

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

INTERFAITH WORKER JUSTICE)
1020 West Bryn Mawr Ave., 4th Floor)
Chicago, IL 60660)

Plaintiff,)

v.)

C. A. No. _____

UNITED STATES DEPARTMENT OF LABOR)
200 Constitution Ave., NW)
Washington, DC 20210)

Defendant.)
_____)

COMPLAINT FOR DECLARATORY AND INJUNCTIVE RELIEF

INTRODUCTION

1. This is an action under the Freedom of Information Act (“FOIA”), 5 U.S.C. § 552, to compel the production of records relating to workers owed back wages under federal back-wage settlements whom the Department of Labor has been unable to locate. In particular, Plaintiff seeks records reflecting the names of the unlocatable workers, the companies for whom they worked, and the period of time covered in the settlement.

JURISDICTION

2. This Court has subject matter jurisdiction under 28 U.S.C. § 1331 and 5 U.S.C. § 552(a)(4)(B).

PARTIES

3. Plaintiff Interfaith Worker Justice is a national non-profit organization concerned with improving the wages, benefits, and working conditions of workers.

4. Defendant Department of Labor is an agency of the federal government of the United States and has possession of and control over the records Plaintiff seeks.

STATEMENT OF FACTS

5. By letter to Defendant dated April 4, 2005, and signed by Plaintiff's Executive Director, Kim Bobo, Plaintiff requested "a copy of the following records: The names of all workers owed back wages from federal DOL back-wage settlements (who are unlocatable and still within the eligible time period for claiming and receiving back wages); the name of the company each potential claimant worked for and the period of time covered in the settlement[.]"

6. By letter dated April 22, 2005, and signed for Nancy M. Flynn, Director, Office of Planning and Analysis, Defendant denied Plaintiff's request. Defendant's letter stated that "the Wage and Hour Division withholds information that would reveal individual identities pursuant to the provisions of exemption 6 of the FOIA."

7. By letter dated July 11, 2005, Plaintiff appealed Defendant's denial. Plaintiff's appeal explained that unlocatable workers have an interest in having their names disclosed and that disclosure of the records would shed light on the operation of Defendant's Backwage Collection and Disbursement System.

8. Under 5 U.S.C. § 552(a)(6)(A)(ii) and 29 CFR § 70.25, Defendant had 20 working days to respond to Plaintiff's FOIA appeal. To date, Plaintiff has not received a written response to its appeal nor has it received any records pertaining to unlocatable workers owed back wages.

9. Plaintiff is therefore deemed to have exhausted its administrative remedies under FOIA. *See* 5 U.S.C. § 552(a)(6)(C)(i).

