

**GOVERNMENT OF THE DISTRICT OF COLUMBIA  
EXECUTIVE OFFICE OF THE MAYOR  
MAYOR'S OFFICE OF LEGAL COUNSEL  
Freedom of Information Act Appeal: 2022-036**

February 1, 2023

**VIA ELECTRONIC MAIL ONLY**

Ms. Hdeel Abdelhady

RE: FOIA Appeal 2022-036

Dear Ms. Abdelhady:

This letter responds to the administrative appeal that you have submitted to the Mayor under the District of Columbia Freedom of Information Act, D.C. Code §§ 2-531, *et seq.* ("DC FOIA"). In your appeal, you have challenged the response of the Department of Employment Services ("DOES") to your DC FOIA request.

Background

On June 25, 2021, you submitted a DC FOIA request to DOES, identified as 2021-FOIA-06056, which sought the following:

(1) All records filed by, or pertaining to, The George Washington University in its capacity as a "self-insured" employer regulated by the DOES under the Workers' Compensation Act of 1979 and its implementing regulations. The date range for this request numbered (1) is May 1, 2019 to the date on which the DOES responds to this request. Please provide these records without redaction and within the time periods provided by the DC FOIA law. If the agency will claim an exemption, please do so within the statutory time periods set forth by FOIA.

(2) Provide copies and records of all correspondence, whether made or maintained in physical/paper format or electronic format, including e-mail communications, involving the DOES, including any employee thereof, and any one or more of the following parties, or employees or representatives of the following parties: The George Washington University, PMA Management Corporation, PMA Insurance Group, PMA Insurance Company, Bonner Kiernan Trebach & Crociata LLP, Kiernan Trebach LLP, Gavett, Datt & Barish, P.C. The DOES is required to submit to the OCTO a request for records of which the OCTO is custodian, and is requested to do so, and take any other steps necessary to respond within the statutory time period(s) of the DC FOIA law. [and]

(3) Provide records of all transactions and events made on or through, and recorded and maintained by, the DOES Administrative Hearings Division (AHD) electronic filing and case management systems in AHD Case Number 19-556, Abdelhady v. George Washington University and PMA Management Corporation. This request encompasses, but is not limited to: filings of papers, notices of appearance or other notices, requests for subpoenas, and any other filings, transactions, or communications conducted or transmitted through, or recorded by, the AHD's electronic filing and case management system. Please also provide in response to this request numbered (3) the names and/or user identification numbers of individuals who transacted, including by filing, in AHD case number 19-556, and the dates of such transactions, as recorded and retained by the AHD's electronic filing and case management system.

On December 7, 2021, you filed an appeal with this Office challenging the November 15, 2021 response of DOES to your DC FOIA request. We notified DOES of your appeal on December 8, 2021 and requested a response. While DOES did not provide a response, a review of the District's FOIA-tracking data indicates DOES granted your request in full on November 15, 2021.

The appeal you have filed lacks a copy of the written response or denial issued by DOES. *See* 1 DCMR § 412.4 (“An appeal to the Mayor shall be in writing and shall include: (a) Statement of the circumstances, reasons or arguments advanced in support of disclosure; (b) Copy of the original request, if any; (c) Copy of any written denial issued under § 407.2; and (d) Daytime telephone number, email address for the requester.”)

It is the public policy of the District of Columbia that all persons are entitled to full and complete information regarding the affairs of the District government and the official acts of those who represent them as public officials and employees. D.C. Code § 2-531. The ultimate responsibility for responding to requests for records of an agency is vested in the agency head. 1 DCMR § 400.1

However, based on the record before us, this Office is unable to determine the adequacy of DOES' response, or lack thereof.

This constitutes the final decision of this Office. If you have any additional identifying information you may resubmit it by separate appeal for consideration. Alternatively, if you are dissatisfied with this decision, you may commence a civil action 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: Tonya Robinson, DOES FOIA Officer (via email only)