

IN THE SUPERIOR COURT FOR THE COUNTY OF FULTON

submitted a written Georgia Open Records Act request to the GDOL for records related to the applications and appeals that the GDOL received and the time lapse experienced by claimants between different stages in the claims process. As detailed in this Verified Complaint, much of this request constitutes data that the GDOL electronically maintains and routinely reports to the U.S. Department of Labor. Plaintiff also requested the GDOL's correspondence with the U.S. Department of Labor about its performance and the policies and practices the Department has issued during the pandemic to address these delays in processing and paying claims.

Despite acknowledging receipt of Plaintiff's request and even communicating its

5. Defendant GDOL is located in Fulton County, Georgia, and is subject to the jurisdiction of this Court.

6. Defendant GDOL may be served through its Commissioner, Mark Butler, at the Georgia Department of Labor, who resides in his official capacity in Fulton County, Atlanta, Georgia, 30303.

FACTS

7.

8. In response to the pandemic, Georgia's governor declared a state-wide emergency on March 14, 2020, which he renewed multiple times, including as recently as February 26, 2021, for another 30 days.⁴

9. In response to its increasing awareness of delays experienced by Georgia unemployment insurance benefits ("UIB") applicants, Plaintiff sent the GDOL a Georgia Open Records Act request on December 8, 2020, for public records to related to Georgia's unemployment insurance program as well as Pandemic Unemployment

12. On December 15, 2020, Defendant GDOL acknowledged receipt of Plaintiff's records request, which it said it had received on December 9, 2020. A copy of Defendant's email acknowledging receipt is attached as Plaintiff's Exhibit 2.

13. In its initial response, the GDOL said it would be able to respond to the request by December 23, 2020. *Id.*

14. On December 23, 2020, Defendant failed to provide any documents in response to Plaintiff's request but said it would respond by December 31, 2020. Plaintiff's Exhibit 3.

15. On December 31, 2020, the GDOL did not provide any documents in response to the request. Indeed, it did not respond at all.

16.

Plaintiff

20. On January 19, 2021, Plaintiff filed a request with the Georgia Department of Law to mediate the dispute between Plaintiff and the GDOL. A copy of Plaintiff's letter to the Georgia Department of Law is attached at Plaintiff's Exhibit 5. The Department of Law acknowledged receipt of the request but did not provide any other information.

21. Two months later, on March 17, 2021, the Department of Law said it could not mediate Plaintiff's request because it represents state age **E**

of applications and issuance of a claim's examiner's determination; any policies, protocols,

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Sent via email to LSO@gdol.ga.gov

Georgia Department of Labor
UI Legal Unit
Suite 826
148 Andrew Young International Blvd., NE
Atlanta, Georgia 30303

December 8, 2020

Re: Open Records Request

Dear Madam or Sir

Pursuant to Georgia's Open Records Act, we request the following records related to Georgia's unemployment insurance program as well as Pandemic Unemployment Assistance provided under the CARES Act during the period beginning on February 1, 2020, through November 30, 2020.

1. For the state unemployment insurance program and pandemic unemployment assistance, please provide the following information for each program by month:
 - a. The number of applications received by the Department
 - b. The number of applications received by the Department that have not had an initial determination by a claim's examiner;
 - c. The number of applications received by the Department that have been deemed eligible, but the claimant has not been paid;
 - d. The number of appeals to the appeals tribunal by party appealing (i.e. claimant or employer).
2. For the state unemployment insurance program and pandemic unemployment assistance, please provide the following information about the time lapses when the Department receives an application and the claims examiner's determination on that application for each program by month:
 - a. Average and median times between applications and claims examiner's determination
 - b. The percentage of applications in which there was no claims examiner's determination within 14 days of the claims date
 - c. The percentage of applications for which there is still no claims examiner's determination.
3. For the state unemployment insurance program and pandemic unemployment assistance, please provide the following information about the payment of eligible claims following a claim examiner's determination made on the applications received by the Department for each program by month:

- a. Average and median times between the application date and the first payment of an eligible claim for application and
 - b. Percentage of eligible claims where the first payment was made within 48 hours of the claims examiner's determination for applications
4. For the state unemployment insurance program and pandemic unemployment assistance, please provide the following records related to appeals received by the Department to the appeals tribunal for each program by month.
 - a. Average and median times between when the Department receives an appeal and holds a hearing
 - b. Average and median times between when the Department receives an appeal and the date of decision by the appeals and
 - c. Average and median times between when the Department receives an application and the date of decision by the appeals tribunal
5. For the state unemployment insurance program and pandemic unemployment assistance, please provide copies of any correspondence with the U.S. Department of Labor, including but not limited to those in submissions of ETA 9050-9057, in which the Georgia Department of Labor explained significant variations in its reporting to the US DOL from levels in the prior period or the same period one year ago
6. Please provide the Department's policies, procedures, protocols, guidelines, or rules concerning how it processes and pays claims including claims that are appealed for Georgia's state unemployment insurance program benefits and pandemic unemployment assistance. If the policies, procedures, protocols, guidelines, or rules have changed since February 1, 2020, please include any correspondence related to how those changes were made and communicated to the Department's employees

Because SPLC is a nonprofit organization, we request that the Department waive the cost of producing these records. Because we are unfamiliar with your record keeping system, we will gladly work with you to find the most cost-efficient way of retrieving these records. As part of that effort, we request electronic or digital copies of the records you provide. If the Department is not willing to waive the costs and the request is projected to exceed \$100, please provide us with an estimate of the cost and how you came to calculate it.

Finally, we ask that the Department provide the records to my attention at wingo.smith@splcenter.org within three (3) business days of your receipt of this letter.

Thank you for your time and attention to these requests. We look forward to your reply.

Sincerely,

Wingo F. Smith
Regional Policy Analyst

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jcolangelo@law.ga.gov

Jennifer Colangelo
Georgia Department of Law
40 Capitol Square, SW
Atlanta, GA 30334

RE: Open Records Act Complaint

Dear Ms. Colangelo

I am writing to request that the Department of Law mediate a dispute with the Georgia Department of Labor. WKH ' ' HS Date Filed: OWRU FRPSO\ ZLWK *HRUJLD·V 2SHQ 5HFRU
letter is our request to the Department. I will briefly summarize the timeline of events below, however, the primary issue is that for more than a month, the Department has not provided any sort of a formal response explaining why no documents be provided within the time period provided in O.C.G.A. §50-18-71(b)(1)(A)

Throughout the pandemic news outlets have reported on the extremely long delays workers in Georgia have experienced

Case No. 2021CV347230

Plaintiff, *California*,
vs.
Defendant, *California*

California

2021CV347230

Case No. 2021CV347230

Case No. 2021CV347230

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