

FREEDOM OF INFORMATION COMMISSION
OF THE STATE OF CONNECTICUT

In the Matter of a Complaint by
James E. Bellemare,

FINAL DECISION

Complainant

Docket #FIC83-85

against

Commission on Human Rights and
Opportunities,

November 16, 1983

Respondents

The above captioned complaint was heard as a contested case on August 3, 1983, at which time the complainants and the respondent appeared and presented testimony, exhibits, and argument on the complaint.

After consideration of the entire record the following facts are found:

1. The respondent is a public agency within the meaning of §1-18a(a), G.S.

2. By letter dated May 1, 1983 the complainant made a request of the respondent for an "original, handprinted complaint" filed by the complainant with the respondent and "two mailgrams sent to [the complainant] by George Renker."

3. By letter of complaint filed with the Commission on May 4, 1983 the complainant appealed the denial of his request.

4. It is found that on December 30, 1981, the complainant filed a complaint of discrimination with the respondent.

5. At the time of filing his complaint, the complainant had in his possession two mailgrams which he believed supported his position.

6. While in the offices of the respondent, the complainant prepared a handwritten complaint detailing the circumstances of the alleged discrimination. The complainant also completed a pre-printed complaint form supplied by the respondent.

7. Because of copying machine failure, the respondent was unable on December 30, 1981 to reproduce the documents offered by the complainant.

8. When on December 30, 1981 the complainant left the offices of the respondent he had in his possession the original mailgrams referred to at paragraph 4, above.

9. A few days after the complainant's appearance at the respondent's offices, the respondent sent the complainant a copy of the printed complaint form completed by him on December 30, 1981. No copies of the mailgrams or of the handwritten complaint were sent.

10. It is found that at no time since the complainant left the respondent's offices on December 30, 1981 has the respondent had possession of the two mailgrams referred to at paragraph 4, above.

11. It is therefore concluded that the respondent did not violate §§1-15 or 1-19(a), G.S. when it failed to, upon request, provide the complainant with copies of such records.

12. The respondent claims that it never had in its possession the handwritten complaint referred to by the complainant.

13. It is found that the complainant believed that he had submitted the handwritten complaint for the respondents consideration. However, the respondent relied instead solely upon the information contained in the printed form completed by the complainant at the direction of the respondent.

14. It is found that at the time of the complainant's request for records, the location of the handwritten complaint was unknown to both the complainant and the respondent.

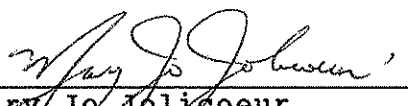
15. It is found that the respondent has conducted a diligent search of its records and has failed to locate the handwritten complaint.

16. It is therefore concluded that the respondent did not violate §§1-15 or 1-19(a), G.S. when it failed to provide the complainant with a copy of the handwritten complaint.

The following order by the Commission is hereby recommended on the basis of the record concerning the above captioned complaint.

1. The complaint is hereby dismissed.

Approved by order of the Freedom of Information Commission at its regular meeting of November 9, 1983.



Mary Jo Jolicoeur
Clerk of the Commission