

**GOVERNMENT OF THE DISTRICT OF COLUMBIA
EXECUTIVE OFFICE OF THE MAYOR
MAYOR'S OFFICE OF LEGAL COUNSEL
Freedom of Information Act Appeal: 2022-214**

January 18, 2023

VIA ELECTRONIC MAIL ONLY

Ms. Hdeel Abdelhady

RE: FOIA Appeal 2022-214

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 lack of response of the Department of Employment Services ("DOES") to your DC FOIA requests.

On July 27, 2022, you submitted a DC FOIA request to DOES, identified as 2022-FOIA-08473, which sought the following:

This is a request for the following records. Note that "The George Washington University" includes and refers to both "The George Washington University" and its subsidiary, The GW Medical Faculty Associates or "GWU MFA" or "GWU Medical Faculty Associates" or "GW MFA."

(1) All quarterly and annual reports of workers' compensation "benefits" paid, and workers' compensation "loss" reports filed by or received from The George Washington University, including itemized and unredacted forms that are: "Certification of Workers' Compensation for the Quarter"; "Quarterly Report Reconciliation Form"; "Workers' Compensation Quarterly Payable Benefits-Vocational Rehabilitation"; and, OWC Form 22 or "Employer Record of Injuries." The DOES has previously furnished such records in response to FOIA requests, for different time periods, without redaction.

(2) All communications from or to, or between, the DOES and The George Washington University, pertaining to any assessment, collection, or other notice or other communication concerning a "Special Fund" or "Administration Fund" assessment, including but not limited to for Fiscal Year 2022.

You also submitted a DC FOIA request to DOES on July 27, 2022, identified as 2022-FOIA-08474, for the following:

This request is for complete, unredacted copies of one or more audit reports of

the DOES-administered workers' compensation "Special Fund" and/or "Administrative Fund," and any other audit performed by "F.S. Taylor and Associates" or any other entity during or pertaining to DOES/District of Columbia fiscal years 2007 to 2011 or any other time period. (Date Range for Record Search: From 01/01/2007 To 12/31/2020)

When DOES did not respond to either request, you filed appeals with this Office on August 26, 2022, which we consolidated and docketed as FOIA Appeal 2022-214. We notified DOES of your appeal on September 16, 2022 and requested a response. DOES responded on October 17, 2022 by providing you with documents responsive to 2022-FOIA-08473 and notifying you that records responsive to 2022-FOIA-08474 “are protected from disclosure by the deliberative process privilege as it is an internal memorandum as described in DC Code §2-534 (a)(4) and DC Code §2-534 (e).”

Because you only challenged DOES’ failure to respond and it appears DOES has responded to your requests, we dismiss this appeal as moot. However, you are free to challenge DOES’ substantive responses by separate appeal to this Office.

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 Superior Court in accordance with D.C. Code § 2-537.

Respectfully,

Mayor’s Office of Legal Counsel

cc: Tonya A. Robinson, DOES FOIA Officer (via email only)