



## OFFICE of GOVERNMENT INFORMATION SERVICES

January 13, 2015— Sent via email

Mr. Kel McClanahan  
Executive Director  
National Security Counselors  
1200 S. Courthouse Road  
Arlington, VA 22204



Re: Case No.: 201500204

NATIONAL  
ARCHIVES  
and RECORDS  
ADMINISTRATION

8601 ADELPHI ROAD  
OGIS  
COLLEGE PARK, MD  
20740-6001

web: [www.ogis.archives.gov](http://www.ogis.archives.gov)  
e-mail: [ogis@nara.gov](mailto:ogis@nara.gov)  
phone: 202-741-5770  
toll-free: 1-877-684-6448  
fax: 202-741-5769

Dear Mr. McClanahan:

This responds to your December 10, 2014 request for assistance from the Office of Government Information Services (OGIS), which we received via email. Your request for assistance pertains to appeals you attempted to submit to the Department of Justice, Office of Information Policy (OIP).

As you are aware, Congress created OGIS to complement existing 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 documents. OGIS serves as the Federal FOIA Ombudsman and our jurisdiction is limited to assisting with the FOIA process.

I have carefully reviewed your submissions of information and understand that you dispute OIP's denial of a number of appeals you submitted to an OIP email address that OIP disabled in January, 2013. I understand that you were unaware that [DOJ.Administrative.Appeal@usdoj.gov](mailto:DOJ.Administrative.Appeal@usdoj.gov) was no longer in use, in part, because your Internet Service Provider blocked the incoming bounce back messages. You also assert that OIP staff had a number of opportunities to recognize that you were submitting appeals to an outdated email address, but nobody raised the issue with you. For these reasons, it is your position that OIP should reverse its decision on the timeliness of the 14 appeals you submitted to the disabled email address.

I contacted OIP and discussed your concerns with Attorney Advisor Matthew Hurd. In my discussions with Mr. Hurd, I learned that OIP is firm in its position and is unable to accept your appeals as timely since the office did not receive them timely. However, according to Mr. Hurd, one way to overcome this issue is to submit new FOIA requests to the relevant DOJ components you listed in your request to OGIS. Upon receipt of the DOJ components' new responses (some of which may be closed as duplicates), you may then submit an appeal to OIP within the 60 days time frame authorized by DOJ regulation. According to Mr. Hurd, requesters may employ this process for any requests for which the appeal deadline is missed.



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In cases such as this where an agency is firm in its position, there is little for OGIS to do beyond providing more information about the agency's actions and suggesting possible next steps. I hope that this information about your request is useful to you. Thank you for contacting OGIS; we will now consider this matter closed.

Sincerely,

A handwritten signature in blue ink that reads "Nikki Gramian". The signature is written in a cursive style and is positioned above the typed name.

Nikki Gramian, Acting Director  
Office of Government Information Services (OGIS)

cc: Matthew Hurd, Attorney Advisor at OIP

We appreciate your feedback. Please visit <https://www.surveymonkey.com/s/OGIS> to take a brief anonymous survey on the service you received from OGIS.