DEPARTMENT OF THE NAVY
OFFICE OF THE JUDGE ADVOCATE GENERAL
WASHINGTON NAVY YARD
1322 PATTERSON AVENUE SE SUITE 3000
WASHINGTON DC 20374-5066

IN REPLY REFER TO

5830
154:8:F09014
November 20, 2008

The Honorable Peter J. Roskam
Member, United States House
Of Representatives
Attn: Ms. (b) (6) [redacted]
150 S. Bloomingdale Road, Suite 200
Bloomingdale, IL 60108

Dear Mr. Roskam:

Thank you for your inquiry of September 10, 2008, received in this office on October 31, 2008, on behalf of your constituent, Mr. (b) (6) [redacted]. Mr. (b) (6) [redacted] has requested records concerning the death of his brother, (b) (6) [redacted], U.S. Navy which occurred on May 20, 1945.

Our database indicates a document pertaining to this incident was maintained at the long-term storage facility at the National Records Center in Suitland, Maryland. In conducting my search to respond to your request, I have discovered the entire record is missing and presumed lost.

Because my determination that Mr. (b) (6) [redacted] request could not be filled constitutes a denial of his request, the Freedom of Information Act authorizes him to appeal the adequacy of the search to the designee of the Secretary of the Navy. Such an appeal, if any, must be in writing and addressed to:

Department of the Navy
Office of the Judge Advocate General (Code 14)
1322 Patterson Avenue, Suite 3000
Washington Navy Yard, DC 20374-5066

To be considered, the appeal must be received within 60 days from the date of this letter. Please enclose a copy of this letter with his appeal. The envelope and letter should bear the notation, "Freedom of Information Act Appeal."

I am the official responsible for the denial of Mr. (b) (6) [redacted] request.

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If you need further information, please do not hesitate to contact me at (202) 685-4600.

Sincerely,

(b) (6) [redacted]

Director
Claims and Tort Litigation