

FREEDOM OF INFORMATION COMMISSION
OF THE STATE OF CONNECTICUT

In the Matter of a Complaint by

FINAL DECISION

Barry Natale,

Complainant

against

Docket #FIC 2025-0218

Commissioner, State of Connecticut,
Department of Energy and Environmental
Protection; and State of Connecticut,
Department of Energy and Environmental
Protection,

Respondents

March 25, 2026

The above-captioned matter was heard as a contested case on September 3, 2025, at which time the complainant and the respondents appeared, stipulated to certain facts and presented testimony, exhibits and argument on the complaint.

After consideration of the entire record, the following facts are found and conclusions of law are reached:

1. The respondents are public agencies within the meaning of §1-200(1), G.S.
2. It is found that, by submission to the respondents' Freedom of Information ("FOI") Act electronic request portal dated February 19, 2025, the complainant requested copies of the following records:
 - (a) "any and all records pertaining to [the complainant's job] application that documents the CT DEEP's compliance with [§5-224, G.S.], to include any score sheet(s) or other documents that show the agency's consideration of the additional 10 points provided to [him] by this state statute"; and
 - (b) "any and all DEEP records, electronic or otherwise, that identify [the complainant] as a disabled veteran and show the math involved with affording [him] the additional 10 points provided for by [§5-224, G.S.]."
3. It is found that, by email dated March 21, 2025, the respondents informed the complainant that his February 19th records request was duplicative of a prior records request he

had submitted to them on January 28, 2025 (“January 28th records request”) and that no records exist that are responsive to the February 19th records request.

4. By letter of complaint, received and filed April 2, 2025, the complainant appealed to this Commission, alleging that the respondents violated the FOI Act by failing to provide the records described in paragraph 2, above.

5. Section 1-200(5), G.S., provides:

“[p]ublic records or files” means any recorded data or information relating to the conduct of the public’s business prepared, owned, used, received or retained by a public agency, or to which a public agency is entitled to receive a copy by law or contract under 1-218, whether such data or information be handwritten, typed, tape-recorded, videotaped, printed, photostated, photographed or recorded by any other method.

6. Section 1-210(a), G.S., provides, in relevant part:

[e]xcept as otherwise provided by any federal law or state statute, all records maintained or kept on file by any public agency, whether or not such records are required by any law or by any rule or regulation, shall be public records and every person shall have the right to ... (3) receive a copy of such records in accordance with section 1-212.

7. Section 1-212(a), G.S., provides, in relevant part: “[a]ny person applying in writing shall receive, promptly upon request, a plain, facsimile, electronic or certified copy of any public record.”

8. It is concluded that the requested records, to the extent they exist and are maintained by the respondents, are public records within the meaning of §§1-200(5) and 1-210(a), G.S.

9. It is found that, prior to his records requests described in paragraphs 2 and 3, above, the complainant applied for the position of Environmental Safety Representative (Boating Safety) (“Boat Safety Representative”) at the respondent state Department of Energy and Environmental Protection (“DEEP”) and was not given an opportunity to interview for the position.

10. It is found that, in response to the complainant’s January 28th records request, by email dated January 14, 2025, the respondents stated the following:

[i]n response to the job posting for the Environmental Safety Representative (Boating Safety) position (recruitment no. 240923-3445AR-001), the Department received 59 applications that were

certified to proceed to consideration. Those applications were then thoroughly reviewed, and your application was found to have met 3 of the preferred qualifications out of a possible score of 9. Additionally, as previously communicated to you by human resources personnel, your application was not in conformance with the application instructions, as the work experience that was listed on the application was chronologically out of order. During this recruitment process, the Department has followed all applicable statutes and regulations related to hiring, including Connecticut General Statutes Section 5-224.

11. At the hearing on this matter, the complainant argued that, pursuant to §5-224, G.S., he should have received an additional ten points towards his job application because he is a disabled veteran, and therefore, the respondents should have records responsive to his February 19th records request.

12. Section 5-224, G.S., provides, in relevant part, that:

[a]ny veteran who served in time of war, if such veteran is not eligible for disability compensation or pension from the United States Department of Veterans Affairs, ... and if such person has attained at least the minimum earned rating on any examination held for an original appointment for the purpose of establishing a candidate list to fill a vacancy in accordance with subsection (d) of section 5-228, shall have five points added to his or her earned rating. Any such veteran, ... if such person is eligible for such disability compensation or pension and if such person has attained at least the minimum earned rating on any such examination held for an original appointment for the purpose of establishing a candidate list to fill a vacancy in accordance with subsection (d) of section 5-228, shall have ten points added to his or her earned rating ... Credits shall be based upon examinations with a possible rating of one hundred points. (Emphasis added.)

13. The respondents testified, and it is found, that upon reviewing the complainant's application for Boat Safety Representative, they were unaware of the complainant's disabled veteran status and that ten points were not added to his earned rating. The respondents also testified, and it is found, that the complainant did not attain the minimum earned rating of six preferred qualifications, in order to move on to the next step in the job application process. The respondents further testified, and it is found, that points are not added, pursuant to §5-224, G.S., to an applicant's "preferred qualifications," as referenced in paragraph 10, above, during the job application process.

14. It is therefore found that the respondents do not maintain records responsive to the complainant's request described in paragraph 2, above.

15. Consequently, it is concluded that the respondents did not violate the disclosure provisions of §§1-210(a) and 1-212(a), G.S., as alleged in the 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 March 25, 2026.

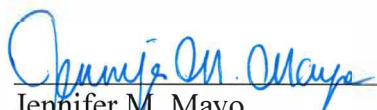

Jennifer M. Mayo
Acting Clerk of the Commission

PURSUANT TO SECTION 4-180(c), G.S., THE FOLLOWING ARE THE NAMES OF EACH PARTY AND THE MOST RECENT MAILING ADDRESS, PROVIDED TO THE FREEDOM OF INFORMATION COMMISSION, OF THE PARTIES OR THEIR AUTHORIZED REPRESENTATIVE.

THE PARTIES TO THIS CONTESTED CASE ARE:

BARRY NATALE, 2 Farm House Lane, Norwalk, CT 06851

COMMISSIONER, STATE OF CONNECTICUT, DEPARTMENT OF ENERGY AND ENVIRONMENTAL PROTECTION; AND STATE OF CONNECTICUT, DEPARTMENT OF ENERGY AND ENVIRONMENTAL PROTECTION, c/o Attorney Melinda M. Decker, CT DEEP-Legal Division, 79 Elm Street, Hartford, CT 06106



Jennifer M. Mayo
Acting Clerk of the Commission