



OFFICE *of* GOVERNMENT INFORMATION SERVICES

April 14, 2016— Sent via Email

[REDACTED]
[REDACTED]

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and RECORDS
ADMINISTRATION

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Re: Case Nos. 201501107,
201501113, 201600155
NG: JH

Dear [REDACTED]:

This responds to your requests for assistance from the Office of Government Information Services (OGIS). You asked for OGIS's assistance with concerning Freedom of Information Act (FOIA) requests you submitted to the United States Army Audit Agency (AAA). I apologize for the length of time it took to respond to your request for assistance. It took our office significantly longer than expected to receive information related to your requests.

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.

We carefully reviewed your submissions and discussed them with DoD officials and FOIA Public Liaison for the Department. In particular, we requested information about the status of the three FOIA requests you submitted to AAA in which you sought our assistance. We learned the following:

- Request No. FP-15-025390 (FA-15-0021), submitted to AAA on July 13, 2014, seeks copies of the first five pages of each audit completed in calendar year (CY) 2014. DoD provided OGIS the attached correspondence, dated October 2, 2015, that was sent to your Muckrock email address. According to this letter, the agency considers this request to be of commercial nature. Hence, AAA sent the enclosed letter seeking additional information in order to place your request in the proper fee category. It appears to us you did not receive this



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correspondence, hence you did not reply with the requested information. However, because AAA did not receive the requested information, this request, among the other 11 requests referenced in the letter, was closed by AAA. We have asked AAA for additional information about its placement of this request in the commercial fee category, and we will follow up with you about this matter when we receive the information.

- Request submitted to AAA on June 18, 2015, seeking emails to or from Timothy Hankins that were sent from June 1-June 12, 2015. DoD officials explained that AAA never received this request. However, since OGIS provided a copy of this request, the FOIA unit has now opened a new FOIA case file and assigned FOIA tracking number FP-16-015033.
- Request submitted to AAA on July 27, 2015, seeking a copy of audit report A-2013-0086-ALE. DoD officials explained that AAA never received this request. However, since OGIS provided a copy of this request, the FOIA unit has now opened a new FOIA case file and assigned FOIA tracking number FP-16-015042.

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.

I hope that this information about your request is useful to you. Thank you for contacting OGIS; we will now consider your pending requests with OGIS closed.

Sincerely,

JAMES V.M.L. HOLZER
Director
Office of Government Information Services (OGIS)

cc: [REDACTED], AAA FOIA Officer
Alecia Bolling, Army FOIA Public Liaison
[REDACTED], DoD FOIA Policy Office
James Hogan, DoD FOIA Policy Office