

FREEDOM OF INFORMATION COMMISSION
OF THE STATE OF CONNECTICUT

In the Matter of a Complaint by
Edgar L. Kelly, Jr.

FINAL DECISION

Complainant

Docket #FIC 85-8

against

June 26, 1985

Enfield Police Department

Respondent

The above captioned matter was heard as a contested case on April 11, 1985 at which time the complainant 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. The complainant filed his complaint with the Commission by letter on January 17, 1985.

3. It is found that the complainant, an employee of the respondent, made a written request on December 26, 1984 for a copy of records in the respondent's personnel office concerning a work-related injury that occurred on September 24, 1984.

4. It is found that on October 20, 1984, the complainant filed three contract grievances concerning his work assignments following his injury on September 24, 1984. The grievances concerned when the complainant could return to duty after his injury, whether he could work extra jobs while on light duty, and whether he should have been paid for extra jobs missed because of the injury.

5. The respondent claimed that the injury file was exempt from disclosure pursuant to §1-19(b)(4), G.S., because the complainant had filed the grievances noted in paragraph 4.

6. The work injury file in question contained 26 documents, including notes and certificates from doctors, medical bills, incident report, work invoices, payments for medical bills, and communications to and from insurance carriers and adjusters.

7. At the hearing, the respondent provided the complainant with copies of all the documents in the injury file except for

four documents that constituted communications to and from the town and its adjuster or insurance carrier.


8. It is found that the respondent failed to prove that the communications to and from the town and its insurance carrier and adjuster pertained to strategy and negotiations with respect to the grievances described in paragraph 4, above.

9. It is concluded that the respondent violated §§1-15 and 1-19, G.S., by failing to provide the complainant with the documents in his injury file.

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

1. The respondent shall forthwith provide the complainant with a copy of the four documents described in paragraph 7, above.

Approved by order of the Freedom of Information Commission at its regular meeting of June 26, 1985.



Mary Jo Jolicoeur
Clerk of the Commission