

**UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF PENNSYLVANIA**

JUDY NEBORAK :
 :
 Plaintiff :
 :
 vs. :
 :
 UNITED STATES DEPARTMENT :
 OF EDUCATION :
 :
 Defendant :

COMPLAINT

1. This is an action to obtain records under the Freedom of Information Act (FOIA), 5 U.S.C. §552.
2. Plaintiff is Judy Neborak, a totally and permanently disabled individual and a resident of Allegheny County, Pennsylvania
3. Defendant is the United States Department of Education
4. This Court has jurisdiction pursuant to 28 U.S.C. § 1331.
5. In 2016, Plaintiff requested a discharge of her student loan based on total and permanent disability.
6. Plaintiff submitted the appropriate form to Nelnet, the student loan servicing agent who acts for the Department of Education.
7. The form contained a physician certification signed by a medical doctor pursuing training in his specialty at the University of Pittsburgh. The doctor

is a medical resident holding a graduate medical trainee license. The license authorizes him to practice medicine within his specialty program.

8. Acting on behalf of the Department of Education, Nelnet rejected the physician certification because the doctor did not have a full unrestricted license.
9. Thereafter, on February 22, 2017, Plaintiff submitted a FOIA request to the Department of Education seeking any guidance and interpretations that were the basis of the action taken by Nelnet. See Exhibit "A".
10. The Department has not responded to the request within the time required by law. See Exhibit "B". Accordingly, Plaintiff has exhausted her administrative remedies.

WHEREFORE, Plaintiff prays that this Honorable Court:

- a. Order Defendant to release the requested documents;
- b. Award Plaintiff attorney fees and costs.

Respectfully submitted
s/ Jason W. Manne
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Dated: May 24, 2017
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