

An American flag is visible in the background, with the stars and stripes clearly shown. The flag is positioned on the left side of the page, with the stars in the upper left and the stripes extending towards the right.

Navy FOIA Fraud Refusal to Accept FOIA.gov Requests, False Reporting, etc.

**Navy unlawfully will not accept
FOIA requests or appeals that I
submit via:**

- **FOIA.gov,**
- **Muckrock.com,**
- **Email, or**
- **by any means other than
FOIAonline.gov or mail (but
even refuses FOIAonline)**

**by
Robert Hammond, foiacompliance@gmail.com
@foiacompliance (Twitter)
Copy to:
DOD Chief FOIA Officer
United States Associate Attorney General Vanita Gupta
'media@usdoj.gov'; 'AskDOJ@usdoj.gov'
GAO**

OUTLINE

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 - 2. Hammond Administrative FOIA Appeal of DON JAG Ser 14/125 (My 22-A) dtd May 23, 2022
 - FOIA Request 22-A. Adverse Determination Letters FY 2016 - FY 2021. March 3 2022 (DON JAG) [hard copy]

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PREFACE

The DOJ OIP compliance inquiry herein addresses ten alleged violations of law and policy by Department of Navy's Office of the Judge Advocate General (DON JAG) Director, General Litigation Division S. D. SCHROCK, including:

- False FOIA reporting
- A policy unique to me alone out of 333,333,938 American citizens by which it claims that by a policy instituted on April 10, 2019 Navy will not accept FOIA requests or appeals that I submit via:
 - FOIA.gov,
 - Muckrock.com,
 - Email, or
 - by any means other than FOIAonline.gov or mail (but Navy even refuses FOIAonline appeals)

DOJ continues to approve known false annual FOIA reports, and FOIA.gov data is garbage. There is no FOIA compliance oversight by OIGIS or DOJ OIP and no mediation whatsoever by OIGIS. DOJ and OIP must fund these entities to fulfil their statutory mandates.

While I much prefer to settle DOD matters quietly, amicably, and globally, Navy continues to respond with "a stick in the eye" that I cannot ignore. Perhaps intervention by DOD's Chief FOIA Officer may change that.

TRUTH, transparency, and accountability matter!

RECOMMENDATIONS

DOJ OIP:

- Promptly address each of the ten allegations in my compliance inquiry and provide a copy of your determination to DOD's Chief FOIA Officer.
- Require Navy to include a disclaimer on its FOIA.gov reporting and in annual FOIA reports and raw data that the data is known to be inaccurate. Add this disclaimer to FOIA.gov.
- Require federal agencies to provide certifications that their quarterly FOIA data and annual FOIA data is either: (1) true, accurate and complete to the best of the submitter's knowledge or (2) known to be inaccurate. Various DOD entities and NARA would submit the latter based on discrepancies posted in my public comments in the public domain.
- Require agencies to amend known past errant quarterly and annual FOIA reports and raw data from this date forward. Then, post both the original and amended annual FOIA reports and raw data with as many amendments as it takes to get it right.
- Correct the errant statement of FOIA Advisory Committee Dashboard Recommendation 2022-10 to address proactive online publication of searchable FOIA logs. Issue guidance implementing the FOIA Advisory Committee recommendation that agencies promptly post contemporaneous FOIA logs. This will go a long way to mitigate false FOIA reporting.

DOJ OIP Compliance Inquiry

From: [Robert Hammond]

Sent: Monday, December 12, 2022 12:13 PM

To: 'OIP.ComplianceInquiry@usdoj.gov' <OIP.ComplianceInquiry@usdoj.gov>; 'bobak.Talebian@usdoj.gov' <bobak.Talebian@usdoj.gov>; 'lindsay.steel@usdoj.gov' <lindsay.steel@usdoj.gov>; 'Vanita.Gupta19@usdoj.gov' <Vanita.Gupta19@usdoj.gov>

Subject: DOJ OIP Compliance Inquiry. Navy Refusal to Accept Requests and Appeals Including via FOIA.gov

December 12, 2022

SUBJECT; DOJ OIP Compliance Inquiry. Navy Refusal to Accept Requests and Appeals Including via FOIA.gov

Mr. Talebian, Ms. Steel, Ms. Gupta, DOJ OIP Compliance Inquiry Staff:

Please promptly provide me with the unique DOJ OIP compliance inquiry case number for this matter and promptly provide me with your compliance determination to each of the ten (10) matters cited in my administrative appeal regarding alleged **unlawful**:

1. policy unique to me alone out of 333,333,938 American citizens by which it claims that by a policy instituted on April 10, 2019 Navy will not accept FOIA requests or appeals that I submit via:
 - a. FOIA.gov,
 - b. Muckrock.com,
 - c. Email, or
 - d. by any means other than FOIAonline.gov or mail
2. refusal to act on my FOIA request submitted via email on March 3, 2022
3. refusal to act on FOIA request submitted via FOIA.gov ID: 347636 on March 22, 2022
4. refusal to act on my administrative appeal submitted by email and via FOIAonline on March 23, 2022
5. refusal to recognize my FOIA request as an official agency record IAW 44 U.S.C. § 3301 and to release it when I sought it under FOIA:

The definition of “records” includes:

“[A]ll books, papers, maps, photographs, machine readable materials, or other documentary materials, regardless of physical form or characteristics, made or

received by an agency of the United States Government under Federal law or in connection with the transaction of public business and preserved or appropriate for preservation by that agency or its legitimate successor as evidence of the organization, functions, policies, decisions, procedures, operations, or other activities of the Government or because of the informational value of data in them.” 44 U.S.C. § 3301 (emphasis supplied).

6. failure to comply with the format of my requests and appeals, which requires correspondence via traceable email; not untraceable mail.
7. violations of law and policy and potential false official statements (18 U.S.C. § 1001) by Department of Navy’s Judge Advocate General’s (DON JAG’s) S. D. SCHROCK, Director General Litigation Division who received my March 23, 2022 correspondence on that date, not September 9, 2022
8. False FOIA reporting to FOIA.gov and eminent false annual FOIA reporting
9. Failure to assign a unique FOIA tracking number to my FOIA requests of March 3, 2022 and March 22, 2022, and failure to assign a unique tracking number to my FOIA appeal of March 23, 2022
10. failure to enter my FOIA requests in FOIAonline as required by SECNAVINST 5720.42

NOTES

By letter 5720, Ser 14/125 March 16, 2022 under the signature of S. D. SCHROCK, Director General Litigation Division refused to accept my FOIA request submitted by email as prescribed by Navy’s FOIA website <https://www.secnav.navy.mil/foia/Pages/default.aspx>

By letter Ser 14/014 dated October 12, 2022 Department of Navy’s Judge Advocate General under the signature of S. D. SCHROCK, Director General Litigation Division, Navy refused to accept my properly submitted administrative appeal.

Navy did not acknowledge in any manner whatsoever my FOIA request submitted by FOIA.gov and email on March 22, 2022.

The matter of apparent false official statements by Navy’s appellate authority is one that deserves significant attention, as I have heard from other FOIA requesters in my network regarding that same issue. While attorneys representing their clients are not subject to statutes regarding false official statements (they are allowed to

lie) no such relationship exists between the appellate authority and the agency during an administrative appeal. I may prepare a presentation solely on this issue documenting gross abuse and violations of law.

FALSE OFFICIAL STATEMENTS.

18 U.S.C. § 1001. Statements or entries generally:

- a. Except as otherwise provided in this section, whoever, in any matter within the jurisdiction of the executive, legislative, or judicial branch of the Government of the United States, knowingly and willfully --
 1. falsifies, **conceals**, or covers up by any trick, scheme, or device a **material fact**;
 2. makes any materially false, fictitious, or fraudulent statement or representation; or
 3. makes or uses any false writing or document knowing the same to contain any materially false, fictitious, or fraudulent statement or entry; shall be fined under this title or imprisoned not more than 5 years, or both.

10 U.S. Code § 907. Art. 107. False official statements; false swearing:

(a) FALSE OFFICIAL STATEMENTS. Any person subject to this chapter who, with intent to deceive—

- (1) signs any false [record](#), return, regulation, order, or other official document, knowing it to be false; or
- (2) makes any other false official statement knowing it to be false;

shall be punished as a [court](#)-martial may direct.”

With my deep respect,

Robert Hammond

Enclosures:

1. DON JAG ltr 5720 Ser 14/014 of October 12, 2022. Refusal to accept appeal.
2. Hammond Administrative FOIA Appeal of DON JAG Ser 14/125 (My 22-A) dtd May 23, 2022

- A. FOIA Request 22-A. Adverse Determination Letters FY 2016 - FY 2021. March 3 2022 (DON JAG) [hard copy]
 - B. DON JAG ltr Ser 15 /125
3. FOIA.gov - Freedom of Information Act_ Create a request 22-A DON JAG

ENCLOSURE 1

DON JAG ltr 5720 Ser 14/014 of October 12, 2022.

Refusal to accept appeal.



DEPARTMENT OF THE NAVY
OFFICE OF THE JUDGE ADVOCATE GENERAL 1322
PATTERSON AVENUE SE SUITE 3000 WASHINGTON NAVY
YARD DC 20374

IN REPLY REFER TO:
5720
Ser 14/014
October 12, 2022

SENT VIA FOIA ONLINE AND DOD SAFE

Mr. Robert Hammond
[REDACTED]
Email: [REDACTED]

SUBJECT: YOUR MARCH 23, 2022 FOIA ONLINE CORRESPONDENCE

This letter responds your correspondence that you submitted to the Office of the Judge Advocate General, Administrative Law Division (Code 13), on March 23, 2022. My office received notice of your correspondence on FOIA Online from the Department of the Navy FOIA Liaison's office on September 9, 2022. In your correspondence, you contest my March 16, 2022 response to your email of March 3, 2022 reminding you that you may not submit FOIA requests to this office via email. You were informed, again, that this office instituted a policy on April 10, 2019 under which it would not accept FOIA appeals or requests from you unless your appeal or request was submitted either (1) via FOIA Online or (2) via "signed correspondence delivered by U.S. Mail or private delivery service."

In your present correspondence, you accuse my office, again, of improper actions under the FOIA. Specifically, you accuse my office of (1) violating the Administrative Procedure Act (APA); (2) "[m]aking [s] - - - up" and unlawfully citing this office's policy established on April 10, 2019; (3) violating the FOIA; (4) failing to return a copy of your request; and (5) failure to respond by email. None of these, however, is a proper basis for a FOIA appeal. Moreover, as my office policy requiring your use of FOIA Online or mail delivery is still in effect, I will take no further action regarding your correspondence, and will close your correspondence in FOIA Online.

If you would like to seek dispute resolution services, you have the right to contact the Department of the Navy's FOIA public liaison, Mr. Christopher Julka, at christopher.a.julka@navy.mil or (703) 697-0031. You may also seek dispute resolution services from the Office of Government Information Services (OGIS), the

Federal FOIA Ombudsman's office, at (202) 741-5770 or ogis@nara.gov. OGIS provides a voluntary mediation process for resolving disputes between persons making FOIA requests and the Department of the Navy (DON). For more information, go to <https://www.archives.gov/ogis/about-ogis/contact-information>.

If you have further questions or concerns for my office, my point of contact is LT Nate Bosiak, JAGC, USN, who may be reached at (202) 685-5452 or by email at nathaniel.a.bosiak.mil@us.navy.mil.

Sincerely,

A handwritten signature in black ink, appearing to read 'S. D. Schrock', with a long horizontal flourish extending to the right.

S. D. SCHROCK
Director
General Litigation Division

ENCLOSURE 2

Hammond Administrative FOIA Appeal of DON JAG Ser
14/125 (My 22-A) dtd May 23, 2022

A. FOIA Request 22-A. Adverse Determination Letters FY
2016 - FY 2021. March 3 2022 (DON JAG) [hard copy]

B. DON JAG ltr Ser 15 /125

Robert Hammond
[EMAIL REDACTED]

March 23, 2022

Office of the Judge Advocate General
Assistant Judge Advocate General (Civil Law)
1322, Patterson Avenue S.E., Suite 3000
Washington Navy Yard, DC 20374-5066

FOIAonline.gov
'nathaniel.a.bosiak.mil@us.navy.mil'; 'wendy.winston@navy.mil'

May

***** This appeal will be timely for judicial review within twenty working days *****

BASIS FOR APPEAL

FOIA Appeal of DON JAG Ser 14/125 response (Attachment A) to my FOIA My 22-A (Attachment B)

1. **Violation of the Administrative Procedures Act in FOIA Processing. (Navy Procedures)**
 - a. Navy FOIA Policy and procedures require Navy FOIA Officers to enter into FOIAonline any FOIA request received that was not initiated thru FOIA online, even those considered unperfected.
 - b. Navy uses FOIAonline data to produce its quarterly and annual FOIA Reports and raw data.
 - c. By failing to enter this FOIA request into FOIAonline, Navy will be engaging in false FOIA reporting whether I respond to their demands or not.
2. **Making S - - [Stuff] up. Unlawfully Citing Alleged DON JAG Policy Established by April 10, 2019 email.**
 - a. DON JAG states:
“Pursuant to a policy this office instituted on April 10, 2019, and communicated to you by the then-Director, your FOIA request is denied because you did not submit your request via either FOIA Online or signed correspondence delivered by U.S. Mail or private delivery service. As a reminder, the only correspondence you will receive from this office will be in response to a FOIA request or appeal submitted via FOIA Online or signed correspondence delivered by U.S. Mail or private delivery service.”
 - b. DON JAG cannot set FOIA policy via email. Navy does this S... (stuff) all the time. [It is unlawful.] It must stop.

[Department of Navy's Judge Advocate General has unlawfully created a policy unique to me alone out of 333,333,938 American citizens by which it claims that Navy will not accept FOIA requests or appeals that I submit via:

- FOIA.gov, Muckrock.com,
- Email, or
- by any means other than FOIAonline.gov or mail]

3. **National FOIA Portal. Violation of FOIA Improvement Act of 2016 & Violation of the Administrative Procedures Act in FOIA Processing. (Federal Procedures)**

- a. The FOIA Improvement Act of 2016 directed the Office of Management and Budget (OMB) and DOJ to build a “consolidated online request portal that allows a member of the public to submit a request for records . . . to any agency from a single website.”
- b. FOIA.gov is that national FOIA portal. Yet as cited above Navy is emphatically disavowing that portal as a means to submit FOIA requests.
- c. Nevertheless, I responded to Navy's unlawful demand and resubmitted my FOIA request via FOIA.gov (FOIA Request to DON JAG. via **FOIA.gov ID: 347636**. 22-A. Adverse Determination Letters FY 2016 - FY 2022).
- d. I notified DON JAG of same by (confirmed receipt) email of Tue 3/22/2022 12:59 PM. [DON JAG has unlawfully not responded.]
- e. DON JAG must process my FOIA request as of receipt date March 3, 2022.

4. **Failure to return a copy of my FOIA Request with Determination letter.**

- a. My FOIA request requires that a copy be returned with any determination letter or correspondence so that I may accurately identify the FOIA request and ensure that the agency is complying with my FOIA request.

[Unlawful refusal to recognize my FOIA requests as an official agency record IAW 44 U.S.C. § 3301 and subject to release by the agency under FOIA. Per my FOIA request:

The definition of “records” includes:

“[A]ll books, papers, maps, photographs, machine readable materials, or other documentary materials, regardless of physical form or characteristics, made or received by an agency of the United States Government under Federal law or in connection with the transaction of public business and preserved or appropriate for preservation by that agency or its legitimate successor as evidence of the organization, functions, policies, decisions, procedures, operations, or other activities of the Government or because of the informational value of data in them.” 44 U.S.C. § 3301 (emphasis supplied).]

5. **Failure to Respond by email**

- a. My FOIA request requires a response by email to accurately document the agency's communications. Navy has a habit of not sending correspondence at all

and then claiming that they did or filing communications within FOIAonline without ever sending them.

- b. In lieu of email Navy responded by letter 5720 Ser 14/125 March 16, 2022.
- c. I travel frequently. Get into the 22nd century and comply with the format of my FOIA request.

[“There is no accountability for correspondence allegedly sent my mail. Per my FOIA Request: REQUESTED FORMAT.

I am also seeking a single ADA accessible PDF file by return email with: (1) a signed and dated cover letter (citing my personally assigned requester control number); (2) with record page count for all records released records (3) a copy of this request in your reply. I seek records via email in PDF format with an imbedded copy of my requests to (1) impede the agency from not addressing the FOIA Request; (2) impede the Agency from not providing the documents stated in the Agency’s letter reply, and (3) make it obvious in any subsequent review what the Agency has or has not done

Under the terms of the E-FOIA Amendments of 1996, Section 5, if a document exists in electronic format, it must be released in that format upon request.”]

With my respect,

Robert Hammond

Attachment:

- A. DON JAG Ser 15 /125
- B. FOIA Request 22-A. Adverse Determination Letters FY 2016 - FY 2021. March 3 2022 (DON JAG) [hard copy]

[Text in brackets added for clarity]

Appeal Attachment A

DON JAG ltr Ser 15 /125



DEPARTMENT OF THE NAVY
OFFICE OF THE JUDGE ADVOCATE GENERAL
1322 PATTERSON AVENUE SE SUITE 3000 W
ASHINGTON NAVY YARD DC20374

SENT VIA U.S. MAIL

Mr. Robert Hammond
[REDACTED]
Email: [REDACTED]

SUBJECT: YOUR EMAIL CORRESPONDENCE OF MARCH 3, 2022

This letter responds to your email submitted on March 3, 2022, which was received by my office on March 4, 2022 and assigned tracking number Ser 14/125. In your email, you appear to make a request under the Freedom of Information Act (FOIA) for certain documents that potentially may be within the cognizance of this office.

Pursuant to a policy this office instituted on April 10, 2019, and communicated to you by the then-Director, your FOIA request is denied because you did not submit your request via either FOIA Online or signed correspondence delivered by U.S. Mail or private delivery service. As a reminder, the only correspondence you will receive from this office will be in response to a FOIA request or appeal submitted via FOIA Online or signed correspondence delivered by U.S. Mail or private delivery service.

If you wish to make FOIA request to this office, please provide it to the point of contact listed below within the next 10 working days via FOIA Online or signed correspondence delivered in the manner stated above. My point of contact will review the information to determine if any responsive records are held by this office, or will refer 3,2022 and it to the appropriate FOIA office for response. In the event no request is received within that time, your request will be closed.

I am the official responsible for making this decision under the FOIA. Because this response is adverse, I am advising you of your right to appeal this determination. Your appeal must be received (i.e., post-marked if by mail or submitted if by FOIA Online) within 90 calendar days from the date of this letter. Please provide the appellate authority (see below) the following in an envelope marked "FOIA Appeal":

- a letter requesting an appeal that explains what you are appealing with any supporting arguments or reasons you think may be worthy of consideration;
- a copy of your initial request; and
- a copy of the letter of denial.

There are two ways to file an appeal-through FOIA Online or by mail.

1. **Appealing through FOIA Online.** You must first set up an account on FOIA Online before you can submit an appeal. To set up an account, go to FOIA Online (this is a website that will appear as the top hit if you search the internet for "FOIAonline"), click "Create Account" (a link located within the blue banner at the top in the upper right corner), enter your data into the field that subsequently appears, and click "Save" (at the bottom left of the screen). With your account thereby created, you will have the power to file an appeal on FOIAonline to any request you file on FOIAonline thereafter. To do so, locate your request (enter a keyword or the request tracking number in the "Search for" field on the "Search" tab), click on it, then the "Create Appeal" tab in the left-hand column. Complete the subsequent field, click "Save," and FOIAonline will submit your appeal.
2. **Appealing by mail.** Address your appeal to:

Office of the Judge Advocate General Assistant Judge Advocate
General (Civil Law) 1322, Patterson Avenue S.E., Suite 3000
Washington Navy Yard, DC 20374-5066

The envelope and letter must bear the annotation "FOIA Appeal." Please include a copy of your original request, this response letter, and the grounds for your appeal.

If you would like to seek dispute resolution services, you have the right to contact the Department of the Navy's FOIA public liaison, Mr. Christopher Julka, at christopher.a.julka@navy.mil or (703) 697-0031. You may also seek dispute resolution services from the Office of Government Information Services (OGIS), the Federal FOIA Ombudsman's office, at (202) 741-5770 or ogis@nara.gov. OGIS provides a voluntary mediation process for resolving disputes between persons making FOIA requests and the Department of the Navy (DON). For more information, go to <https://www.archives.gov/ogis/about-ogis/contact-information>.

If you have further questions or concerns for my office, my point of contact is

5720

Ser 14/125

LT Nate Bosiak, JAGC, USN, who may be reached at
nathaniel.a.bosiak.mil@us.navy.mil or by telephone at (202) 685-5452.

Sincerely,

A handwritten signature in black ink, appearing to read 'S. D. Schrock', with a long horizontal flourish extending to the right.

S. D. SCHROCK

Director

General Litigation Division

Appeal Attachment B

FOIA Request 22-A. Adverse Determination Letters FY 2016 -
FY 2021. March 3 2022 (DON JAG) [hard copy]

March 3, 2022

Sent by email to:

DEPARTMENT OF THE NAVY
OFFICE OF THE JUDGE ADVOCATE GENERAL

Subject: FOIA Request **22-A. Adverse Determination Letters FY 2016 - FY 2022**

I am submitting this request under the Freedom of Information Act (“FOIA”), 5 U.S.C. § 552 et seq., as amended. If you deny all or any part of this request, please cite each specific exemption you think justifies your decision not to release the information and notify me of appeal procedures available under the law. References cited below apply.

*****This Request will be timely for Judicial Review in twenty working days*****

RECORDS SOUGHT VIA FOIA.

22-A. Adverse Determination Letters FY 2016 - FY 2022.

I am respectfully seeking from your agency:

1. Records of the first 5 FOIA adverse determination letters (other than full grant) processed by your agency for fiscal years FY 2016, FY 2017, FY 2018, FY 2019, FY 2020, and FY 2021 (seven fiscal years, 35 records).
 - a. Denial for any reason, including no records. Denial letter only (I am interested in the content of the letters).
 - b. This is an inherently simple request. Records are the FOIA Office These are antecedent records that have already been released to the Public via the determination letters themselves
 - c. There should be no redactions as to names, email addresses or phone numbers (excluding cell numbers) of government employees, which are not exempt under (b)(6).
 - d. There should be no redactions as to names, of non-commercial requesters, which are not exempt under (b)(6). Federal agencies have stated, “I am releasing the names of the FOIA requesters as courts have held that under the FOIA requesters do not have an expectation of privacy. *Stauss v. IRS*, 516 F. Supp.1218, 1223 (D.D.C. 1981).”
 - e. There should be no redactions for commercial entity names, addresses, phone numbers and emails, as these are in the public domain.
2. I am also seeking a copy of this FOIA Request, which is an Agency record subject to FOIA that exists and is in the Agency’s possession at the time of my FOIA request. This record is a responsive record integral to my Request. Release of the Agency’s copy

is not optional.

REQUESTED FORMAT.

I am also seeking a single ADA accessible PDF file by return email with: (1) a signed and dated cover letter (citing my personally assigned requester control number); (2) with record page count for all records released records (3) a copy of this request in your reply. I seek records via email in PDF format with an imbedded copy of my requests to (1) impede the agency from not addressing the FOIA Request; (2) impede the Agency from not providing the documents stated in the Agency's letter reply, and (3) make it obvious in any subsequent review what the Agency has or has not done

Under the terms of the E-FOIA Amendments of 1996, Section 5, if a document exists in electronic format, it must be released in that format upon request.

Each record must be provided as a distinct record in their native format. Emails should be provided as

This request is distinctly separate from any other. Please do not combine this request with any other request in your reply. I am requesting that each element of the records sought be specifically addressed in the reply.

FEE WAIVER/ PUBLIC INTEREST/PUBLIC RELEASE. Notwithstanding my agreement to pay fees below if my fee waiver is denied, I am seeking a fee waiver due to significant public interest in this information. The subject of the requested records concerns "the operations or activities of the government." The disclosure is "likely to contribute" to an understanding of government operations or activities. There is no commercial interest. There is significant public interest.

AGREEMENT TO PAY FEES.

I agree to pay fees for searching or copying the records up to \$25. If the fees exceed this amount please advise me of the cost before proceeding. I do not believe that there should be any charge for providing these records, as there is public interest in government operations. I am a private individual not seeking documents for commercial use, such that the following applies: "No fees may be charged by any [] Component if the costs of routine collection and processing of the fee are likely to equal or exceed the amount of the fee. With the exception of requesters seeking documents for a commercial use, Components shall provide the first two hours of search time, and the first one hundred pages of duplication without charge." I would note that because I am requesting an electronic file, there should not be a per page copy fee.

The OMB Guidelines direct that searches for responsive records should be done in the "most efficient and least expensive manner." See OMB Fee Guidelines, 52 Fed. Reg. at 10,017. As an "all others" requester, I may only be assessed search and duplication fees and not fees for review. See 32 CFR 286.12 - Schedule of fees. Also, please note that, should payment become

necessary, the Coinage Act of 1965, specifically Section 31 U.S.C. 5103, entitled "Legal tender," states: " United States coins and currency (including Federal reserve notes and circulating notes of Federal reserve banks and national banks) are legal tender for all debts, public charges, taxes, and dues. Foreign gold or silver coins are not legal tender for debts. (Pub. L. 97–258, Sept. 13, 1982, 96 Stat. 980 ; Pub. L. 97–452, §1(19), Jan. 12, 1983, 96 Stat. 2477.)

STILL-INTERESTED PREEMPTIVE REPLY. This is a preemptive reply to the Justice Department guidelines the procedure known as a “still interested” inquiry, through which a FOIA officer can confirm that the requester has not lost interest in obtaining the documents.

My interest in all FOIA requests submitted to your office is enduring, meaning that my interest in seeking replies to all past and future FOIA request remains in effect until each request has been answered fully and the time for judicial review has passed. Please do not initiate any "still interested" inquiries. This serves as my notice of enduring interest and automatic reply to any future questions of interest by your office. There are no reasonable grounds to ever conclude in the future that I am not interested in this request.

Implementation Checklist for DOJ OIP Guidance on “Still-Interested” Inquiries

1. Ensure there are reasonable grounds to make a “still-interested” inquiry in first instance.
2. Absent good cause, do not make multiple “still-interested” inquiries.
3. Use requester’s preferred method of communication and in the absence of a preference, communicate by telephone or email as the default.
4. Memorialize any decision by a requester to withdraw a request that is conveyed by telephone by sending the requester a brief email or letter noting the withdrawal.
5. Provide requesters no less than thirty (30) working days to respond to the “still- interested” inquiry and ensure that there is a simple way to do so.
6. Advise the requester that if they elect not to respond to the inquiry, the request will be administratively closed at the conclusion of the designated time period (which must be at least 30 working days).
7. Prior to administratively closing a request based upon the lack of a response by the requester, make good faith efforts to reach out to the requester using multiple methods of communication.
8. In the event a requester responds to the “still- interested” inquiry within a reasonable time after the deadline has passed, reopen the request and place it back into the processing queue where it would have been.

ENCLOSURE 3

FOIA.gov - Freedom of Information Act_
Create a request 22-A DON JAG



Thank you for visiting FOIA.gov, the government's central website for FOIA. We'll continue to make improvements to the site and look forward to your input. Please submit feedback to National.FOIAPortal@usdoj.gov.

Submission ID: 347636

Success!

Your FOIA request has been created and is being sent to the Department of the Navy.

You'll hear back from the agency confirming receipt in the coming weeks using the contact information you provided. If you have questions about your request, feel free to reach out to the agency FOIA personnel using the information provided below.

Contact the agency

[FOIA Requester Service Center](#) 202-685-0412
donfoia-pa@navy.mil

Christopher Julka, [FOIA Public Liaison](#) 703-697-0031
christopher.a.julka@navy.mil

Chief of Naval Operations, DNS-36 2000 Navy Pentagon
Washington, DC 20350-2000 DONFOIA-PA@navy.mil

Request summary

Request submitted on **March 22, 2022**.

The confirmation ID for your request is **347636**.

The confirmation ID is only for identifying your request on FOIA.gov and acts as a receipt to show that you submitted a request using FOIA.gov. This number does not replace the information you'll receive from the agency to track your request. In case there is an issue submitting your request to the agency you selected, you can use this number to help.

Contact information

Name

robert hammond

Mailing address

[REDACTED]

Email

[REDACTED]

Your request

March 3, 2022

DEPARTMENT OF THE NAVY
OFFICE OF THE JUDGE ADVOCATE GENERAL

Subject: FOIA Request **22-A. Adverse Determination Letters FY 2016 - FY 2022**

I am submitting this request under the Freedom of Information Act ("FOIA"), 5 U.S.C. § 552 et seq., as amended. If you deny all or any part of this request, please cite each specific exemption you think justifies your decision not to release the information and notify me of appeal procedures available under the law. References cited below apply.

*****This Request will be timely for Judicial Review in twenty working days*****

RECORDS SOUGHT VIA FOIA.

22-A. Adverse Determination Letters FY 2016 - FY 2022.

I am respectfully seeking from your agency:

3. Records of the first 5 FOIA adverse determination letters (other than full grant) processed by your agency for fiscal years FY 2016, FY 2017, FY 2018, FY 2019, FY 2020, and FY 2021 (seven fiscal years, 35 records).
 - a. Denial for any reason, including no records. Denial letter only (I am interested in the content of the letters).
 - b. This is an inherently simple request. Records are the FOIA Office These are antecedent records that have already been released to the Public via the determination letters themselves
 - c. There should be no redactions as to names, email addresses or phone numbers (excluding cell numbers) of government employees, which are not exempt under (b)(6).
 - d. There should be no redactions as to names, of non-commercial requesters, which are not exempt under (b)(6). Federal agencies have stated, "I am releasing the names of the FOIA requesters as courts have held that under the FOIA requesters do not have an expectation of privacy. *Stauss v. IRS*, 516 F. Supp.1218, 1223 (D.D.C. 1981)."
 - e. There should be no redactions for commercial entity names, addresses, phone numbers and emails, as these are in the public domain.
4. I am also seeking a copy of this FOIA Request, which is an Agency record subject to FOIA that exists and is in the Agency's possession at the time of my FOIA request. This record is a responsive record integral to my Request. Release of the Agency's copy is not optional.

REQUESTED FORMAT.

I am also seeking a single ADA accessible PDF file by return email with: (1) a signed and dated cover letter (citing my personally assigned requester control number); (2) with record page count for all records released records (3) a copy of this request in your reply. I seek records via email in PDF format with an imbedded copy of my

requests to (1) impede the agency from not addressing the FOIA Request; (2) impede the Agency from not providing the documents stated in the Agency's letter reply, and (3) make it obvious in any subsequent review what the Agency has or has not done

Under the terms of the E-FOIA Amendments of 1996, Section 5, if a document exists in electronic format, it must be released in that format upon request.

Each record must be provided as a distinct record in their native format. Emails should be provided as

This request is distinctly separate from any other. Please do not combine this request with any other request in your reply. I am requesting that each element of the records sought be specifically addressed in the reply.

FEE WAIVER/ PUBLIC INTEREST/PUBLIC RELEASE. Notwithstanding my agreement to pay fees below if my fee waiver is denied, I am seeking a fee waiver due to significant public interest in this information. The subject of the requested records concerns "the operations or activities of the government." The disclosure is "likely to contribute" to an understanding of government operations or activities. There is no commercial interest. There is significant public interest.

AGREEMENT TO PAY FEES.

I agree to pay fees for searching or copying the records up to \$25. If the fees exceed this amount please advise me of the cost before proceeding. I do not believe that there should be any charge for providing these records, as there is public interest in government operations. I am a private individual not seeking documents for commercial use, such that the following applies: "No fees may be charged by any [] Component if the costs of routine collection and processing of the fee are likely to equal or exceed the amount of the fee. With the exception of requesters seeking documents for a commercial use, Components shall provide the first two hours of search time, and the first one hundred pages of duplication without charge." I would note that because I am requesting an electronic file, there should not be a per page copy fee.

The OMB Guidelines direct that searches for responsive records should be done in the "most efficient and least expensive manner." See OMB Fee Guidelines, 52 Fed. Reg. at 10,017. As an "all others" requester, I may only be assessed search and duplication fees and not fees for review. See 32 CFR 286.12 - Schedule of fees. Also, please note that, should payment become necessary, the Coinage Act of 1965, specifically Section 31 U.S.C. 5103, entitled "Legal tender," states: " United States coins and currency (including Federal reserve notes and circulating notes of Federal reserve banks and national banks) are legal tender for all debts, public charges, taxes, and dues. Foreign

gold or silver coins are not legal tender for debts.

(Pub. L. 97-258, Sept. 13, 1982, 96 Stat. 980 ; Pub. L. 97-452, §1(19), Jan. 12, 1983, 96 Stat. 2477 .)

STILL-INTERESTED PREEMPTIVE REPLY. This is a preemptive reply to the Justice Department guidelines the procedure known as a "still interested" inquiry, through which a FOIA officer can confirm that the requester has not lost interest in obtaining the documents.

My interest in all FOIA requests submitted to your office is enduring, meaning that my interest in seeking replies to all past and future FOIA request remains in effect until each request has been answered fully and the time for judicial review has passed. Please do not initiate any "still interested" inquiries. This serves as my notice of enduring interest and automatic reply to any future questions of interest by your office. There are no reasonable grounds to ever conclude in the future that I am not interested in this request.

Implementation Checklist for DOJ OIP Guidance on "Still-Interested" Inquiries

9. Ensure there are reasonable grounds to make a "still-interested" inquiry in first instance.
10. Absent good cause, do not make multiple "still-interested" inquiries.
11. Use requester's preferred method of communication and in the absence of a preference, communicate by telephone or email as the default.
12. Memorialize any decision by a requester to withdraw a request that is conveyed by telephone by sending the requester a brief email or letter noting the withdrawal.
13. Provide requesters no less than thirty (30) working days to respond to the "still- interested" inquiry and ensure that there is a simple way to do so.
14. Advise the requester that if they elect not to respond to the inquiry, the request will be administratively closed at the conclusion of the designated time period (which must be at least 30 working days).
15. Prior to administratively closing a request based upon the lack of a response by the requester, make good faith efforts to reach out to the requester using multiple methods of communication.

16. In the event a requester responds to the "still- interested" inquiry within a reasonable time after the deadline has passed, reopen the request and place it back into the processing queue where it would have been.

Additional information

22-A.AdverseDeterminationLettersFY2016-FY2021.March 3, 2022 (DON JAG).pdf

Fees

What type of requester are you?

other

Fee waiver

yes

Fee waiver justification

FEE WAIVER/ PUBLIC INTEREST/PUBLIC RELEASE.

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The amount of money you're willing to pay in fees, if any
\$25

Request expedited processing

Expedited processing

no



FOIA.gov

CONTACT

Office of Information Policy (OIP)

U.S. Department of Justice 441 G St, NW, 6th Floor Washington, DC 20530

E-mail: National.FOIAPortal@usdoj.gov

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DEVELOPER RESOURCES, FOIA API & FOIA CONTACT LIST ACCESSIBILITY

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| [USA.GOV](#)

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HAMMOND WRITTEN PUBLIC COMMENTS

#	Hammond Public Comments. Document Cloud Alphabetical (25 per page on web, not alphabetical) https://www.documentcloud.org/app?q=%2Buser%3Arobert-hammond-106693%20
1	2022- 2024 FOIA Advisory Committee Bylaws - Recommended Changes
2	2022- 2024 FOIA Advisory Committee Inaugural Meeting. DOJ OIP OGIS Grossly Underfunded
3	All Panelist Chat to June 9 2022 FOIA Advisory Committee Meeting. OGIS DOJ Funding + Miss
4	DOD FOIA Misconduct Part IV. FY 2018 Appeals Disappeared + DOJ OIP & OGIS Underfunded, Thus Ineffective
5	DOD FOIA Misconduct Part V. Navy FY 2018 Appeals Dispositions Bases Not Reported
6	DOD Massive False FOIA Reporting. Part 1. Letter to SECDEF, Complaint to DOJ OIG
7	DOD MASSIVE FALSE REPORTING PART II + Still Interested Abuse. Updated July 27, 2022
8	DOD Massive False Reporting Part III. 5-year Late Acknowledgements Unusual Circumstances Abuse +
9	DOD' Cites Change to CFR 32 CFR part 286.4 as Unlawful Basis for Omitting OGIS Mediation Rights
10	DOJ OIP (Inaccurate) CFO Report Assessment 2022
11	DOJ OIP Compliance Inquiries
12	DOJ OIP Improper and Unlawful Standard Glomar Responses With Implicit (b)(1) & (b)(7)
13	Failure - FOIA Compliance Oversight & Funding. Part 2. No Joking Matter
14	FOIA Advisory Committee December 1, 2022 Meeting Hammond Comments
15	FOIA Line-Item Budgets Now. Let the citizens be heard. Retire FOIA Bob.
16	FOIAonline - Recommended System Changes
17	Foreseeable Harm Standard Vanita Gupta. November 3, 2022 CFO Meeting
18	Foreseeable Harm Standard. DOJ OIP Misinformation + Navy Misconduct and Idiocy?
19	Hammond FOIA Public Comments Posted to Document Cloud
20	Hammond Questions Comments for September 8 2022 Meeting. OGIS and DOJ OIP Lack of Funding w.attach1

21	Hammond Recommendations and Chat Comments to 4.7.2022 FOIA Advisory Committee Meeting
22	HOT! Semo OGIS. Budget Numbers do not Comport w. NARA Published Budgets!
23	Individualized Tracking Numbers. NARA Fraud. Hatch Act Violations
24	Mandatory Right to OGIS Dispute Resolution - OGIS Malfeasance 20220616
25	Moot Appellate Determinations
26	NARA FOIA & Financial Malfeasance \$789,730 + Alteration of Records and Loss of Public Trust
27	NARA FY 2022 Data Stripped From FOIA.gov
28	NARA, PLEASE FUND OGIS!! (PART 1). Robert Hammond September 9, 2021 Speaker Notes
29	Navy FOIA Fraud - False Reporting, Refusal of FOIA.gov, etc.
30	Navy Misconduct. No IDA Letter & Fee Abuse. DON-NAVY-2023-000588
31	Navy FY 2018 Appeals Dispositions Bases Not Reported
32	OGIS & DOJ OIP Misstate Recommendation to Post FOIA Logs - Why
33	OGIS Funding and Case Accountability Logs
34	OGIS Negligence Generally & Improper June 29, 2022 FOIA Meeting
35	OGIS Posting Policy for Public Comments
36	Posting FOIA Logs. Tech Committee Recommendation #2. FOIA Ombudsman Inaccurate Citation
37	Preserve FOIAonline Records + Decertify FOIA.gov + Audit NARA + Post FOIA Logs
38	QUESTIONS for June 29, 2022 OGIS Annual FOIA Meeting v2
39	Response to Hon. David S. Ferriero June 10 2021 Comments to FOIA Advisory Committee
40	Sample FOIA Template to Combat Agency Misconduct 20220616
41	Senator Grassley - DOJ OIP'S Position Doesn't Pass the "Common Sense Test"
42	Senators Unite to Slam FOIA Compliance + POGO
43	Subpoena Threat and Congressional Demand for OGIS to Release Records. OMB Kills Recommendations
44	Sued into Oblivion. Foreseeable Harm Standard
45	Violations of the ADA in FOIA Redactions, Simple Solution