

**GOVERNMENT OF THE DISTRICT OF COLUMBIA  
EXECUTIVE OFFICE OF THE MAYOR  
MAYOR'S OFFICE OF LEGAL COUNSEL  
Freedom of Information Act Appeal: 2022-014**

May 11, 2022

VIA ELECTRONIC MAIL

Mr. Michael Ayele

RE: FOIA Appeal 2022-014

Dear Mr. Ayele:

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 determination by the DC Department of Behavioral Health (“DBH”) that it has no records responsive to your FOIA request.

You submitted a 35-part FOIA request to DBH that primarily consisted of a series of questions and document requests unrelated to the work of DBH. You also requested “documents outlining the benefits provided by your offices to female employees who are pregnant (in terms of paid family and medical leave of absences).” DBH notified you that it has no responsive records. You subsequently filed an appeal with this Office in which you sought clarification regarding benefits provided to pregnant DC government employees. DBH responded to your appeal by reiterating that it does not have responsive records because you are “asking issues that do not have any relationship to DBH.”<sup>1</sup>

FOIA requires that requests describe the records sought with sufficient detail to allow an agency employee familiar with the subject area of the request to locate the records within a reasonable amount of time. More specifically, 1 DCMR § 402.4 states that:

A request shall reasonably describe the desired record(s). Where possible, the specific information regarding names, places, events, subjects, dates, files, titles, file designation or other identifying information shall be supplied.

In addition, under FOIA, an agency “has no duty either to answer questions unrelated to document requests or to create documents.” *Zemansky v. United States Env'tl. Prot. Agency*, 767 F.2d 569, 574 (9th Cir. 1985). The law only requires the disclosure of nonexempt documents, not answers to interrogatories. *Di Viaio v. Kelley*, 571 F.2d 538, 542-543 (10th Cir. 1978). “FOIA creates only a right of access to records, not a right to personal services.” *Hudgins v. IRS*, 620 F. Supp. 19, 21 (D.D.C. 1985). *See also Brown v. F.B.I.*, 675 F. Supp. 2d 122, 129-130 (D.D.C. 2009).

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<sup>1</sup> A copy of DBH’s response to your appeal is attached to this decision.

Based on the foregoing, we conclude that DBH properly responded to your FOIA request 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

cc: Matthew Caspari, General Counsel  
DBH (via email)