

EXHIBIT B

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF COLUMBIA

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AFL-CIO, et al., :

plaintiffs, :

v. : CASE NO.

DEPARTMENT OF LABOR, : 1:25-cv-00339-JDB

et al., :

Defendant. :

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30(b)(6) Deposition of

DEPARTMENT OF HEALTH AND HUMAN SERVICES

through JENNIFER WENDEL

Tuesday, April 8, 2025

1:46 p.m.

BEFORE: Cassandra E. Ellis, RMR, RDR, CRR,

RSA, CA-CSR 14448, WA-CCR, HI-CSR

Job No.: 10519

1 The 30(b)(6) Deposition of
2 DEPARTMENT OF HEALTH AND HUMAN SERVICES
3 through JENNIFER WENDEL, taken before
4 CASSANDRA E. ELLIS, Registered Professional
5 Reporter, Registered Merit Reporter,
6 Registered Diplomate Reporter, Certified
7 Realtime Reporter, Realtime Systems
8 Administrator; California Certified
9 Shorthand Reporter; Washington State
10 Certified Court Reporter; Hawaii Certified
11 Shorthand Reporter; Notary Public, held in
12 Washington, D.C., on Tuesday, April 8, 2025,
13 commencing at 2:58 p.m. and concluding at
14 4:12 p.m.

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4 through JENNIFER WENDEL

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18 None

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2 JENNIFER WENDELL

3 Tuesday, April 8, 2025

4 MARKED DESCRIPTION PAGE

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1 P R O C E E D I N G S
2 30(b)(6) Deposition of
3 DEPARTMENT OF HEALTH AND HUMAN SERVICES
4 through JENNIFER WENDEL
5 having been sworn, testified as follows:

6 EXAMINATION

7 BY MS. HINSON:

8 Q Good afternoon.

9 A Good afternoon.

10 Q Could you please state and
11 spell your name for the record?

12 A Jennifer Wendel,
13 J-e-n-n-i-f-e-r, W-e-n-d-e-l.

14 Q And do you understand that
15 today you are testifying on behalf of the
16 Department of Health and Human Services
17 about the topics listed in the deposition
18 notice?

19 A Yes, I am.

20 Q So I've got a few ground rules,
21 just to make the next hour or so of our
22 lives go as smoothly as possible.

23 First, please continue to
24 give a verbal answer instead of
25 shaking or nodding your head, so that

1 the court reporter can get what we're
2 saying; can you do that?

3 A Yes, I can.

4 Q And it's important that we
5 don't speak over each other, so I will
6 try to let you finish speaking before I
7 ask another question, and can you let me
8 try and finish speaking before you
9 answer?

10 A Yes.

11 Q Great.

12 Are you represented by counsel
13 today?

14 A Department of Justice.

15 Q Great. So your counsel might
16 object to a question that I ask, that's
17 fine, he's making an objection for the
18 record, but unless he specifically
19 instructs you not to answer you should go
20 ahead and answer the question; can you do
21 that?

22 A Yes.

23 Q If at any time you need to take
24 a break, please just let me know. All I
25 ask is that if you take a break you just

1 answer any question that's pending at
2 that time; can you do that?

3 A Yes.

4 Q If you don't understand a
5 question, just let me know and I'll try
6 to rephrase it, but if you don't tell me
7 I'm going to assume that you understand
8 the question as I've asked it; is that
9 fair?

10 A Yes.

11 Q Along the same lines, if at any
12 point in the deposition you remember
13 something that you forgot to say earlier
14 or you want to clarify any testimony from
15 earlier, that's fine, just let me know
16 and we can put it on the record, so
17 please just do let me know.

18 A Yes.

19 Q Do you understand that you're
20 testifying under penalty of perjury
21 today?

22 A Yes.

23 Q Is there any reason you cannot
24 give complete and truthful testimony
25 today?

1 A No.

2 Q Did you speak to anyone in
3 preparation of your deposition today?

4 A Yes.

5 Q And who was that?

6 A The HHS OGC as well as DOJ OGC.

7 Q Aside from your attorneys, did
8 you speak with anyone else in preparation
9 for your deposition today?

10 A Yes, I spoke to some of the
11 system owners that are responsible for
12 the case, responsible for the systems.

13 Q Great. I was about to ask
14 about that.

15 A Yes.

16 (Exhibit 8 was marked for
17 identification.)

18 BY MS. HINSON:

19 Q Okay. And I see you did bring
20 a document with you, which we have
21 labeled -- we have labeled Exhibit 8.

22 Thank you.

23 And are you familiar with this
24 lawsuit?

25 A Yes.

1 Q And without revealing to me
2 anything your counsel may have said to
3 you, what do you know about this lawsuit?

4 A My understanding of this
5 lawsuit is that there is a question on
6 whether certain HHS employees on the DOGE
7 team should have been given access to
8 systems.

9 Q I actually want to start with
10 Exhibit 8, which is this table that
11 you've brought with us today or for us
12 today.

13 Can you explain what this
14 is?

15 A Yes, I put this table together,
16 which is a summary of all of the system
17 names with a description of the system as
18 well as the information that PII or the
19 PHI, that's in that system, also a
20 summary of the access requirements and
21 then who was granted access to those
22 systems.

23 Q The far left column says:
24 Current UII?

25 A That's the investment

1 identifier.

2 Q What -- what does that mean?

3 A An investment means that it's a
4 system that we track across the
5 department, and so this came from --
6 originally came from our database that we
7 track the systems, the first two columns.

8 Q Okay. Thank you.

9 And to the best of your
10 knowledge, is the information on this
11 table accurate?

12 A Yes.

13 Q Okay. I wanted to ask
14 specifically about access to HIGLAS and
15 IDR, which HIGLAS is the health care
16 integrated general ledger accounting
17 system and IDR is the integrated data
18 repository; do you understand that?

19 A Yes.

20 Q In the normal course, is
21 someone granted access to IDR without
22 going through the IDR training?

23 A No, they are normally granted
24 training for those systems.

25 Q Okay. And I guess, similar

1 question for HIGLAS, is in the normal
2 course is a user granted HIGLAS without
3 going through the HIGLAS security
4 briefing?

5 A They go through the briefing.

6 Q Okay. Based on the
7 interrogatory responses that have been
8 given in this case, it appears that
9 Mr. Aram Moghaddassi was granted access
10 to these systems without going through
11 those trainings.

12 Should he have been granted
13 access without going through those
14 trainings?

15 MR. HUMPHREYS: Objection as
16 to characterization and
17 foundation.

18 BY MS. HINSON:

19 Q You can answer.

20 A May I refer to the
21 interrogatory for --

22 Q Sure. If you look at page 12
23 of the interrogatory responses, which are
24 Exhibit 7.

25 A Thank you.

1 Q And what it says is that just
2 that he has access to the systems and
3 then it says what training he received,
4 and it does not include the security
5 briefing or the IDR training.

6 A No, the interrogatory does not.
7 I would have to verify if he received
8 that specific training.

9 Q But if he didn't he should not
10 have received access to IDR and HIGLAS;
11 is that correct?

12 MR. HUMPHREYS: Objection to
13 form.

14 BY MS. HINSON:

15 Q You can answer.

16 A He should have received the
17 training.

18 Q I understand that. I think I'm
19 asking something a little bit different.

20 If -- assuming
21 Mr. Moghaddassi did not receive the
22 training, should he have been granted
23 access to IDR or HIGLAS?

24 A I would have to look at the
25 specific requirements of that training to

1 find out if it would require -- what type
2 of access that had the training
3 specifications. I do not know that.

4 Q Sorry, can you just clarify
5 what kind of access had the training
6 specifications?

7 A Right. There's certain --
8 sometimes training is required for
9 specific access types, and I got to know
10 the specifications for IDR, I just don't
11 know those specific requirements.

12 Q Okay. Okay. I want to switch
13 gears a little bit and ask about remote
14 access. Have any -- actually, okay, when
15 I spoke to your colleague we established
16 eventually a list of people that we were
17 referring to as the DOGE team affiliates,
18 and I'm going to go over that again with
19 you, just so that we can talk about their
20 access to different systems and make sure
21 we're on the same page; does that work?

22 A Yes.

23 Q Okay. So those people are Aram
24 Moghaddassi, Amy Gleason, Brad Smith,
25 Luke Farritor, Edward Coristine, Marko

1 Elez, Kyle Schutt, Conor Fennessy, Zach
2 Terrell, Rachel Riley and Jeremy Lewin,
3 okay?

4 So if I uses the term DOGE team
5 affiliates will you understand me to be
6 referring to those 11 people?

7 A Based on what you just said,
8 yes.

9 Q Great. Have any of the DOGE
10 team affiliates set up remote access to
11 any HHS system?

12 A Not to my knowledge.

13 Q Have they requested remote
14 access to any HHS system?

15 A They have not, to my knowledge.

16 Q Have any of them set up a
17 backdoor to the system?

18 A They have not.

19 MR. HUMPHREYS: Objection,
20 vague.

21 A To my knowledge, they have not.

22 Q And what do you understand a
23 backdoor to a system to be?

24 A A backdoor to the system would
25 mean that they would be going through

1 the -- the infrastructure of the system
2 to get to the data versus going through
3 the normal process that every user would
4 have an interface to.

5 Q Does HHS monitor its systems to
6 determine if anyone has set up remote
7 access?

8 A Yes.

9 Q And does HHS monitor its
10 systems to determine if anyone has set up
11 a backdoor to the system?

12 A Yes.

13 Q Have any of the DOGE team
14 affiliates set up a file transfer system
15 at HHS?

16 A No, for the data that's within
17 the system they have not, to -- to --
18 they have set up an API, which allows
19 information to go back and forth, and
20 that is also monitored.

21 Q Okay. When you say it allows
22 information to go back and forth, what
23 does that mean?

24 A Right, so that's a system, so
25 that's the ability for -- and this is on

1 one of the systems, that is the ability,
2 based on the executive order, to
3 determine if a grant should be given, has
4 correct justification.

5 There's specific information
6 that is going from the PMS system up to
7 our cloud-based system, which is an
8 internal system for that tracking
9 purposes.

10 Q Okay. And why were they
11 permitted to set up that API?

12 MR. HUMPHREYS: Objection.

13 Objection as to form.

14 Go ahead.

15 A They were permitted based on
16 the executive order that they were
17 required to set up a system to track the
18 justification for grants.

19 Q Just so I'm clear, is it your
20 understanding that the executive order
21 required them to set up the API?

22 MR. HUMPHREYS: Objection,

23 vague, to clarify, which executive
24 order are you talking about?

25 MS. HINSON: Sorry.

1 BY MS. HINSON:

2 Q Which executive order are we
3 discussing?

4 A The -- I don't know the exact
5 name of it, but the executive order from
6 February.

7 Q Is it the one establishing
8 DOGE -- is it the executive order that
9 establishes DOGE in the first place?

10 A No. There's three executive
11 orders, in the first place, that are
12 associated with system access.

13 Q Okay.

14 A This is the second one in
15 February.

16 Q Okay. And which I believe is
17 not the one establishing DOGE, and also
18 not the one about information silos; is
19 that correct?

20 A I would have to see them just
21 to be certain.

22 Q Okay. Okay.

23 Was it your understanding from
24 this February executive order that CMS --
25 sorry -- HHS was required to let them --

1 let the DOGE team affiliates set up this
2 API?

3 MR. HUMPHREYS: Objection as
4 to scope, but you can answer.

5 A The executive order required
6 that HHS had the ability to track the
7 justifications and approval for all
8 grants and, based on that requirement,
9 the decision was made to set up that
10 access through an API.

11 Q Were there any other reasons to
12 allow the DOGE team affiliates to set up
13 the API?

14 A No.

15 Q And who made the determination
16 to let them set up the API?

17 A It was made through the chief
18 technology officer, Clark Minor.

19 Q Have any of the DOGE team
20 affiliates set up any other type of file
21 transfer system?

22 A No.

23 Q What security -- with respect
24 to the API, that you've already
25 mentioned, what security measures have

1 been taken to ensure that the information
2 is only transferred in the manner it was
3 set up to do?

4 MR. HUMPHREYS: Objection to
5 form.

6 BY MS. HINSON:

7 Q You can answer.

8 A All systems have security
9 measures for monitoring and tracking the
10 information -- the information and what
11 occurs in all of the systems.

12 So every system has an
13 authority to operate that has specific
14 controls around those systems, which then
15 monitor what happens in the system and
16 how the data is interacted or whether the
17 data leaves the system.

18 Q And what is set up for this
19 API, in particular?

20 A This -- it's still set up
21 through the -- it's set up to only go
22 into the HHS cloud environment, which is
23 part of our system that's within our
24 authority to operate, and we have
25 monitoring on that system to ensure that

1 data is not exfiltrated.

2 Q Have any of the DOGE team,
3 aside from the API that we were just
4 discussing, have any of the DOGE team
5 affiliates copied any records in any HHS
6 system?

7 MR. HUMPHREYS: Objection.

8 A To my --

9 MR. HUMPHREYS: Objection to
10 form.

11 A To my knowledge, no.

12 Q Have any HHS affiliates --
13 sorry.

14 Have -- try that again.

15 Aside from the API we were
16 just discussing, have any HHS -- DOGE
17 team affiliates at HHS shared any
18 records from any HHS system?

19 MR. HUMPHREYS: Objection,
20 vague.

21 A No. To my knowledge, no.

22 Q So if you look at the
23 interrogatory responses, at page -- at
24 page 6?

25 A Excuse me.

1 Q It's about Ms. Gleason, it says
2 that she has not modified, comma, copied,
3 comma, shared, comma, or removed any
4 records --

5 A That is correct.

6 Q -- from a system of records to
7 which she is been granted access.

8 And then, at page 12, it
9 says that Mr. Moghaddassi has not,
10 quote, copied and shared with any
11 unauthorized users, unquote, records
12 to the system to which he was granted
13 access.

14 A That is correct.

15 Q Okay. Do you note the
16 difference in between the way those two
17 responses are phrased?

18 A Yes.

19 Q Has -- do you know why they're
20 phrased differently?

21 MR. HUMPHREYS: Objection,
22 form.

23 BY MS. HINSON:

24 Q You can answer.

25 A They're phrased differently in

1 the sense that there are multiples, there
2 are multiple people who would have
3 access, and they would be looking at data
4 and they would be sharing that
5 information between one another, but they
6 weren't taking that data and -- and
7 copying it and transferring it to another
8 system.

9 Q Okay. So has Mr. Moghaddassi
10 copied, in any context, data from an HHS
11 system?

12 A No, he has not, to my
13 knowledge.

14 Q Has he shared data from any HHS
15 system?

16 A He has not.

17 Q With anyone, including another
18 HHS employee?

19 A Not to my knowledge.

20 Q Okay. Has -- when it says that
21 he has not copied and shared with any
22 unauthorized users, what does
23 unauthorized users mean in this context?

24 A An unauthorized user would mean
25 somebody who does not have access to --

1 access to the systems.

2 Q Okay. Then I think I've got
3 similar questions, actually, for several
4 other people.

5 Has Luke Farritor copied any
6 records at HHS?

7 A No, he has not.

8 Q And has he shared any records
9 at HHS?

10 A No, he has not, to my
11 knowledge.

12 Q Have you asked Mr. Farritor if
13 he has copied or shared records at HHS?

14 A I have not spoken to
15 Mr. Farritor about this.

16 Q Okay. And so what's your basis
17 for your assertion that he has not copied
18 or shared records at HHS?

19 A I've spoken with the system
20 owners who reviewed the records.

21 Q And what records are these?

22 A The logs and the information
23 that's within the system that shows the
24 activity that occurred.

25 Q Okay. And similar question for

1 Mr. Moghaddassi, what's your basis for
2 stating that he has not copied or shared
3 records at HHS?

4 A I have spoken with the system
5 owners, to have them look at the records,
6 the activity logs, to determine if any of
7 that information was shared outside of
8 the system.

9 Q And for Mister -- has
10 Mr. Coristine copied any records at HHS?

11 A To my knowledge, no, he has
12 not.

13 Q Has he shared any records at
14 HHS?

15 A To my knowledge, no, he has
16 not.

17 Q And again, what's your basis
18 for that?

19 A My basis was speaking with the
20 system owners to ensure that the logging
21 activity indicated the data was not
22 shared.

23 Q So Mr. Elez, Mr. Schutt,
24 Mr. Fennessy, Mr. Terrell, Ms. Riley and
25 Mr. Lewin all had similar phrasing in

1 their interrogatory responses, that
2 referred to them, have any of them
3 copied, even within HHS, any HHS records?

4 A No.

5 MR. HUMPHREYS: Objection.

6 Objection, form.

7 A To my knowledge, no, they have
8 not.

9 Q Okay. And have any of them
10 shared, even within HHS, any HHS records?

11 A To my knowledge, they have not.

12 Q Okay. Have any of the DOGE
13 team affiliates removed any records from
14 any HHS system?

15 A To my knowledge, they have not.

16 Q And have any of the DOGE team
17 affiliates shown someone from outside of
18 HHS any records from sensitive system?

19 MR. HUMPHREYS: Objection,
20 vague.

21 BY MS. HINSON:

22 Q You can answer.

23 A To my knowledge, they have not.

24 Q The interrogatory responses at
25 11 say that Mr. Farritor's access to HHS,

1 which I believe stands for HHS
2 consolidated acquisition system, has been
3 deactivated; is that accurate?

4 A Yes, it is.

5 Q Why was it deactivated?

6 A It was deactivated for the fact
7 that it was no longer needed -- no longer
8 needed access.

9 Q Why had he needed access
10 before?

11 A He needed access because under
12 the executive order HHS was required to
13 look at systems for waste, fraud and
14 abuse, and the systems -- with a system
15 that maintained contract information.

16 Q And why did he no longer need
17 access to it?

18 A My understanding is that he had
19 finished his initial analysis.

20 MS. HINSON: Okay. I'm

21 going to give you a -- what

22 exhibit are we on -- 9. Can you

23 mark this as Exhibit 9.

24 (Exhibit No. 9 was marked

25 for identification.)

1 BY MS. HINSON:

2 Q Okay. You've been handed a
3 sheet of paper, it's been marked as
4 Exhibit 9, this is just a list of all the
5 sensitive systems at HHS that were in
6 HHS's interrogatory responses, to the
7 best of my knowledge.

8 I put it together, so are there
9 any systems that are missing from this
10 list, as far as you recall?

11 MR. HUMPHREYS: Feel free to
12 check, if you need to.

13 BY MS. HINSON:

14 Q So looks like I might be
15 missing one.

16 MR. HUMPHREYS: Yes.

17 A The one that you are missing is
18 part of our EHR -- is part of our HR
19 systems. Oh, excuse me, I'm sorry, no,
20 this is the workforce analysis work bench
21 system.

22 Q Okay.

23 A Part of NIH's HR systems.

24 Q Okay. And it's the last one on
25 your chart?

1 A That's correct. That's
2 correct.

3 Q Okay. Thank you. So in --
4 aside from the 18 systems that I've
5 listed here, and then also the workforce
6 analytics bench system that you just
7 pointed out, are there any other records
8 with PHI or PII that any of the DOGE team
9 affiliates have had access to?

10 A Not to my knowledge.

11 Q Okay. Were the DOGE team
12 affiliates granted access to these
13 systems because of the executive orders
14 related to DOGE that the President has
15 issued?

16 MR. HUMPHREYS: Objection to
17 the scope, but you can answer if
18 you know.

19 A Yes, they were.

20 Q And can you identify which
21 executive orders, to the best of your
22 ability?

23 A There's three executive orders.

24 Q Okay.

25 A There was one on January 21st,

1 that established DOGE, then there was one
2 on -- in February, that was regarding the
3 payment managements about tracking
4 contracts and grants and of getting
5 approval, and then there was one in March
6 regarding data silos.

7 Q Okay. Were there any other
8 reasons a DOGE team affiliate was granted
9 access to one of these systems?

10 MR. HUMPHREYS: Objection as
11 to scope.

12 BY MS. HINSON:

13 Q You can answer.

14 A Not to my -- no, they were all
15 involved in those executive order
16 requirements.

17 Q And just so I'm clear, I
18 understand that they were, because of the
19 executive orders, were they only because
20 of the executive orders or were there
21 also other reasons?

22 MR. HUMPHREYS: Same
23 objection.

24 A My understanding is because
25 they were carrying out the work required

1 in the executive order.

2 Q Okay. And only that?

3 A To my knowledge, yes.

4 Q Okay. When HHS was deciding to
5 grant DOGE team affiliates access to
6 these systems did they -- or did HHS
7 engage in an individualized review of the
8 DOGE team affiliates' need for a specific
9 system?

10 MR. HUMPHREYS: Objection as
11 to scope and form.

12 A Each system was not
13 individually reviewed, holistically. The
14 individuals were reviewed to ensure,
15 before they were given accounts, that
16 they had completed the cyber security
17 training as well as signed the rules of
18 behavior.

19 And then they were granted
20 access to the systems requested based on
21 the needs to perform their duties.

22 Q When you say they were granted
23 access to the systems requested, did the
24 DOGE team affiliates make those requests?

25 A They did.

1 Q Okay. Do you know how they
2 chose which systems to access?

3 MR. HUMPHREYS: Objection as
4 to scope.

5 You can answer.

6 A I don't know necessarily how --
7 how they -- how they made the
8 determination, but when I looked at those
9 lists of systems there's very -- there's
10 many things that are in common with
11 determining if there is fraud, waste or
12 abuse for HHS, and these systems meet
13 those requirements.

14 Q Sorry, can you clarify, what
15 requirements did they meet?

16 A They wouldn't -- they would
17 give information for them to determine if
18 there was waste, fraud and abuse on the
19 information that's retained in these
20 systems.

21 Q And what kind of information
22 are you referring to?

23 A For an example would be the
24 acquisition lifecycle system, the -- the
25 CMS com system that has information on

1 contracting.

2 And so, therefore, they were
3 looking at contracts to see if there was
4 any waste, fraud or abuse with the
5 contracts.

6 There are similar systems
7 regarding grants.

8 Q And just so I'm clear, when you
9 said they would be looking at that for
10 waste, fraud or abuse, were you
11 specifically told that that's why they
12 were requesting access to that system or
13 is it your inference that that's why they
14 requested access to that system?

15 A I had read the executive order,
16 so I knew that that's what they were
17 doing, and so it was my inference that
18 that was why they were making those
19 requests.

20 MS. HINSON: Okay. Can we
21 take a break?

22 MR. HUMPHREYS: Okay.

23 (Recess.)

24 BY MS. HINSON:

25 Q Okay. Just a few more

1 questions.

2 MR. HUMPHREYS: Oh, I'm
3 sorry, sorry, the witness would
4 like to make a short
5 clarification.

6 MS. HINSON: Okay.

7 A Yeah, I would like to clarify
8 that when I was speaking about sharing
9 data most of the access that we provided
10 to the DOGE team or that was provided was
11 for read only -- read only capabilities,
12 and any time access was given to somebody
13 for read only that -- there was no
14 ability to share that data or modify the
15 systems in any way, so I just wanted to
16 clarify that.

17 Q Thank you. Actually, to follow
18 up a little bit on -- on that, and some
19 of your testimony earlier, are the DOGE
20 team affiliates able to access HHS
21 records physically, outside of HHS?

22 A I'm sorry, could you clarify
23 that?

24 Q Sure. Are DOGE team affiliates
25 able to take a laptop, physically, go

1 home and access HHS records on that
2 laptop?

3 A Yes.

4 Q So I think you testified
5 earlier that the DOGE team affiliates had
6 not shown people outside of HHS records
7 of HHS, is that an accurate description
8 of your testimony?

9 A That they have not shared that
10 data, correct.

11 Q Okay. I think I wanted to ask
12 something slightly different, which
13 is have --

14 A Okay.

15 Q Do you know if the DOGE team
16 affiliates have literally just shown
17 someone, outside HHS, HHS records?

18 MR. HUMPHREYS: Object as to
19 scope.

20 A I do not know that.

21 Q Okay. Thank you.

22 Is it possible to access HHS
23 systems or HHS sensitive systems in a
24 manner that does not reveal a reviewable
25 log?

1 A For these systems, no, there's
2 not an ability to not have a log.

3 Q And that's true for all of the
4 19 systems that we identified earlier?

5 A That is correct.

6 Q Okay. We talked a little bit
7 before about the need for DOGE team
8 affiliates to access these systems.

9 When a DOGE team affiliate
10 seeks access to a system are they
11 required to identify to someone the
12 particular reason they need to access the
13 system?

14 A They speak with the system
15 owner to let them know why they're
16 requesting that, the system, in order to
17 get the access to the system.

18 Q Does the system owner evaluate
19 whether that reason is valid or not?

20 A Yes.

21 Q And have -- has any system
22 owner denied a DOGE team affiliate access
23 to a system?

24 A They have not.

25 Q Okay. What would be a reason

1 to deny a DOGE team affiliate access to
2 the system?

3 MR. HUMPHREYS: Objection as
4 to scope.

5 You can answer.

6 A I do not know.

7 Q Okay. Have the DOGE team
8 affiliates used AI as part of their work
9 at HHS with respect to the sensitive
10 systems -- with respect to the sensitive
11 systems?

12 A To my knowledge, they have not.

13 Q Okay. Has HHS made any changes
14 to its practices about providing access
15 to records since January 19th, 2025?

16 A No, they have not.

17 Q Okay. Are there other
18 employees at HHS whose requests for
19 access to sensitive systems is -- are
20 evaluated in the same manner as the DOGE
21 team affiliates?

22 MR. HUMPHREYS: Objection as
23 to scope and form.

24 A I'm not sure I'm following your
25 question.

1 Can you repeat that?

2 Q Yeah, I guess my understanding
3 your testimony earlier is that the DOGE
4 team affiliates identify the need to
5 access the system and are able to choose
6 the systems to access; is that correct?

7 A That is correct.

8 Q Okay. Is that true for all HHS
9 employees?

10 MR. HUMPHREYS: Objection as
11 to scope.

12 A No, it is not true, because
13 employees are brought in for different
14 reasons, in this case this team was
15 brought in to look across HHS at multiple
16 systems as compared to individuals who
17 are brought in potentially to work on
18 certain systems.

19 So they -- they -- their --
20 they may not be deemed access to any
21 system across HHS because they have
22 different employee -- employee-met
23 responsibilities.

24 Q So is it fair to say that there
25 are different policies that apply to the

1 DOGE team affiliates with respect to
2 access to sensitive systems than those
3 that apply to other HHS employees?

4 MR. HUMPHREYS: Objection as
5 to form.

6 A I don't believe that there's
7 different policies.

8 Q Okay. Why not?

9 A Because employees are brought
10 on and given access to the systems that
11 are part of their responsibilities.

12 Q Mm-hmm.

13 A Just like the DOGE team was
14 brought on and given access to the
15 systems that were part of their
16 responsibilities.

17 So the policy is the same, they
18 just have access to broad -- broader
19 amount of systems across the department.

20 Q Are there any systems that the
21 DOGE team affiliates would not be granted
22 access to if they requested access?

23 MR. HUMPHREYS: Objection as
24 to scope and speculative.

25 A I do not know.

1 Q Can you identify any systems
2 that -- that they would be denied access
3 to?

4 A They would -- yes, I can,
5 actually, because we have systems that
6 are at the classified level, and they
7 would not be granted access to those
8 systems because I do not believe they
9 have classified access.

10 Q And aside from classified
11 systems, are there any systems at HHS
12 that the DOGE team affiliates would be
13 denied access to?

14 MR. HUMPHREYS: Objection as
15 to scope.

16 A I do not know. There's over
17 1200 systems, so I can't say that for
18 certain.

19 Q But you can't identify any
20 specific systems today?

21 A No, I cannot.

22 Q Okay. Has anyone at HHS raised
23 concerns about violations of the law
24 regarding the DOGE team affiliates'
25 actions at HHS?

1 MR. HUMPHREYS: Objection as
2 to scope, and I'll instruct the
3 witness not to answer.

4 (Instruction)

5 MS. HINSON: Can we take a
6 really short break?

7 (Recess.)

8 MS. HINSON: Are we ready to
9 go back on?

10 MR. HUMPHREYS: She would
11 like to make -- never mind, I'm
12 losing it.

13 MS. HINSON: Okay.

14 THE WITNESS: Okay.

15 BY MS. HINSON:

16 Q Just a few more questions.

17 Do DOGE team affiliates make
18 requests for access to systems in
19 writing?

20 A It's been through e-mails.

21 Q Through e-mails?

22 So I take it there's not, like,
23 a formal form that they're filling out?

24 A There is not.

25 Q Has there been another position

1 at HHS that HHS views as needing access
2 as broad as that given to the DOGE team
3 affiliates?

4 MR. HUMPHREYS: Objection as
5 to scope and form.

6 A Not to my knowledge.

7 Q Okay. I wanted to ask about a
8 couple of specific systems.

9 Why did -- it looks like, based
10 on your chart and based on the
11 interrogatory responses, I'm looking at
12 the third page on the top, that Mr. Elez
13 and Mr. Moghaddassi both had access to
14 the national directory of the new hires;
15 is that correct?

16 A That is correct.

17 Q Why did they need access to the
18 national directory of new hires?

19 A In order to determine if there
20 was potential waste, fraud and abuse
21 within the system.

22 Q Was there any specific reason
23 to think there was waste, fraud and abuse
24 in the system?

25 A Well, this system --

1 MR. HUMPHREYS: Objection as
2 to scope.

3 Excuse me.

4 A This system documents child
5 support, and it's an entitlement system,
6 so they were looking at that system as an
7 entitlement system to see if the payments
8 led to any type of potential fraud, waste
9 or abuse.

10 Q And what, specifically, were
11 they looking for?

12 MR. HUMPHREYS: Objection as
13 to scope, and I'll instruct the
14 witness not to answer.

15 MS. HINSON: Brad, it goes
16 to their use of the systems.

17 MR. HUMPHREYS: Well, it
18 goes to their subjective intent in
19 the use of the systems, not how
20 they actually used them.

21 (Instruction)

22 BY MS. HINSON:

23 Q Okay. What was HHS's
24 understanding of why they needed access
25 to the national directory of new hires?

1 MR. HUMPHREYS: That's fine,
2 go ahead.

3 A HHS's understanding is the fact
4 that this system tracks child support
5 payments and so, therefore, they were
6 looking to see if there were any fraud,
7 waste and abuse amongst the payments.

8 Q What kind of fraud, waste and
9 abuse did HHS think might be in the
10 system?

11 A I do not know.

12 Q So why did HHS grant Mr. Elez
13 and Mr. Moghaddassi access to look for
14 waste, fraud and abuse?

15 A Because the system is an
16 entitlement system that captures
17 financial data, and so they were looking
18 to see if it potentially would be a
19 system that had waste, fraud and abuse.

20 Q First of all, what do you mean
21 by entitlement system?

22 A An entitlement system is
23 a system -- some of the systems that
24 tracks if somebody is paid money, paid a
25 grant, right, so many of these systems

1 are entitlement systems, which has
2 payments or tracks -- tracks funding
3 exchanges.

4 Q So correct me if I'm wrong, but
5 my understanding of what you're saying is
6 there wasn't a specific reason that HHS
7 thought there were waste, fraud and abuse
8 in the system, but the fact that it was
9 an entitlement system meant that the DOGE
10 team affiliates would be permitted to
11 check it for waste, fraud and abuse; is
12 that right?

13 MR. HUMPHREYS: Objection as
14 to form.

15 A That is correct.

16 Q And then I wanted to also ask
17 about the -- oh, yes, sorry, one more
18 question about that one.

19 On the chart, it says, I
20 think it's in the fourth column from
21 the left, which is the PII/PHI column
22 it says: National directory of new
23 hires, and a bracket, 2025 draft,
24 close bracket.

25 And I guess I'm just -- what

1 does the 2025 draft claim to mean?

2 A This is information that I
3 pulled from the privacy impact
4 assessments, and so there was a draft
5 that we are finalizing that this is just
6 the document that I pulled the
7 information from.

8 Q Does this -- does the
9 information in the national directory of
10 new hires change every year?

11 A No, it does not.

12 Q Okay. Can you maybe explain to
13 me, I understand it's the -- the document
14 that you pulled the data from, but, like,
15 what is -- what does it mean to say, it's
16 a 2025 draft?

17 A It's just -- it's in -- it's --
18 the draft hasn't been finalized yet.

19 Q Okay. Okay. And then, on the
20 next page, it talks about the -- on
21 unaccompanied children, sorry,
22 unaccompanied alien children and
23 unaccompanied children portal, why -- and
24 I believe Mr. Schutt was granted access
25 to that; is that correct?

1 A That is correct.

2 Q And why was he granted access
3 to that?

4 A This one was -- he was granted
5 access for this to make the determination
6 that the system had any indication of
7 waste, fraud or abuse.

8 Q Did HHS have any specific
9 reason to believe that the system
10 contained evidence of waste, fraud or
11 abuse?

12 MR. HUMPHREYS: Objection to
13 form.

14 A To my knowledge, they did not.

15 Q And so why did they grant
16 Mr. Schutt access to the system to check
17 for waste, fraud or abuse?

18 A Often it was a situation where
19 they looked at the system from an audit
20 perspective, to see if there was any
21 indications of the potential for waste,
22 fraud and abuse.

23 Q And when you're saying from an
24 audit perspective was for the DOGE team
25 affiliates doing the audit?

1 A They were looking, yes, to see
2 if this potentially had the indication of
3 waste, fraud and abuse.

4 Q What kind of waste, fraud and
5 abuse were they looking for?

6 A For this one, just reading
7 through the information, give me one
8 minute.

9 This one has the employment
10 information and sponsor information, so
11 it has financial account information in
12 that system, so it does track financial
13 information in that system.

14 Q And whose financial information
15 does it track?

16 A Has for the sponsors from an
17 unaccompanied child.

18 Q And can you explain how that
19 would help identify waste, fraud and
20 abuse from the government?

21 MR. HUMPHREYS: Objection to
22 scope.

23 A My understanding is they were
24 looking to see if the payments to the
25 sponsors were legal and legitimate.

1 Q And they were basing that, in
2 part, on the financial information of the
3 sponsors?

4 MR. HUMPHREYS: Objection as
5 to scope.

6 A That's correct.

7 Q Did Mr. Schutt find any
8 indications of waste, fraud or abuse in
9 the unaccompanied children portal?

10 MR. HUMPHREYS: Objection as
11 to scope, instruct the witness not
12 to answer.

13 (Instruction)

14 MS. HINSON: It goes
15 directly to the use of sensitive
16 systems.

17 MR. HUMPHREYS: No, it goes
18 to his findings, not how he used
19 the system, and I think that's
20 how -- his individual findings, I
21 don't think that's within the
22 topic.

23 How he used the systems
24 would be what did he access, you
25 know, what did he look at, I don't

1 see how that's within this general
2 topic of use.

3 BY MS. HINSON:

4 Q Before granting Mr. Schutt
5 access to the unaccompanied children
6 portal was HHS aware of any indications
7 of waste, fraud or abuse within that
8 system?

9 MR. HUMPHREYS: Objection as
10 to scope.

11 You can answer.

12 A I do not know.

13 MS. HINSON: Okay. All
14 right. That's all I have.

15 MR. HUMPHREYS: Thank you.

16 I think we may have
17 redirect, but give us one minute.

18 We'll keep it quick.

19 MS. HINSON: Okay.

20 (Recess.)

21 EXAMINATION

22 BY MR. HUMPHREYS:

23 Q Do you recall testifying
24 earlier about remote access to HHS
25 systems?

1 A Yes.

2 Q Is remote access possible?

3 A Remote access is possible using
4 an HHS laptop that they have a specific
5 user name and password and also a PIF
6 card to access those systems.

7 And it is also through a VPN on
8 the network into the -- even to the point
9 where if it's a CMS system they will have
10 use of a CMS laptop, and if it's an HHS
11 department system they would use an HHS
12 laptop.

13 Q Are there any other
14 restrictions?

15 A Has to be an HHS-issued
16 equipment. You could not get to it, that
17 system, from outside our database without
18 using an HHS-issued computer.

19 Q Thank you.

20 Do you recall, also, testifying
21 about the identification of waste, fraud
22 and abuse?

23 A Yes, I do.

24 Q How would one go about
25 identifying waste, fraud and abuse?

1 A They would have to have access
2 to the system and then they would have to
3 look at that system for potential waste,
4 fraud and abuse to do an assessment of
5 the systems.

6 MR. HUMPHREYS: That's all I
7 have. I pass the witness.

8 MS. HINSON: We're good,
9 thanks.

10 MR. HUMPHREYS: Thanks.

11 (Signature having not been
12 waived, the deposition of Jennifer
13 Wendel was concluded at 4:12 p.m.)
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ACKNOWLEDGMENT OF DEPONENT

I, JENNIFER WENDEL, do hereby
acknowledge that I have read and examined
the foregoing testimony, and the same is a
true, correct and complete transcription of
the testimony given by me and any
corrections appear on the attached Errata
sheet signed by me.

(DATE)

(SIGNATURE)

1 CERTIFICATE OF SHORTHAND REPORTER

2 I, Cassandra E. Ellis, Registered
3 Professional Reporter, Registered Merit
4 Reporter, Registered Diplomate Reporter,
5 California Certified Shorthand Reporter, the
6 officer before whom the foregoing
7 proceedings were taken, do hereby certify
8 that the foregoing transcript is a true and
9 correct record of the proceedings; that said
10 proceedings were taken by me
11 stenographically and thereafter reduced to
12 typewriting under my supervision; and that I
13 am neither counsel for, related to, nor
14 employed by any of the parties to this case
15 and have no interest, financial or
16 otherwise, in its outcome.

17 IN WITNESS WHEREOF, I have
18 hereunto set my hand this 10th day of April
19 2025.

20
21
22 _____
23 Cassandra E. Ellis, CA, HI-CSR, WA-CCR, RMR,
24 RDR, CRR, Realtime Systems Administrator
25

1 E R R A T A S H E E T

2 IN RE: AFL-CIO, et al., v. DEPARTMENT
3 OF LABOR, et al.

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5 PAGE LINE CORRECTION AND REASON

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