



OFFICE *of* GOVERNMENT INFORMATION SERVICES

October 9, 2015 - Sent via U.S. mail

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

Case No: 201501167
JH: CM: AB

NATIONAL
ARCHIVES
and RECORDS
ADMINISTRATION

8601 ADELPHI ROAD
OGIS
COLLEGE PARK, MD
20740-6001

web: www.ogis.archives.gov
e-mail: ogis@nara.gov
phone: 202-741-5770
toll-free: 1-877-684-6448
fax: 202-741-5769

Dear [REDACTED]:

This responds to your September 3, 2015, submission to the Office of Government Information Services (OGIS). Your request for assistance pertains to a Freedom of Information Act (FOIA) request you made to the [REDACTED] National Guard for records concerning two specific Inspector General (IG) cases.

Congress created OGIS to complement existing Freedom of Information Act (FOIA) practice and procedure; we strive to work in conjunction with the existing request and appeal process. The goal is for OGIS to allow, whenever practical, the requester to exhaust his or her remedies within the agency, including the appeal process. OGIS has no investigatory or enforcement power, nor can we compel an agency to release process a particular request before others. OGIS serves as the Federal FOIA Ombudsman and our jurisdiction is limited to assisting with the FOIA process.

We understand that you are frustrated by the [REDACTED] National Guard's delay in responding to your request. You submitted your original request for [REDACTED] to the Army IG office on [REDACTED]. In response to your request, Army IG sent you redacted copies of entries in its Action Request System. As a result of Congressional action, you were told that the [REDACTED] National Guard has the final IG report and were advised to submit a new FOIA request to the [REDACTED] National Guard. You submitted your new request for [REDACTED], and it was referred to the National Guard Bureau (NGB) for final response.

We discussed the correspondence you received concerning your new request with the Department of Defense's FOIA Public Liaison James P. Hogan. According to Mr. Hogan, NGB logged your request in as received on the date you submitted your request to the Army's IG [REDACTED] to compensate for the delay you experienced. He also explained that when a FOIA request is received by the [REDACTED] National Guard, the office is expected to search for and process the records and then refer the request to NGB. As the Initial Denial Authority for all Air Force and Army National Guard FOIA Offices, NGB reviews the responsive records and sends out the final response.

According to Mr. Hogan, the [REDACTED] National Guard referred your request and responsive records to NGB in January 2015. After its review, NGB referred the request back to the [REDACTED] National Guard for additional processing; specifically, we learned that some of the records must be reviewed by the Army's IG. Mr. Hogan also informed us that some of the responsive records include information about contractors who, according to Executive Order 12600, must have an opportunity to object to the release of any confidential commercial information.



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In March the [REDACTED] National Guard alerted you that it expected to finish processing your request by April 9, 2015. Mr. Hogan provided us with an updated estimated completion date of November 30, 2015.

I know that this is not the outcome for which you hoped. However, I hope you find the explanation provided above useful. Thank you for bringing this matter to OGIS. At this time there is no further action for us to take and we will consider this matter closed.

Sincerely,

/S/

JAMES V.M.L. HOLZER
Director

cc: James P. Hogan, FOIA Public Liaison, Department of Defense