



OFFICE of GOVERNMENT INFORMATION SERVICES

March 24, 2015 - Sent via email

Mr. Shawn Musgrave
[REDACTED]

Re: Case No. 201501199
NG: CM: KG

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 Mr. Musgrave:

This responds to your September 15, 2015, letter to the Office of Government Information Services (OGIS), which we received via email. Your request for assistance concerns your Freedom of Information Act (FOIA) requests to the Army Audit Agency (AAA).

As you know, Congress created OGIS to complement existing FOIA practice and procedure and we strive to work in conjunction with the existing request and appeal process. OGIS's goal, whenever practical, is to allow 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 process a particular request before others. OGIS serves as the Federal FOIA Ombudsman and our jurisdiction is limited to assisting with the FOIA process.

You contacted OGIS regarding four FOIA requests you made to AAA on July 27, 2015:

Request #1 was for "all final reports from A-2013-0020-ALA, 'Time Sensitive Issue- Audit of Aviation Requirements- Small Unmanned Aircraft Systems' published Dec. 4, 2012.'"

Request #2 was for "All final reports from A-2010-0168-ALR., 'Project Managers' Use of Property Book United Supply Enhanced System; PM, Unmanned Aircraft Systems.'"

Request #3 was for "All final reports from A-1999-0389-FFB., 'Audit of Mission Critical Weapon Systems- Year 2000; Assessment of Hunter Unmanned Aerial Vehicle at Ofc of PEO for Intelligence Electronic Warfare and Sensors,' published 17-Aug-99."

Request #4 was for "All final reports from A-1999-0506-AMA., 'Audit of Funding for Unmanned Aerial Vehicle Systems,' published 23-June-99."

In your submission to OGIS, you asked for assistance in determining the tracking numbers as well as status for each of these requests. In response to your



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submission, OGIS contacted AAA's FOIA Processor in September 2015 concerning your four requests. The FOIA processor informed OGIS your requests were responded and completed. OGIS clarified that you submitted four requests, and shared your concerns that your requests were not acknowledged. OGIS then contacted the Department of the Army's FOIA Public Liaison, Alecia Bolling, regarding your requests. Ms. Bolling provided OGIS with FOIA tracking numbers for two of your requests (request Nos. 1 and 2), which we provided to you by email.

On October 23 and November 4, 2015, OGIS followed up with the Department of the Army, asking for a status update on your four requests. On November 19, 2015, AAA forwarded OGIS three letters regarding requests No. 1, 2 and 3, the first two of which AAA considered closed (see copies of correspondence marked as enclosures 1 and 2). OGIS relayed this information to you which you indicated you never received the correspondence or the released documents for the two closed cases (requests #1 and #2).

On December 10, 2015, OGIS emailed the Department of the Army regarding the other two outstanding requests (Nos. 3 and 4). Regarding request No. 3, AAA informed OGIS that the agency emailed a response to your Muckrock account on September 9, 2015 with a copy of the audit report you requested (see copy of correspondence marked as enclosure 3).

In response to request #4, OGIS contacted the Army Appeals Office about the status of your administrative appeal for agency's lack of response; the Appeals Office informed OGIS that it never received your appeal, which you submitted to AAA. The Appeals Office agreed to contact AAA about this matter. On January 11, 2016, the Appeals Office informed OGIS they spoke with AAA's FOIA processor, who said he would issue a response to request No. 4 with appeal rights. We understand that On January 21, 2016, AAA sent you a "no records" response in regards to this specific request to your Muckrock account (see copy of correspondence marked as enclosure 4). We learned that AAA originally responded to your request #4 by issuing a final response and enclosing a report that was entitled "Funding for Unmanned Aerial Vehicles" A-2000-0025-AMA, public November 5, 1999." This report had a title very similar to the one you requested (Audit-1999-0506-AMA). However, you emailed the agency and acknowledged receipt, but stated that this was not the report you asked for. AAA conducted several searches but could not find the specific audit A-1999-0506-AMA, hence, on January 21, 2016 AAA sent you a "no records" response in regards to this specific report. You have 60 days to appeal that response.

As the FOIA Ombudsman, OGIS has observed that direct communication between agencies and requesters is often one of the most essential parts of the FOIA process. Agencies and requesters who provide contact information, including email address, phone numbers, and physical mailing addresses, often create the most successful relationships, and facilitate expeditious processing. In this case, a breakdown in communication delayed the processing of your requests. One observation OGIS made that may help you in the future is to provide a phone number that the agency can use in order to contact you with any questions.

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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,

JAMES V.M.L. HOLZER

Director

cc: Alecia Bolling, FOIA Public Liaison, Department of the Army
[REDACTED] DoD OGIS Liaison

Enclosures