

Fw: GSA's FOIA regulation compels suing the GSA (41 CFR 105-60.403(d)!

Brady Eames <ibuncle@yahoo.com>

Nov 19, 2014 12:48 AM

Posted in group: FOIA Advisory Committee

On Tuesday, November 18, 2014 10:41 PM, Brady Eames <ibuncle@yahoo.com> wrote:

Dear agents of the United States, According to the GSA's codified FOIA regulation *41 CFR 105-60.403(d)*, if the **GSA** does **NOT** make an initial FOIA adjudication with respect to one's request for a record, one is not only **DENIED an appeal** to the head of the GSA, but one is **COMPELLED** to **sue the GSA** in a U.S. District Court (currently \$400.00 just to file in the U.S. District Court of the District of Utah). Sincerely, Brady Eames

GSA's FOIA "Information Guide" deceives the public!

Brady Eames <ibuncle@yahoo.com>

Nov 19, 2014 1:01 AM

Posted in group: FOIA Advisory Committee

Dear agents of the United States, In conflict with GSA's codified FOIA regulation *41 CFR 105-60.403(d)*, the **GSA's FOIA "Information Guide"** (see http://www.gsa.gov/portal/mediaId/188991/fileName/GSA_PUBLIC_INFORMATION_HANDBOOK_-_March_25_2014.action) DECEIVES one into believing one may appeal to the "**GSA FOIA Office (ACMC)**" if one's request is NOT **initially adjudicated**. Sincerely, Brady Eames

DOJ still codifying INVALID physical address for FOIA appeals!

Brady Eames <ibuncle@yahoo.com>

Nov 19, 2014 1:19 AM

Posted in group: FOIA Advisory Committee

Dear agents of the United States, Still **codified** by the DOJ under 28 *CFR* 16.9(a) is an **INVALID physical address** for the conventional submission of **FOIA adjudication** appeals . Sincerely, Brady Eames

OPM still codifying 10-day initial FOIA adjudications!

Brady Eames <ibuncle@yahoo.com>

Nov 19, 2014 2:01 AM

Posted in group: FOIA Advisory Committee

Dear agents of the United States, Still **CODIFIED** by the OPM under *5 CFR 294.108(f)* is the duty of the OPM to make an **initial FOIA adjudication** within **TEN (10)-working days!**
Sincerely, Brady Eames

Why are certain Executive agencies NOT codifying constructive exhaustion of FOIA administrative remedies?!

Brady Eames <ibuncle@yahoo.com>

Nov 19, 2014 2:58 AM

Posted in group: FOIA Advisory Committee

Dear agents of the United States, Considering the ubiquitous **failure or refusal** of certain Executive agencies to **make initial FOIA adjudications or to notify requesters of their appeal rights** under *5 USC 552(a)(6)(A)(i)* and in light of the body of law established under *5 USC 552(a)(6)(C)(i)*, **why aren't the OMB, DOJ, GSA, OPM, NARA, NLRB, FLRA, ACUS and OA codifying constructive exhaustion of administrative remedies?!**
Sincerely, Brady Eames

OA still codifying 10-day intial FOIA adjudications!

Brady Eames <ibuncle@yahoo.com>

Nov 19, 2014 3:00 AM

Posted in group: FOIA Advisory Committee

Dear agents of the United States, Still **CODIFIED** by the OPM under *5 CFR 294.108(f)* is the duty of the OPM to make an **initial FOIA adjudication** within **TEN (10)-working days!**
Sincerely, Brady Eames

correction to previous email re: OA codification of 10-day initial FOIA adjudications

Brady Eames <ibuncle@yahoo.com>

Nov 19, 2014 3:04 AM

Posted in group: FOIA Advisory Committee

Dear agents of the United States, My previous email message regarding the OA and FOIA should have read as follows: Still **CODIFIED** by the OA under *5 CFR 2502.8(a)* is the duty of the OA to make an **initial FOIA adjudication** within **TEN (10)-working days!** Sincerely,
Brady Eames

OPM actually establishes SEVEN cases of constructive exhaustion of FOIA administrative remedies!

Brady Eames <ibuncle@yahoo.com>

Nov 19, 2014 3:55 AM

Posted in group: FOIA Advisory Committee

Dear agents of the United States, As of at least **TEN (10)-working-days** after the receipt of the attached **SEVEN (7)** FOIA Requests, the OPM has neglected to make any adjudications with respect to such Requests under *5 CFR 294.108(f)* and has thereby established **SEVEN (7)** cases of **constructive exhaustion of FOIA administrative remedies** as provided for under *5 USC 552(a)(6)(C)(i)*. Sincerely, Brady Eames

request for citation of authorities re: interpreting electronic record to ONLY mean website-page address

Brady Eames <ibuncle@yahoo.com>

Nov 19, 2014 4:19 PM

Posted in group: FOIA Advisory Committee

Dear agents of the United States, According to certain initial adjudications recently made by **ACUS' Senior Executive/Career Reserved Position/General Counsel/Chief Information Officer and by the Deputy General Counsel/FOIA Public Liaison**, it appears to be ACUS' interpretation of *5 USC 552(f)(2)(A)*, and perhaps also of *5 USC 552(a)(3)(B)* and (C), that an **electronic record** requested under *5 USC 552(a)(3)(A)* **shall ONLY mean an internet website-page address**. Considering I intend to sue the ACUS based on such interpretation, I'm requesting that I be provided any and all citations of authority which would support such interpretation. Thank you, Brady Eames

NARA conceals right to file FOIA appeal by email!

Brady Eames <ibuncle@yahoo.com>

Nov 19, 2014 4:35 PM

Posted in group: FOIA Advisory Committee

Dear agents of the United States, Concealed in two (2) recent adverse FOIA adjudications of the **NARA** are a U.S. citizen's right to **file an appeal** of such adjudication **via the electronic mail address** FOIA@nara.gov in accordance with *36 CFR 1250.72(a)(2)*. In fact, such adjudications neglect to even cite *36 CFR 1250.72-How do I file an appeal*. Please explain. Thank you, Brady Eames

Is a U.S. citizen compelled to sue upon non-adjudication of a FOIA request!

Brady Eames <ibuncle@yahoo.com>

Nov 19, 2014 4:52 PM

Posted in group: FOIA Advisory Committee

Dear agents of the United States, Considering **constructive exhaustion of FOIA administrative remedies** is provided for by the U.S. Congress under *5 USC 552(a)(C)(i)* and recognized by numerous Federal Courts but appears NOT to be regulated by the **OGIS, DOJ or OIP**, shall a U.S. citizen be compelled to sue and be expected to pay for such judicial action because the heads of the Executive agencies of the United States will NOT, or have been **covertly ordered to NOT**, make an adjudication with respect to such a citizen's FOIA request if the lower echelons of such agencies neglect or refuse to make such an adjudication? Sincerely, Brady Eames

correction to previous email re: compelling citizens to sue upon non-adjudication of a FOIA request!

Brady Eames <ibuncle@yahoo.com>

Nov 19, 2014 5:14 PM

Posted in group: FOIA Advisory Committee

Dear agents of the United States, My previous email message should have read as follows: Considering **constructive exhaustion of FOIA administrative remedies** is provided for by the U.S. Congress under *5 USC 552(a)(C)(i)* and recognized by numerous Federal Courts but appears NOT to be regulated by the **OGIS, DOJ or OIP**, shall a U.S. citizen be compelled to sue and be expected to pay for such judicial action because the heads of the Executive agencies of the United States will NOT, or have been **covertly ordered to NOT**, make an adjudication with respect to such a citizen's FOIA request if the lower echelons of such agencies neglect or refuse to make such an adjudication or do NOT **provide notification of the right to appeal** an adverse adjudication? Sincerely, Brady Eames