

**GOVERNMENT OF THE DISTRICT OF COLUMBIA
EXECUTIVE OFFICE OF THE MAYOR
MAYOR'S OFFICE OF LEGAL COUNSEL
Freedom of Information Act Appeal: 2021-243**

April 11, 2022

VIA ELECTRONIC MAIL

Ms. Claudia Barber

RE: FOIA Appeal 2021-243

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. Official Code § 2-537 (“DC FOIA”). In your appeal, you assert that the D.C. Office of Administrative Hearings (“OAH”) failed to respond to your FOIA request.

You submitted a DC FOIA request to OAH seeking “all matters, materials, and inquiries taken up responses by OAH Ethics committee since 2014 involving: 1. Administrative Law Judges (“ALJs”) and mediation; and 2. ALJs representing immediate family.” You filed an appeal with this Office asserting that the agency failed to respond to your request. As OAH explained in its response to this Office, it notified you that a responsive record was being withheld pursuant to deliberative process privilege.¹

Because OAH has responded to your request, we dismiss this appeal as moot. However, you may file a new appeal with this Office if you are dissatisfied with the agency’s response.

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

cc: Shawn M. Nolen, Attorney-Advisor/FOIA Officer, OAH (via email)

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