

**GOVERNMENT OF THE DISTRICT OF COLUMBIA
EXECUTIVE OFFICE OF THE MAYOR
MAYOR'S OFFICE OF LEGAL COUNSEL
Freedom of Information Act Appeal: 2020-249**

September 29, 2021

VIA ELECTRONIC MAIL

Ms. Claudia Barber

RE: FOIA Appeal 2020-249

Dear Ms. Barber:

This letter responds to the administrative appeal you submitted to the Mayor under the District of Columbia Freedom of Information Act, D.C. Code § 2-537 (“DC FOIA”), challenging the lack of response from the Office of Administrative Hearings (“OAH”) to your DC FOIA request.

On August 6, 2020, you submitted a DC FOIA request to OAH seeking records related to certain OAH employees. When OAH did not substantively respond to your FOIA request, you appealed. In response to your appeal, OAH asserted that that statutory deadline to respond to your request had not yet passed because the District’s COVID-19 public health emergency was still in effect.¹

OAH is correct. Although an agency typically must respond to DC FOIA requests within 15 business days, with the possibility of an extension, that deadline did not apply during the COVID-19 public health emergency. Pursuant to D.C. Code § 2-532, the deadline for agencies to provide records in response to DC FOIA requests received prior to January 15, 2021, was 45 business days from that date.

Based on the foregoing, we conclude that OAH did not miss its deadline to respond to your DC FOIA request at the time of your appeal, and we hereby deny your appeal.

This constitutes the final decision of this Office. If you are dissatisfied with this decision, you may commence a civil action against the District of Columbia in the Superior Court of the District of Columbia in accordance with D.C. Code § 2-537.

Respectfully,

Mayor’s Office of Legal Counsel

¹ A copy of OAH’s response to your appeal is attached to this decision.

cc: Shawn M. Nolen, Assistant General Counsel
OAH (via email)