or reduction of fees, then you will owe the full cost of responding to your request. If at any time the estimate of such fees exceeds $250.00, we will invoice you for the amount of the estimated fee and suspend processing of your request until the fee is paid.

If you disagree with this decision, you may appeal. Any such appeal must be mailed within 30 days to: The Principal Deputy Administrator, Centers for Medicare & Medicaid Services, Room C5-16-03, 7500 Security Boulevard, Baltimore, Maryland 21244. Mark your envelope "Freedom of Information Act Appeal" and enclose a copy of this letter with your appeal..

Questions concerning the status of your request should be directed to Tahleemah Johnson of my staff at 667-290-8683.

Respectfully,



Emmett Nicholson
Director, Division of FOIA Analysis – C
Freedom of Information Group