



U.S. Department of Justice
Justice Management Division
Office of General Counsel

FEB 22 2019

Washington, D.C. 20530

Gary M. Gilbert, Esq.
1100 Wayne Avenue, Suite 900
Silver Spring, MD 20910

Via US Mail and Electronic Mail (gary@gelawyer.com)

Re: *Matthew Fogg v. Department of Justice*, Civil Action No. 94-2814 (D.D.C.);
Response to January 4, 2019 Letter

Dear Mr. Gilbert,

This letter responds to your January 4, 2019 letter. Thank you for updating us regarding your client's position regarding this matter. The Justice Management Division (JMD) continues to believe that it fully addressed and resolved its acknowledged failure to timely pay the taxes withheld from Mr. Fogg's 2008 award of judgment, as documented in the letter of August 24, 2016, from the former director of the JMD Finance Staff. Further, we are unaware of any pending complaint filed by your client with the Department or in federal court. As a result, we are not willing to accept the terms proposed in your letter to resolve Mr. Fogg's "pending claims."

As stated in my July 3, 2018 letter, the Justice Management Division (JMD) is willing to support a request by Mr. Fogg that the Internal Revenue Service remove penalties and interest associated with errors caused by JMD that affected Mr. Fogg's employee tax liability. Also, if Mr. Fogg has filed a Standard Form 2083 with the Office of Personnel Management, JMD remains willing to support a request that OPM accept and process this form even if it considers it untimely filed. Please advise if these additional steps are of interest to your client.

Sincerely,

A handwritten signature in cursive script that reads "Arthur E. Gary".

Arthur E. Gary
General Counsel
Office of General Counsel
Justice Management Division

Cc: Cori Cohen (via electronic mail at ccohen@gelawyer.com)
Christopher Alvarez, Director, Finance Staff, JMD