

**GOVERNMENT OF THE DISTRICT OF COLUMBIA  
EXECUTIVE OFFICE OF THE MAYOR  
MAYOR'S OFFICE OF LEGAL COUNSEL  
Freedom of Information Act Appeal: 2016-104**

September 21, 2016

VIA ELECTRONIC MAIL

Ms. Claudia Barber

RE: FOIA Appeal 2016-104

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 Office of Administrative Hearings ("OAH") failed to adequately respond to an August 8, 2016, communication from your attorney requesting the production of various emails in OAH's possession.

This Office notified OAH of your appeal on September 19, 2016. That same day, you clarified to this Office that you are appealing OAH's lack of response to your request. On September 20, 2016, OAH advised us that it responded to your attorney's August 8, 2016, communication on August 30, 2016.

In its response to this Office, OAH included a copy of the transmittal cover letter sent with the production of documents sent to your attorney on August 30, 2016. The transmittal letter was addressed to 1828 L Street NW, Suite 820 Washington, DC 20036. This address corresponds to the address of the attorney who initiated the original request on your behalf. Further, OAH provided a tracking number for the package, 9505511408416244019944. The USPS tracking website indicates that package number 9505511408416244019944 was delivered on September 1, 2016. We therefore accept OAH's representation that it mailed responsive documents to the attorney who submitted the FOIA request on your behalf.

Conclusion

As discussed above, you submitted your appeal on the grounds that OAH failed to respond to your request and that the request had therefore been constructively denied under D.C. Official Code § 2-532(e). In light of our finding that OAH did respond to your request, we hereby dismiss this matter as moot.

This constitutes the final decision of this Office. This dismissal shall be without prejudice to you to assert any challenge, by separate appeal, to OAH's substantive response to your August 8, 2016 request.

If you are dissatisfied with this decision, you may commence a civil action against the District of Columbia government in the Superior Court of the District of Columbia in accordance with DC FOIA.

Sincerely,

Mayor's Office of Legal Counsel

cc: Marya Torrez, FOIA Officer and Assistant General Counsel, OAH (via email)