

OGIS & Navy FOIA Fraud

- Refused Mediation
- Refused Estimated Completion Dates
- Massive False Reporting
- Decertify FOIA.gov

by

Robert Hammond, foiacompliance@gmail.com
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Copy to:

United States Associate Attorney General Vanita Gupta
Attorney General Merrick Garland

Designed by pngtree

PREFACE

(OGIS Director's salary is \$200K per year with 5% - 20% guaranteed bonus, yet OGIS refuses mediation and claims no responsibility for FOIA compliance. This hurts us all.)

See DOJ OIP Compliance Inquiry attached.

- NARA unlawfully closed my request for mediation of Navy's refusal to provide me estimated completion dates for my FOIA request without even contacting the agency. By the FOIA statute, OGIS cannot refuse mediation on its own.
- OGIS unlawfully directed me to view FOIAonline data (which is materially inaccurate and does not match Navy annual FOIA report raw data) in lieu of Navy providing me EDCs as mandated by law, DOJ policy and OGIS policy.
- OGIS' November 9, 2022 response letter is not signed by a person, but rather by "The OGIS Staff" to avoid accountability.
- Navy has refused to provide me EDCs sought through Navy's FOIA public liaison.
- Navy's FOIA public liaison, Christopher Julka, has refused to engage in ADR regarding Navy EDCs. This is a Navy pattern.
- Navy's FOIAonline data is massively false as relates to Navy's Annual FOIA reports and quarterly data in FOIA.gov. This includes requests cited as closed in FOIAonline. I may place several hundred examples into the public domain, in addition to those already there.

TRUTH, transparency, and accountability matter!

DOJ OIP Compliance Inquiry

From: perseverance2013@aol.com <perseverance2013@aol.com>
Sent: Saturday, November 12, 2022 12:11 PM
To: 'OIP.ComplianceInquiry@usdoj.gov' <OIP.ComplianceInquiry@usdoj.gov>; 'Vanita.Gupta19@usdoj.gov' <Vanita.Gupta19@usdoj.gov>; 'bobak.Talebian@usdoj.gov' <bobak.Talebian@usdoj.gov>
Cc: 'perseverance2013@aol.com' <perseverance2013@aol.com>; 'foiacompliance@gmail.com' <foiacompliance@gmail.com>
Subject: Compliance Inquiry: OGIS Refusal to Mediate and Misconduct; Navy Refusal to Provide ECDs and Misconduct FW: Mediation. Navy refuses to provide ECDs. RE: Navy Estimated Dates of Completion 5.13.2022
Importance: High

[Best viewed as HTML]

Subject: Re: Mediation. Navy refuses to provide ECDs. RE: Navy Estimated Dates of Completion 5.13.2022

DOJ OIP, Ms. Vanita Gupta, Bobby Talebian:

Please provide me your individualized compliance case number for this matter along with a timely response before the December 1, 2022 FOIA Advisory Committee Meeting addressing these matters:

1. NARA unlawfully closed my request for mediation of Navy's refusal to provide me estimated completion dates for my FOIA request without even contacting the agency. By the FOIA statute, OGIS cannot refuse mediation on its own.
2. OGIS unlawfully directed me to view FOIAonline data (which is materially inaccurate and does not match Navy annual FOIA report raw data) in lieu of Navy providing me ECDs as mandated by law, DOJ policy and OGIS policy.
3. OGIS' November 9, 2022 response letter is not signed by a person, rather by "The OGIS Staff" to avoid accountability.
4. Navy has refused to provide me EDCs sought through Navy's FOIA public liaison.
5. Navy's FOIA public liaison, Christopher Julka, has refused to engage in ADR regarding Navy EDCs. This is a Navy pattern.

OGIS violations of law and hypocrisy.

1. By the FOIA statute, OGIS is required to engage in mediation, yet OGIS refuses to do so. See my public comment, Mandatory Right to Mediation.
<https://www.documentcloud.org/app?q=%2Buser%3Arobert-hammond-106693%20>

The FOIA Improvement Act of 2016 ((Public Law No. 114-185)

§ 552. (h)(3)

“The Office of Government Information Services **shall** offer mediation services to resolve disputes between persons making requests under this section and administrative agencies as a nonexclusive alternative to litigation and may issue advisory opinions at the discretion of the Office or upon request of any party to a dispute.”

2. After briefing the mandatory requirement to provide ECDs at the November 3, 2022 Chief FOIA Officer’s meeting, six days later, on November 9, 2022 OGIS closed my September 20, 2022 request for mediation by unlawfully stating:

As a courtesy to you, OGIS staff checked the status of several of the requests in your list using FOIAonline’s tracking tool (<https://foiaonline.gov/foiaonline/action/public/home>); in each case, the status of the FOIA request is “closed.” To the extent that you seek the status of additional requests and appeals with DON, we encourage you to check FOIAonline.

Hammond Response:

- Dates in FOIAonline are not ECDs.
- The list I provided does not comprise all my FOIA requests to Navy; only those I entered into FOIAonline.
- OGIS’s alleged “sample” is an impermissible response and inaccurate in any event.
- Navy’s FOIAonline data is massively false as relates to Navy’s Annual FOIA reports and quarterly data in FOIA.gov. This includes requests cited as closed in FOIAonline. I may place several hundred examples into the public domain, in addition to those already there.

3. At the November 3, 2022 Chief FOIA Officer’s meeting, Ms. Semo stated unequivocally that agencies must provide ECDs, listing the following references per the meeting slides www.archives.gov/files/ogis/documents/cfoc-slide-deck-for-11.3.2022-all-presenters.pdf

[Slide 12, Alina Semo briefer]

EDC - It’s the Law

5 U.S.C. § 552 (a)(7):

Each agency shall

(A) establish a system to assign an individualized tracking number for each request received that will take longer than ten days to process and provide to each person making a request the tracking number assigned to the request; and

(B) establish a telephone line or Internet service that provides information about the status of a request to the person making the request using the assigned tracking number, including (i) the date on which the agency originally received the request; and (ii) an estimated date on which the agency will complete action on the request.

OGIS Assessment on Agency Compliance with EDCs:
[archives.gov/ogis/foia-compliance-program/targetedassessments/agency-compliance-with-edc-2020-mar-31](https://www.archives.gov/ogis/foia-compliance-program/targetedassessments/agency-compliance-with-edc-2020-mar-31)

OGIS Advisory Opinion: a
<https://www.archives.gov/ogis/advisory-opinions/2020-01-agencies-must-provide-edcs>

OGIS Open Meeting: Panel on EDCs:
[youtube.com/watch?v=-AeUP_7H-sA&t=780s](https://www.youtube.com/watch?v=-AeUP_7H-sA&t=780s)

Navy violations of law and massive false FOIA reporting

As in this case here, Navy's FOIA public liaison, Christopher Julka, has ignored requests for ADR and has claimed that he does not have to engage in ADR, stating on October 22, 2018 4:22 PM:

“In my opinion, we are in compliance with all applicable law, regulation and policy. If you disagree, you are welcome to provide a citation that you believes supports your position. This citation should refer to a specific text that directly supports your position, not a mere list of references, with which I am already familiar.”

Hammond response:

“Chris,
Per FOIA, you must assist in any FOIA dispute.
“To aid the requester, each agency shall make available its FOIA Public Liaison, who shall assist in the resolution of any disputes between the requester and the agency, and notify the requester of the right of the requester to seek dispute resolution services from the Office of Government Information Services.”

Pls answer all of my requests for dispute resolution.”

With my respect,

Robert Hammond

From: OGIS <OGIS@nara.gov>
Sent: Wednesday, November 9, 2022 8:59 AM
To: OGIS <OGIS@nara.gov>
Cc: perseverance2013@aol.com
Subject: Re: Mediation. Navy refuses to provide ECDs. RE: Navy Estimated Dates of Completion 5.13.2022

Dear Robert Hammond,

Please see OGIS's response to your submission (00016778), attached to this email.

Sincerely,
The OGIS staff
On Tuesday, September 20, 2022 at 10:22:37 AM UTC-4 perseverance2013@aol.com wrote:

Ms. Semo,

Please engage in immediate mediation of Navy's refusal to provide me estimated completion dates for my open requests and appeals. DO NOT simply refer this to the Navy FPL who is refusing to provide me the information. Engage the DONFOIA-PA Office in mediation. Navy's FOIA reporting is massively false/

By statute, OGIS cannot refuse mediation. Please provide me the mediation case number.

Robert Hammond

From: perseverance2013@aol.com <perseverance2013@aol.com>
Sent: Saturday, July 23, 2022 6:23 PM
To: 'christopher.a.julka@navy.mil' <christopher.a.julka@navy.mil>
Cc: 'perseverance2013@aol.com' <perseverance2013@aol.com>
Subject: RE: Navy Estimated Dates of Completion 5.13.2022
Importance: High

Mr. Julka,

I have not received any acknowledgement or reply from you regarding my request for Estimated Completion Dates and status of my FOIA requests and appeals submitted to Navy since January 1, 2013. This includes those that I submitted from my FOIAonline account directly and those submitted outside of FOIAonline. Navy requires that all FOIA requests and appeals be entered into FOIAonline, even those submitted by letter, email, or other means.

I require this information even for requests or appeals which Navy states it has closed. I am not confident in Navy records and want to validate any information provided.

- Subsection (a)(7)(B) of the FOIA also requires agencies to establish a phone number or an Internet site that will provide information to the requester "using the assigned tracking number." The information required to be provided to the requester includes: (1) the date the request was received by the agency and (2) an estimated date by which the agency will finish processing the request.
- See also Office of Government Information Services Advisory Opinion No. 2020-01: Agencies Must Provide Estimated Dates of Completion Upon Request <https://www.archives.gov/ogis/advisory-opinions/2020-01-agencies-must-provide-edcs>.

In reviewing just those requests and appeals that I submitted via my FOIAonline account, I show 195 tracking numbers. There are many more. Please promptly address them all. You may combine your responses into a spreadsheet, like how NARA attempted to address the same providing that you include a full description of the request or appeal, tracking number, date received and ECD or closed date if Navy believes that a request has been closed. See [NARA FY 2022 Data Stripped From FOIA.gov v2 - DocumentCloud](https://www.documentcloud.org/documents/22071918-nara-fy-2022-data-stripped-from-foiagov-v2) <https://www.documentcloud.org/documents/22071918-nara-fy-2022-data-stripped-from-foiagov-v2> . I caution you to be accurate.

Failure to provide a timely response will be deemed as a violation of the FOIA and DOJ/OGIS guidelines.

With my deep respect,

Robert Hammond

From: perseverance2013@aol.com <perseverance2013@aol.com>
Sent: Friday, May 13, 2022 11:34 AM
To: 'christopher.a.julka@navy.mil' <christopher.a.julka@navy.mil>
Cc: 'perseverance2013@aol.com' <perseverance2013@aol.com>
Subject: Navy Estimated Dates of Completion 5.13.2022
Importance: High

Mr. Julka, Navy FPL:

For the tracking numbers listed below that I entered into FOIAonline.gov, and for any other of my Navy FOIA requests (Robert Hammond, perseverance2013@aol.com) which Navy has received and may access via FOIAonline.gov (not linked to my account) per the FOIAonline Agency Unser Manual., I am seeking signed letters in PDF format by return email provide me the initial estimated completion date (ESD) for each matter along with contemporaneous adjusted ESDs as they change. Please also enter such letters into the correspondence tab of FOIAonline.gov. See Office of Government Information Services Advisory Opinion No. 2020-01: Agencies Must Provide Estimated Dates of Completion Upon Request <https://www.archives.gov/ogis/advisory-opinions/2020-01-agencies-must-provide-edcs>. Please also provide me the status of each matter.

Please promptly acknowledge receipt and advise me of action taken.

Tracking Number

List updated on July 23, 2022.

1	DON-NAVY-2015-001584
2	DON-NAVY-2015-002019
3	DON-NAVY-2015-002302
4	DON-NAVY-2015-006937
5	DON-NAVY-2015-006938
6	DON-NAVY-2015-007190
7	DON-NAVY-2015-007416
8	DON-NAVY-2015-007659
9	DON-NAVY-2015-007691
10	DON-NAVY-2015-008546
11	DON-NAVY-2015-008695
12	DON-NAVY-2015-008772
13	DON-NAVY-2015-008860
14	DON-NAVY-2015-009025
15	DON-NAVY-2015-009400
16	DON-NAVY-2016-000207
17	DON-NAVY-2016-000208
18	DON-NAVY-2016-000210
19	DON-NAVY-2016-000217
20	DON-NAVY-2016-000246
21	DON-NAVY-2016-000976
22	DON-NAVY-2016-000977
23	DON-NAVY-2016-001494
24	DON-NAVY-2016-001842
25	DON-NAVY-2016-002048
26	DON-NAVY-2016-002050
27	DON-NAVY-2017-008869
28	DON-NAVY-2017-009256
29	DON-NAVY-2017-009258
30	DON-NAVY-2017-010423
31	DON-NAVY-2018-000111
32	DON-NAVY-2018-000464
33	DON-NAVY-2018-001229
34	DON-NAVY-2018-001684
35	DON-NAVY-2018-001685

36 DON-NAVY-2018-001699
37 DON-NAVY-2018-002151
38 DON-NAVY-2018-002156
39 DON-NAVY-2018-002157
40 DON-NAVY-2018-002162
41 DON-NAVY-2018-002164
42 DON-NAVY-2018-002167
43 DON-NAVY-2018-002615
44 DON-NAVY-2018-002619
45 DON-NAVY-2018-002620
46 DON-NAVY-2018-002630
47 DON-NAVY-2018-002663
48 DON-NAVY-2018-002664
49 DON-NAVY-2018-002665
50 DON-NAVY-2018-003206
51 DON-NAVY-2018-003207
52 DON-NAVY-2018-003208
53 DON-NAVY-2018-003209
54 DON-NAVY-2018-003210
55 DON-NAVY-2018-003211
56 DON-NAVY-2018-003212
57 DON-NAVY-2018-003214
58 DON-NAVY-2018-003215
59 DON-NAVY-2018-003216
60 DON-NAVY-2018-003217
61 DON-NAVY-2018-003218
62 DON-NAVY-2018-003219
63 DON-NAVY-2018-003222
64 DON-NAVY-2018-003238
65 DON-NAVY-2018-003417
66 DON-NAVY-2018-003424
67 DON-NAVY-2018-003425
68 DON-NAVY-2018-003476
69 DON-NAVY-2018-003669
70 DON-NAVY-2018-003670
71 DON-NAVY-2018-003734
72 DON-NAVY-2018-003737
73 DON-NAVY-2018-003738
74 DON-NAVY-2018-003739
75 DON-NAVY-2018-003740
76 DON-NAVY-2018-003741
77 DON-NAVY-2018-003742
78 DON-NAVY-2018-003743

79 DON-NAVY-2018-003745
80 DON-NAVY-2018-003746
81 DON-NAVY-2018-003748
82 DON-NAVY-2018-003752
83 DON-NAVY-2018-003753
84 DON-NAVY-2018-004011
85 DON-NAVY-2018-004022
86 DON-NAVY-2018-004028
87 DON-NAVY-2018-004426
88 DON-NAVY-2018-005727
89 DON-NAVY-2018-007248
90 DON-NAVY-2018-007259
91 DON-NAVY-2018-007934
92 DON-NAVY-2018-007980
93 DON-NAVY-2018-008375
94 DON-NAVY-2018-008376
95 DON-NAVY-2018-008383
96 DON-NAVY-2018-008413
97 DON-NAVY-2018-008414
98 DON-NAVY-2018-008415
99 DON-NAVY-2018-008552
100 DON-NAVY-2018-008597
101 DON-NAVY-2018-009007
102 DON-NAVY-2018-009714
103 DON-NAVY-2018-009723
104 DON-NAVY-2018-010131
105 DON-NAVY-2018-010132
106 DON-NAVY-2018-010750
107 DON-NAVY-2018-010758
108 DON-NAVY-2018-011135
109 DON-NAVY-2018-011318
110 DON-NAVY-2018-011319
111 DON-NAVY-2018-011320
112 DON-NAVY-2018-011321
113 DON-NAVY-2018-011584
114 DON-NAVY-2018-011904
115 DON-NAVY-2018-011968
116 DON-NAVY-2019-000003
117 DON-NAVY-2019-000004
118 DON-NAVY-2019-000006
119 DON-NAVY-2019-000007
120 DON-NAVY-2019-000954
121 DON-NAVY-2019-001196

122 DON-NAVY-2019-001207
123 DON-NAVY-2019-001377
124 DON-NAVY-2019-001378
125 DON-NAVY-2019-001380
126 DON-NAVY-2019-001389
127 DON-NAVY-2019-001390
128 DON-NAVY-2019-001391
129 DON-NAVY-2019-001392
130 DON-NAVY-2019-001512
131 DON-NAVY-2019-001515
132 DON-NAVY-2019-001518
133 DON-NAVY-2019-002012
134 DON-NAVY-2019-002014
135 DON-NAVY-2019-002017
136 DON-NAVY-2019-002073
137 DON-NAVY-2019-002076
138 DON-NAVY-2019-002108
139 DON-NAVY-2019-002110
140 DON-NAVY-2019-002112
141 DON-NAVY-2019-002113
142 DON-NAVY-2019-002114
143 DON-NAVY-2019-002130
144 DON-NAVY-2019-002131
145 DON-NAVY-2019-002214
146 DON-NAVY-2019-002281
147 DON-NAVY-2019-002282
148 DON-NAVY-2019-002287
149 DON-NAVY-2019-002288
150 DON-NAVY-2019-002293
151 DON-NAVY-2019-002294
152 DON-NAVY-2019-002299
153 DON-NAVY-2019-002304
154 DON-NAVY-2019-002305
155 DON-NAVY-2019-002306
156 DON-NAVY-2019-002307
157 DON-NAVY-2019-002310
158 DON-NAVY-2019-002311
159 DON-NAVY-2019-002332
160 DON-NAVY-2019-002333
161 DON-NAVY-2019-002335
162 DON-NAVY-2019-002336
163 DON-NAVY-2019-002341
164 DON-NAVY-2019-002396

165 DON-NAVY-2019-002401
166 DON-NAVY-2019-002402
167 DON-NAVY-2019-002415
168 DON-NAVY-2019-002416
169 DON-NAVY-2019-002492
170 DON-NAVY-2019-002977
171 DON-NAVY-2019-005519
172 DON-NAVY-2019-005596
173 DON-NAVY-2019-005608
174 DON-NAVY-2019-005609
175 DON-NAVY-2019-006026
176 DON-NAVY-2019-006189
177 DON-NAVY-2019-006209
178 DON-NAVY-2019-006380
179 DON-NAVY-2020-001049
180 DON-NAVY-2020-006629
181 DON-NAVY-2021-000407
182 DON-NAVY-2021-000437
183 DON-NAVY-2021-006765
184 DON-NAVY-2021-009523
185 DON-NAVY-2021-009987
186 DON-NAVY-2021-010687
187 DON-NAVY-2022-000438
188 DON-NAVY-2022-001294
189 DON-NAVY-2022-005876
190 DON-NAVY-2022-005877
191 DON-NAVY-2022-006018
192 DON-NAVY-2022-006030
193 DON-USMC-2015-007249
194 DON-USMC-2015-007329
195 DON-USMC-2017-009257

Robert Hammond
Whistleblower

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NARA email of 11/9/2022 8:59 AM, Subject: Re: Mediation.
Navy refuses to provide ECDs. RE: Navy Estimated Dates of
Completion 5.13.2022

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NATIONAL ARCHIVES *and* RECORDS ADMINISTRATION
8601 ADELPHI ROAD - OGIS | COLLEGE PARK, MD 20740-6001
www.archives.gov/ogis | ogis@nara.gov | o: 202.741.5770 | f: 202.741.5769 | t: 877.684.6448

November 9, 2022 — Sent via email

Robert Hammond
Case No. 00016778
perseverance2013@aol.com

Re:

Dear Robert Hammond:

Thank you for contacting the Office of Government Information Services (OGIS). As you are aware, Congress created OGIS to serve as the federal Freedom of Information Act (FOIA) Ombudsman. We assist the public and federal agencies by helping them resolve their FOIA disputes, and by addressing their questions and concerns about the FOIA process.

In your submission to OGIS, you explain that you have been unable to obtain the status of 195 FOIA requests and appeals

submitted to the Department of the Navy (DON). As a courtesy to you, OGIS staff checked the status of several of the requests in your list using FOIAonline's tracking tool (<https://foiaonline.gov/foiaonline/action/public/home>); in each case, the status of the FOIA request is "closed." To the extent that you seek the status of additional requests and appeals with DON, we encourage you to check FOIAonline.

We hope you find this information useful. At this time, we will take no further action. If you have questions or concerns that we have not addressed, please contact us again and briefly describe your FOIA process concern.

Sincerely,

The OGIS Staff

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OFFICE OF GOVERNMENT INFORMATION SERVICES
National Archives and Records Administration
8601 Adelphi Road (OGIS)
College Park, MD 20740-6001
[Email: ogis@nara.gov](mailto:ogis@nara.gov)
Phone: 202-741-5770 (local) or 1-877-684-6448 (toll-free)
Fax: 202-741-5769
Website: www.archives.gov/ogis
Blog: <http://foia.blogs.archives.gov>