Request Details
Request Type : *FOIA*

Status : *Initial Evaluation* **Due Date :** *N/A*
0 (Never Started)

Submitted — Evaluation — Assignment — Processing — Closed

Request Details

Tracking Number : DON-NAVY-2018-002615
Requester : Mr. robert hammond
Organization : N/A
Requester Has Account : Yes
Email Address : (b) (6) @aol.com
Phone Number :
Fax Number : N/A
Address : (b) (6)
City :
State/Province :
Zip Code/Postal Code :

Submitted Date : 12/23/2017
Last Assigned Date : 12/23/2017
Fee Limit : $100.00
Request Track : Simple
Due Date : N/A
Assigned To : Chief of Naval Operations
Last Assigned By : N/A

Submission Details | Case File | Admin Cost | Assigned Tasks | Comments (1) | Review

Request Handling

Requester Info Available to the Public : No
Request Track : Simple
Fee Category : Other
Fee Waiver Requested: Yes
Fee Waiver Status: Pending Decision
Expedited Processing Requested : No
Expedited Processing Status : N/A

Request Perfected : No
Appellate Authority : OJAG14
Acknowledgement Sent Date: 12/23/17
Unusual Circumstances ? : No
5 Day Notifications:
Litigation : No

Request Description

Short Description :

Walter Reed Annual FOIA Report

FOIA Request DON 18-AQ – FOIA Case Records of Request: Walter Reed FY 2012 Annual FOIA Report Submission to BUMED; DON JAG, DON FOIA/PA, DON Liaison ***This Request will be timely for Judicial Review in twenty working days*** RECORDS SOUGHT VIA FOIA. I am respectfully seeking: 1. All records of any kind in the possession of DON JAG, DON FOIA/PA Office or DON Public Liaison Office related to my subject FOIA Request at Enclosure (1) (seeking records of Walter Reed's FY 2012 Annual FOIA Report Submission to BUMED) from the time that my FOIA Request was submitted to present. 2. Such records would include but not be limited to: a. All records in DON JAG's FOIA Appeal case file (which should contain all records related to my Request). b. Any communications by email, fax or in any other format related to my FOIA Request at Enclosure (1) or the appeal thereof between any of the following parties: 1) Walter Reed Privacy Officer, Joseph E. Davidge; 2) Walter Reed's FOIA Officer, Judy Bizzell; 3) OPNAV DNS-36; 4) DON FOA/PA; 5) Robin Patterson (DON FOIA/PA; 6) DON CIO, 7) DON JAG; 8) Julka, Christopher A CIV DON, CIO; 9) DON FOIA Public Liaison; 10) Garcia, Della, BUMED; 11) (b) (6) 12) DONFOIA-PA; Page 3 of 7 13) BUMED.FOIA@med.navy.mil; 14) Muck, Steve CIV SECNAV, DON; 15) (b) (6) @navy.mil; 16) Defense Health Agency; 17) (b) (6) (DHA); 18) Me (Robert Hammond). c. Any records of forwarding my FOIA Request or Appeals and any responses thereto. d. Correspondence route sheets. e. Internal notes. f. Action Officer notes. 3. I am also requesting that a copy of this FOIA Request (which is an agency record) be included as a responsive record integral to my Request.

Description Available to the Public : No
Has Description Been Modified?
1673/2000

FOIA Request DON 18-AQ – FOIA Case Records of Request: Walter Reed FY 2012 Annual FOIA Report Submission to BUMED; DON JAG, DON FOIA/PA, DON Liaison ***This Request will be timely for Judicial Review in twenty working days*** RECORDS SOUGHT VIA FOIA. I am respectfully seeking: 1. All records of any kind in the possession of DON JAG, DON FOIA/PA Office or DON Public Liaison Office related to my subject FOIA Request at Enclosure (1) (seeking records of Walter Reed's FY 2012 Annual FOIA Report Submission to BUMED) from the time that my FOIA Request was submitted to present. 2. Such records would include but not be limited to: a. All records in DON JAG's FOIA Appeal case

Additional Information

Case # :

Name of Local Command :

Contract/Sol.# :

Limit Request To Clearly Releasable Info : Select Limit Request To Clearly Releasable Info

Attached Supporting Files

No supporting files have been added.

Upload Supporting Files

No attachments have been added.

Garcia, Della W CIV USN BUMED FCH VA (US)

From: Garcia, Della W CIV USN BUMED FCH VA (US)
Sent: Tuesday, December 19, 2017 7:41 AM
To: (b) (6) CTR OPNAV, DNS-36'
Subject: FW: [Non-DoD Source] FOIA DON 18-O - Walter Reed FY 2012 Annual FOIA Report Submission as received by BUMED
Attachments: DON 18-O; BUMED- WRNMMC Unredacted FOIA Reoort with enclosures.pdf
Signed By: (b) (6) @mail.mil

Della W. Garcia
FOIA/PA Paralegal Specialist
Bureau of Medicine and Surgery
Medical-Legal Affairs Office
7700 Arlington Blvd Ste (b) (6)
Falls Church, VA 22042-5124

COMM (b) (6)

(b) (6) @mail.mil

FOR OFFICIAL USE ONLY (FOUO) - PRIVACY SENSITIVE. Any misuse or unauthorized disclosure may result in both civil and criminal penalties.

-----Original Message-----
From: (b) (6) @aol.com [mailto:(b) (6) @aol.com]
Sent: Sunday, November 26, 2017 8:58 AM
To: Garcia, Della W CIV USN BUMED FCH VA (US); (b) (6) @mail.mil; Garcia, Della W CIV USN BUMED FCH VA (US)
Subject: [Non-DoD Source] FOIA DON 18-O - Walter Reed FY 2012 Annual FOIA Report Submission as received by BUMED

All active links contained in this email were disabled. Please verify the identity of the sender, and confirm the authenticity of all links contained within the message prior to copying and pasting the address to a Web browser.

RobertHammond
(b) (6)
(b) (6) @aol.com

November 26, 2017
FOIA OFFICER
DEPARTMENT OF THE NAVY

BUREAU OF MEDICINEAND SURGERY (BUMED)
7700 ARLINGTON BOULEVARD
FALLS CHURCH, VA 22042
(b) (6) @med.navy.mil

Subject: FOIA Request – WalterReed FY 2012 Annual FOIA Report Submission as received by BUMED

Requester Personal Reference Number: FOIA DON 18-O

<Caution-file:///C:/Users/Bob/AppData/Local/Temp/msohtmlclip1/01/clip_image001.png> References: <Caution-file:///C:/Users/Bob/AppData/Local/Temp/msohtmlclip1/01/clip_image001.png> (a) The Freedom of Information Act ("FOIA"), 5 U.S.C. § 552 et seq., as amended,
(b) Jointpublication of U.S. Departmentof Justice, Executive Office of the President andU.S. General Services Administration of July 2011, "Your Right to Federal Records"
(c) The Privacy Act ("PA") of 1974, 5 U.S.C. § 552a, et seq., as amended (d)DoD 5400.11-R, May 14, 2007, Departmentof Defense Privacy Program
(e) DoD 5400.7-R,September 1998, DoD FreedomofInformation Act(FOIA) Program (f)DoD 5400.11-R, May 14, 2007, Departmentof Defense Privacy Program
(g) DoD 6025.18-R,Jan.24, 2003, DoD Health InformationPrivacy Regulation
(i) GAO ReportGAO-12-828of July 2012,subject Freedom of InformationAct
(j) Departmentof Justice HandbookforAgency Annual Freedom of InformationAct Reports

Dear Ms. Garcia:

This is a FOIA request, not an appeal.

This Requestwill be ripe for judicial review in twenty working days.

I am submitting this request under the Freedom of InformationAct("FOIA"), 5 U.S.C. § 552 et seq., as amended. If you deny all or any part of thisrequest, please cite each specific exemption you think justifies your decisionnot to release the information and notify me of appeal procedures availableunder the law. References cited above apply.

RECORDS SOUGHT VIA FOIA.

Iam respectfullyseeking all records in NAVSEApossession related to:

a. Anunredacted copy of Walter Reed's FY 2012 Annual FOIA Report submission records asreceived by BUMED, to include the forwarding correspondence thereof. Please seeEnclosure A
b. Notethat the email addresses of Della Garcia (BUMED) and Judy Bizzell (Walter Reed(WRNMMC)) have been released into the public domain countless times with regardto their FOIA duties. See Enclosure B
c. Also,there is no privacy exemption with regard to public employees in their officialcapacities.
2. Recordsindicating how BUMED reported my FOIA Request at Enclosure A in BUMED's FY 2014and subsequent FOIA Reports via BUMED's Reporting Chain.
3. I am also requesting that a copy of this FOIA Request (which isan agency record) be included as a responsive record integral to my Request.

Requested Format. I am respectfully requestingthat documents be provided asa singlePDF file by return email

Agreement toPay Fees. I agreeto pay fees for searching or copying the recordsup to $150. If the fees exceed thisamount please advise me of the cost before proceeding. I do not believethat there should be anycharge forproviding these records, as there is public interest ingovernmentoperations. I am a private individual not seeking documentsfor commercial use,suchthat the following applies: "Nofees may be charged byany DoDComponent if the costs of routine

collectionand processing of the fee are likely to equal or exceedthe amount of the fee. With the exceptionof requestersseeking documentsfor a commercial use,Components shall providethe first two hours of search time,and the first one hundred pages ofduplication without charge."I would note that because I am requesting a PDFfile, thereshould not be a per page copyfee.

PUBLIC INTEREST. Thesubject of the requested records concerns "the operations or activities ofthe government." The disclosure is "likely to contribute" to anunderstanding of government operations or activities. There is no commercialinterest. There is significant public interest in Privacy Act reporting toCongress.

PRESERVATION OF RECORDS ANDSEARCHES PERFORMED. Please preserve all responsiveor potentially responsive records andrecords of yoursearches in your FOIAcase fileuntil the statutory date forjudicialreviewhaspassed (should that be necessary) orin accordance with a NARA approvedrecords schedule, if longer.Records of responsive searches would include but not be limited to: searchesconducted for each specific record sought and all other records known to theAgency, including dates, manner of searching, responsible agent or employeeconducting each search and the results thereof.

Civilian Employees Information SpecificallyAuthorized for Release

The following information isspecifically authorized for release under the Departmentof Defense Privacy Program by reference (b) and isnot exempt under FOIA exemption (b)(6):

DoD 5400.11-R,May 14, 2007, DoD Privacy Act Program:
C4.CHAPTER 4
DISCLOSUREOF PERSONAL INFORMATION TO OTHER AGENCIES AND THIRD PARTIES C4.1.CONDITIONS OF DISCLOSURE [Intervening text omitted] C4.2.NON-CONSENSUAL CONDITIONS OF DISCLOSURES [Intervening text omitted]
C4.2.2.Disclosures Required by FOIA C4.2.2.1. All records must be disclosed if their release is required byReference (p), as implemented by Reference (d). The FOIA requires that recordsbe made available to the public unless withholding is authorized pursuant toone of nine exemptions or one of three law enforcement exclusions under theAct.
[Intervening text omitted]
C4.2.2.5.1.DoD Civilian Employees
C4.2.2.5.1.1.Some examples of personal information regarding DoD civilian employees thatnormally may be released without a clearly unwarranted invasion of personalprivacy include:
C4.2.2.5.1.1.1.Name.
C4.2.2.5.1.1.2.Present and past position titles.
C4.2.2.5.1.1.3.Present and past grades.
C4.2.2.5.1.1.4.Present and past annual salary rates.
C4.2.2.5.1.1.5.Present and past duty stations.
C4.2.2.5.1.1.6.Office and duty telephone numbers.
C4.2.2.5.1.1.7.Position Descriptions.
C4.2.2.5.1.2.All disclosures of personal information regarding Federal civilian employeesshall be made in accordance with OPM release policies.

LEGAL FRAMEWORK OF FOIA

1. The definition of"records" includes:
"[A]ll books, papers, maps, photographs, machine readablematerials, or other documentary materials, regardlessof physical form or characteristics,made or received by anagency of the United States Governmentunder Federal law or in connection with the transaction ofpublic business and preserved or appropriatefor preservation by that agency or itslegitimate successoras evidence of the organization, functions, policies, decisions, procedures,operations, or other activities of the Government or because ofthe informationalvalue of data in them." 44 U.S.C. § 3301 (emphasis supplied).

2. FOIA requires that "each agency, upon any request forrecords which (i) reasonably describes such records and (ii) is made inaccordance with published rules stating the time, place, fees (if any), andprocedures to be followed, shall make the records promptly available to anyperson" 5 U.S.C. § 552(a)(3)(A).

3. FOIA requires that "each agency shallestablish a system to assign an individualized tracking number for each requestreceived that will take longer than ten days to process and provide to eachperson making a request the tracking number assigned to the request" 5 U.S.C. § 522(a)(7)(A).

4. FOIA requires that each agency shall "establish a telephone line or Internetservice that provides information about the status of a request to the personmaking the request using the assigned tracking number, including the date onwhich the agency originally received the request; and an estimated date onwhich the agency will complete action on the request. 5 U.S.C. § 522(a)(7)(B).

5. FOIA alsorequires federalagenciesto makea final determinationon FOIA administrativeappeals that itreceives withintwenty days (exceptingSaturdays,Sundays, andlegal public holidays) afterthereceiptof suchappeal,unlesstheagency expressly provides noticeto the requester of "unusualcircumstances" meriting additional time for respondingto aFOIA request.5 U.S.C. § 552(a)(6)(A)(ii).

6. FOIA expresslyprovides thata personshallbe deemed to have constructively exhaustedtheir administrativeremediesif the agencyfailsto complywiththeapplicable timelimitationsprovidedby 5U.S.C. § 552(a)(6)(A)(i)-(ii).See also 5 U.S.C. § 552(a)(6)(C).

7. FOIA providesthatany person who hasnotbeen providedtherecords requested pursuant toFOIA, after exhausting theiradministrative remedies,mayseeklegal redressfrom the FederalDistrict Courtto enjoin the agencyfrom withholding agency recordsand toordertheproductionof any agencyrecords improperlywithheld from the complainant.

8. Regarding he names of the FOIA requesters, the courts have held hat under theFOIA requesters do not have an expectation of privacy. Stauss v. IRS, 516 F.Supp. 1218, 1223 (D.D.C. 1981),

9. Under FOIA, the federalagency has the burden ofsustainingits actions. 5 U.S.C.§552(a)(4)(B).

10. Pursuantto FOIA, a Court may assess attorney feesand litigation costs againsttheUnited States ifthe Plaintiffprevails inan actionthereunder. 5 U.S.C. § 552(a)(4)(E).

11. Department of Justice (DOJ) has issued a handbook addressing FOIA AnnualReports. See DOJ, Handbook for AgencyAnnual Freedom of Information Act Reports, "Dispositionof FOIA Requests," (availableat Caution-http://www.justice.gov/sites/default/files/oip/pages/attachments/2014/11/04/department_of_justice_handbook_for_agency_annual_freedom_of_information_act_reports.pdf < Caution-http://www.justice.gov/sites/default/files/oip/pages/attachments/2014/11/04/department_of_justice_handbook_for_agency_annual_freedom_of_information_act_reports.pdf >) ("DOJ Handbook").

12. Among other things, the DOJ Handbook states, "All requests (perfected andnon-perfected), appeals, and consultations that were pending at any time duringthe relevant fiscal year [October 1st through September 30th] will becaptured."

13. The DOJ Handbook also states:

"[E]ach agency is ultimately responsible for the accuracy andcompleteness of its Annual FOIA Report. It is therefore essential foragencies to take steps that will ensure that they are adequately tracking allof the information necessary to complete the Annual FOIA Report sectionsdetailed below. Agencies that utilize a tracking or case management system forthis purpose are responsible for ensuring that the system they are using canproduce an accurate Annual FOIA Report that is in compliance with the law andDepartment of Justice guidance." DOJ Handbook, at 3.

I believe that I have adequately described therecords that I am seeking. If you believe that my request is unclear, if youhave any questions, or if there is anything else that you need from me tocomplete this request in a timely manner, please contact me in writing, so thatI may perfect my request. If you deem that any portion of my request isunclear, answer the remaining portions and I will perfect a request foradditional material as needed.

Thank you very much in advance.

With my respect,

Robert Hammond

Robert Hammond
(b) (6)
(b) (6) @aol.com

November 26, 2017

FOIA OFFICER
DEPARTMENT OF THE NAVY
BUREAU OF MEDICINE AND SURGERY (BUMED)
7700 ARLINGTON BOULEVARD
FALLS CHURCH, VA 22042
(b) (6) @med.navy.mil

Subject: FOIA Request – Walter Reed FY 2012 Annual FOIA Report Submission as received by BUMED

Requester Personal Reference Number: FOIA DON 18-O

References:
(a) The Freedom of Information Act ("FOIA"), 5 U.S.C. § 552 et seq., as amended,
(b) Joint publication of U.S. Department of Justice, Executive Office of the President and U.S. General Services Administration of July 2011, "Your Right to Federal Records"
(c) The Privacy Act ("PA") of 1974, 5 U.S.C. § 552a, et seq., as amended
(d) DoD 5400.11-R, May 14, 2007, Department of Defense Privacy Program
(e) DoD 5400.7-R, September 1998, DoD Freedom of Information Act (FOIA) Program
(f) DoD 5400.11-R, May 14, 2007, Department of Defense Privacy Program
(g) DoD 6025.18-R, Jan. 24, 2003, DoD Health Information Privacy Regulation
(i) GAO Report GAO-12-828 of July 2012, subject Freedom of Information Act
(j) Department of Justice Handbook for Agency Annual Freedom of Information Act Reports

Dear Ms. Garcia:

This is a FOIA request, not an appeal.

This Request will be ripe for judicial review in twenty working days.

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 above apply.

RECORDS SOUGHT VIA FOIA.

I am respectfully seeking all records in NAVSEA possession related to:

a. An unredacted copy of Walter Reed's FY 2012 Annual FOIA Report submission records as received by BUMED, to include the forwarding correspondence thereof. Please see Enclosure A
b. Note that the email addresses of Della Garcia (BUMED) and Judy Bizzell (Walter Reed (WRNMMC)) have been released into the public domain countless times with regard to their FOIA duties. See Enclosure B
c. Also, there is no privacy exemption with regard to public employees in their official capacities.

2. Records indicating how BUMED reported my FOIA Request at Enclosure A in BUMED's FY 2014 and subsequent FOIA Reports via BUMED's Reporting Chain.
3. I am also requesting that a copy of this FOIA Request (which is an agency record) be included as a responsive record integral to my Request.

REQUESTED FORMAT. I am respectfully requesting that documents be provided as a single PDF file by return email

AGREEMENT TO PAY FEES. I agree to pay fees for searching or copying the records up to $150. 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 DoD 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 a PDF file, there should not be a per page copy fee.

PUBLIC INTEREST. 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 in Privacy Act reporting to Congress.

PRESERVATION OF RECORDS AND SEARCHES PERFORMED. Please preserve all responsive or potentially responsive records and records of your searches in your FOIA case file until the statutory date for judicial review has passed (should that be necessary) or in accordance with a NARA approved records schedule, if longer. Records of responsive searches would include but not be limited to: searches conducted for each specific record sought and all other records known to the Agency, including dates, manner of searching, responsible agent or employee conducting each search and the results thereof.

CIVILIAN EMPLOYEES INFORMATION SPECIFICALLY AUTHORIZED FOR RELEASE

The following information is specifically authorized for release under the Department of Defense Privacy Program by reference (b) and is not exempt under FOIA exemption (b)(6):

DoD 5400.11-R, May 14, 2007, DoD Privacy Act Program:
C4. CHAPTER 4
DISCLOSURE OF PERSONAL INFORMATION TO OTHER AGENCIES AND THIRD PARTIES
C4.1. CONDITIONS OF DISCLOSURE
[Intervening text omitted]
C4.2. NON-CONSENSUAL CONDITIONS OF DISCLOSURES
[Intervening text omitted]
C4.2.2. Disclosures Required by FOIA
C4.2.2.1. All records must be disclosed if their release is required by Reference (p), as implemented by Reference (d). The FOIA requires that records be made available to the public unless withholding is authorized pursuant to one of nine exemptions or one of three law enforcement exclusions under the Act.
[Intervening text omitted]
C4.2.2.5.1. DoD Civilian Employees
C4.2.2.5.1.1. Some examples of personal information regarding DoD civilian employees that normally may be released without a clearly unwarranted invasion of personal privacy include:
C4.2.2.5.1.1.1. Name.
C4.2.2.5.1.1.2. Present and past position titles.
C4.2.2.5.1.1.3. Present and past grades.
C4.2.2.5.1.1.4. Present and past annual salary rates.
C4.2.2.5.1.1.5. Present and past duty stations.
C4.2.2.5.1.1.6. Office and duty telephone numbers.
C4.2.2.5.1.1.7. Position Descriptions.
C4.2.2.5.1.2. All disclosures of personal information regarding Federal civilian employees shall be made in accordance with OPM release policies.

LEGAL FRAMEWORK OF FOIA

1. 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).

2. FOIA requires that "each agency, upon any request for records which (i) reasonably describes such records and (ii) is made in accordance with published rules stating the time, place, fees (if any), and procedures to be followed, shall make the records promptly available to any person" 5 U.S.C. § 552(a)(3)(A).

3. FOIA requires that "each agency shall 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" 5 U.S.C. § 522(a)(7)(A).

4. FOIA requires that each agency shall "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 the date on which the agency originally received the request; and an estimated date on which the agency will complete action on the request. 5 U.S.C. § 522(a)(7)(B).

5. FOIA also requires federal agencies to make a final determination on FOIA administrative appeals that it receives within twenty days (excepting Saturdays, Sundays, and legal public holidays) after the receipt of such appeal, unless the agency expressly provides notice to the requester of "unusual circumstances" meriting additional time for responding to a FOIA request. 5 U.S.C. § 552(a)(6)(A)(ii).

6. FOIA expressly provides that a person shall be deemed to have constructively exhausted their administrative remedies if the agency fails to comply with the applicable time limitations provided by 5 U.S.C. § 552(a)(6)(A)(I) - (ii). See also 5 U.S.C. § 552(a)(6)(C).

7. FOIA provides that any person who has not been provided the records requested pursuant to FOIA, after exhausting their administrative remedies, may seek legal redress from the Federal District Court to enjoin the agency from withholding agency records and to order the production of any agency records improperly withheld from the complainant.

8. Regarding he names of the FOIA requesters, the courts have held hat under the FOIA requesters do not have an expectation of privacy. Stauss v. IRS, 516 F. Supp. 1218, 1223 (D.D.C. 1981),

9. Under FOIA, the federal agency has the burden of sustaining its actions. 5 U.S.C.§ 552(a)(4)(B).

10. Pursuant to FOIA, a Court may assess attorney fees and litigation costs against the United States if the Plaintiff prevails in an action thereunder. 5 U.S.C. § 552(a)(4)(E).

11. Department of Justice (DOJ) has issued a handbook addressing FOIA Annual Reports. See DOJ, Handbook for Agency Annual Freedom of Information Act Reports, "Disposition of FOIA Requests," (available at http://www.justice.gov/sites/default/files/oip/pages/attachments/2014/11/04/department_of_justice_handbook_for_agency_annual_freedom_of_information_act_reports.pdf) ("DOJ Handbook").

12. Among other things, the DOJ Handbook states, "All requests (perfected and non-perfected), appeals, and consultations that were pending at any time during the relevant fiscal year [October 1st through September 30th] will be captured."

13. The DOJ Handbook also states:

"[E]ach agency is ultimately responsible for the accuracy and completeness of its Annual FOIA Report. It is therefore essential for agencies to take steps that will ensure that they are adequately tracking all of the information necessary to complete the Annual FOIA Report sections detailed below. Agencies that utilize a tracking or case management system for this purpose are responsible for ensuring that the system they are using can produce an accurate

Annual FOIA Report that is in compliance with the law and Department of Justice guidance." DOJ Handbook, at 3.

I believe that I have adequately described the records that I am seeking. If you believe that my request is unclear, if you have any questions, or if there is anything else that you need from me to complete this request in a timely manner, please contact me in writing, so that I may perfect my request. If you deem that any portion of my request is unclear, answer the remaining portions and I will perfect a request for additional material as needed.

Thank you very much in advance.

With my respect,

(b) (6)

Robert Hammond

ENCLOSURE A

FY12 FOIA PROCESSING LOG

Oct 2011 - Sep 2012

CONTROL #	DATE RECEIVED	REQUESTOR/ NAME	SUBJECT/TITLE	ACTION OFFICE	DATE TO ACTION OFFICE	ACTION OFFICE SUSPENSE DATE	INITIAL RESPONSE TO REQUESTER	FINAL RESPONSE TO REQUESTER	COMMENT	REDACTION CODES
#12-01	10/13/2011	Cid Standifer/ Military Times	Digital copy of patient discharge statistics - 2000 thru 2010	Public Affairs/ Out Patience Correspond ence	10/26/2011	11/8/2011	10/17/2011	12/8/2011	Closed 12/08/2011 by requester without responsive docs. Tele Con to requester shows that the docs were received thru alternate channels	N/A
#12-02	9/29/2011	Dept of Health and Human Services (survey #1039350)	Pharmacy and Billing Information for: [redacted]	CHCS/ AHLTA	10/31/2011			11/01/2011	Closed 11/1/2011 - Spoke with [redacted] SJA). Granted per signed request of each patient (provider names redacted)	(b)(6)
#12-03	10/20/2011	(b) (6)	Medical Records	CHCS/ AHLTA	10/27/2011	N/A	11/01/2012	11/1/2011	Closed 11/01/2011 NO RECORD.	N/A
#12-04	7/22/2011 Carryover from WRAMC	(b) (6)	Complaint about former Supervisor - possible HIPPA violation	Patient Advocacy (WRAMC).					Ms. (b) (6) will not provide formal request. Spoke with [redacted] and [redacted] regarding this matter. Awaiting requester's response. CLOSED 2/8/2012 - No response from requester	N/A

FY12 FOIA PROCESSING LOG

Oct 2011 - Sep 2012

CONTROL #	DATE RECEIVED	REQUESTOR/ NAME	SUBJECT/TITLE	ACTION OFFICE	DATE TO ACTION OFFICE	ACTION OFFICE SUSPENSE DATE	INITIAL RESPONSE TO REQUESTER	FINAL RESPONSE TO REQUESTER	COMMENT	Redaction Codes
#12-05	10/31/2011	(b) (6)	Medical Records	Out Patient Records	10/31/2011	11/19/2011	10/31/2011		Closed 12/15/2011 Spoke w/ [redacted] (SJA). Granted in full with patient signed auth.	N/A
#12-06	12/1/2011	(b) (6)	Police Report	Police Dept	12/1/2011	12/15/2011	12/1/2011		CLOSED 2/8/2012 - No response from requester	N/A
#12-07	10/13/2011	Cid Standifer/ Military Times	Digital copy of patient discharge statistics (patient stay greater than 24 hours) for 2010	Public Affairs/ Out Patience Correspond ence	10/26/2011	11/8/2011	10/17/2011	12/8/2011	Closed 12/08/2011 by requester without responsive docs. Tele Con to requester revealed docs were received thru alternate channels - See 12-03	N/A

FY12 FOIA PROCESSING LOG

Oct 2011 - Sep 2012

CONTROL #	DATE RECEIVED	REQUESTOR/ NAME	SUBJECT/TITLE	ACTION OFFICE	DATE TO ACTION OFFICE	ACTION OFFICE SUSPENSE DATE	INITIAL RESPONSE TO REQUESTER	FINAL RESPONSE TO REQUESTER	COMMENT	Redaction Codes
#12-08	12/20/2011	Americans for Limited Government	All Communication to or from WRMMC staff discussing CoS Callahan's 9/14/2011 memo, prior to and after release; and copy of prior policy regarding "no religious items" section.	JAG					Per [redacted], she will collect and distribute information for and to this office. Responsive documents received from [redacted]. Redactions made, and entire docs were given to [redacted] on 1/13/2012 for review and processing. Response docs back to JAG 3 times. Finally sent to JAG Navy Yard (Pentagon) on 2/17/2012. Awaiting response. CLOSED	(b)(6); (b)(7)

FY12 FOIA PROCESSING LOG

Oct 2011 - Sep 2012

CONTROL #	DATE RECEIVED	REQUESTOR/ NAME	SUBJECT/TITLE	ACTION OFFICE	DATE TO ACTION OFFICE	ACTION OFFICE SUSPENSE DATE	INITIAL RESPONSE TO REQUESTER	FINAL RESPONSE TO REQUESTER	COMMENT	Redaction Codes
#12-09	12/21/2011	Family Research Council	Communication to or from WRMMC staff discussing CoS Callahan's 9/14/2011 memo, prior to and after release; and copy of prior policy regarding "no religious items" section.	JAG - [redacted]					Per [redacted], she will collect and distribute information for and to this office. Responsive documents received from [redacted], Redactions made, and entire docs were given to [redacted] on 1/13/2012 for review and processing. **CLOSED**	(b)(6); (b)(7)

FY12 FOIA PROCESSING LOG

Oct 2011 - Sep 2012

CONTROL #	DATE RECEIVED	REQUESTOR/ NAME	SUBJECT/TITLE	ACTION OFFICE	DATE TO ACTION OFFICE	ACTION OFFICE SUSPENSE DATE	INITIAL RESPONSE TO REQUESTER	FINAL RESPONSE TO REQUESTER	COMMENT	Redaction Codes
#12-10	12/21/2011	(b) (6) [redacted] Father	Copy of his sons latest NAVPERS 1070/602 - NOTE: Son = HM3 (b) (6) [redacted] (b) (6) [redacted] who died on 19 Aug 2011	NAVY Personnel - [redacted]					NOTE: I contected the "father" to say that we needed proof of his identy before we could process his request. He was in a class; took my number ans says he will call me back. Tried to contact [redacted] several times. No return call received. E-mailed him/her on 1/17/2012 and called again several times. H/she read e-mail on 1/17/2012. CLOSED 2/8/2012. No response from requester.	N/A

FY12 FOIA PROCESSING LOG

Oct 2011 - Sep 2012

CONTROL #	DATE RECEIVED	REQUESTOR/ NAME	SUBJECT/TITLE	ACTION OFFICE	DATE TO ACTION OFFICE	ACTION OFFICE SUSPENSE DATE	INITIAL RESPONSE TO REQUESTER	FINAL RESPONSE TO REQUESTER	COMMENT	Redaction Codes
#12-11	1/17/2012	Philips Health Care - Pamela Knop	Sales data for monitors procured by manufacturer and the dollar amounts of those procurements.	Contracting - [redacted]					CLOSED 2/8/2012 1 page document faxed to Ms. Knop	N/A
#12-12	1/31/2012	David P. Sheldon, Esq - On behalf of CDR (b) (6) (b) (6) USN	ALL documents between any one that pertains to the work performance and any adverse actions the Command has taken	Referred back to: Naval Health Clinic; 47149 Buse Road; Patuxent, MD 20670-1540	1/31/2012	N/A	1/31/2012	N/A	[redacted] contact Pax and received responsive docs on/about 15 Feb 2012. I received docs on 17 Feb 2012. Prepared letter for requester. JAG has back for review on 3/7/2012	(b5); (b)(6); (b)(7)
#12-13	1/31/2012	LexisNexis - on behalf of (b) (6) [redacted]	Auto Accident Report	WRAMC - Forest Glen Police Depart	2/1/2012	N/A	2/1/2012	2/1/2012	Not a WRNMMC case. Transferred to WRAMC PD- Forest Glen. CLOSED	N/A

FY12 FOIA PROCESSING LOG

Oct 2011 - Sep 2012

CONTROL #	DATE RECEIVED	REQUESTOR/ NAME	SUBJECT/TITLE	ACTION OFFICE	DATE TO ACTION OFFICE	ACTION OFFICE SUSPENSE DATE	INITIAL RESPONSE TO REQUESTER	FINAL RESPONSE TO REQUESTER	COMMENT	Redaction Codes
#12-14	2/23/2012	MacDonald Law Group	All facilities construction information of WRNMMC (formally NNMC/Bethesda Naval Hospital) from 1941-1983	Facilities [redacted]	3/6/2012	N/A	3/6/2012	3/6/2012	CLOSED-03/06/2012 Per [redacted] - forwardad case to Ms. [redacted] at Facilities and notified the requester. See e-mail string	N/A
#12-15	3/1/2012	(b) (6)	Medical Records referred from JAG, Criminal Law Division, (Code 20)	N/A	N/A	N/A	N/A	N/A	CLOSED - 3/8/2012. Because they were his medical records, release in full. No charge	N/A
#12-16	4/3/2012	Cooley, LLP Patricia Perry	Contract information on 6 NMMC & WRAMC contracts on Orthotics and Prosthetics for medical and surgical instruments.	Contracting - Attn: [redacted]	4/3/2012	4/23/2012	4/3/2012			(b)(6)

FY12 FOIA PROCESSING LOG

Oct 2011 - Sep 2012

CONTROL #	DATE RECEIVED	REQUESTOR/ NAME	SUBJECT/TITLE	ACTION OFFICE	DATE TO ACTION OFFICE	ACTION OFFICE SUSPENSE DATE	INITIAL RESPONSE TO REQUESTER	FINAL RESPONSE TO REQUESTER	COMMENT	Redaction Codes
#12-17	4/19/2012	Cohen & Cohen, P.C Kim Brooks-Rodney	Identity of Blood Bank civilian, non-civilian and contractor from 7/19/11-7/25/11	NARMC - Ft Belvoir; ATTN: [redacted]	4/19/2012	N/A	N/A	4/19/2012	Spoke with Ms. Kim Brooks-Rodney and informed that case was transferred to NARMC (per [redacted]) Sent follow-up e-mail to Ms. Brooks-Rodney and [redacted] (NARMC FOIA Officer). See note in folder for further comments. CLOSED 4/19/2012	N/A
#12-18	4/24/2012	Fayetteville Observer	Warrior Transition Brigade Discharges	NRMC - Ft Belvoir; ATTN: [redacted])	N/A	N/A	N/A	N/A	[redacted] forwarded me a copy of this request. I informed this was not my case and gave her general guidance on processing it. CLOSED 4/24/2012	N/A

FY12 FOIA PROCESSING LOG

Oct 2011 - Sep 2012

CONTROL #	DATE RECEIVED	REQUESTOR/ NAME	SUBJECT/TITLE	ACTION OFFICE	DATE TO ACTION OFFICE	ACTION OFFICE SUSPENSE DATE	INITIAL RESPONSE TO REQUESTER	FINAL RESPONSE TO REQUESTER	COMMENT	Redaction Codes
#12-19	3/13/2012	(b) (6)	Graduate records from civilian organization	Civilian Hospital - Akron, Ohio	N/A	N/A	N/A	N/A	This one is numbered out of order. This is not a case for this office. Informed requester that he must submit his request to Akron Hospital. We have no oversight on civilian organizations - CLOSED 4/16/2012	N/A
#12-20	4/18/2012	(b) (6)	Personal information on result of lab tests conducted	FOIA Office	N/A	N/A	N/A	N/A	Request was received from Navy Criminal Investigative Service at Quantico, VA. That agency sent most of the response to [redacted] and wanted this agency to agree to sending the results of the lab tests. CLOSED 5/23/2012	(b)(6)

FY12 FOIA PROCESSING LOG

Oct 2011 - Sep 2012

CONTROL #	DATE RECEIVED	REQUESTOR/ NAME	SUBJECT/TITLE	ACTION OFFICE	DATE TO ACTION OFFICE	ACTION OFFICE SUSPENSE DATE	INITIAL RESPONSE TO REQUESTER	FINAL RESPONSE TO REQUESTER	COMMENT	
#12-21	6/14/2012 (out of sequence)	Glenda Battle	Therapeutic behavioral health screening, psychological assessments, referrals, links w/providers, partners with local Chaplains and MFLC	FOIA Office	6/14/2012	7/20/2012	6/14/2012	7/20/2012	TRANSFERRED to SE Region - Naval Air Station, Jacksonville, FL 32212-0102 CLOSED 7/23/2012 - # is Out of sequence -	N/A
#12-22		LT(b) (6) (b) (6)	CMEO Report - 9 Mar 2012	WRNMMC - JAG Office; POC[redacted] 6)	N/A	N/A	N/A	N/A	Per[redacted] - Request came to his office. He gathered the information, did the redactions and will present documents to requester. He only wants this office to "serialize" the case. CLOSED 6/7/2012	N/A

FY12 FOIA PROCESSING LOG

Oct 2011 - Sep 2012

CONTROL #	DATE RECEIVED	REQUESTOR/ NAME	SUBJECT/TITLE	ACTION OFFICE	DATE TO ACTION OFFICE	ACTION OFFICE SUSPENSE DATE	INITIAL RESPONSE TO REQUESTER	FINAL RESPONSE TO REQUESTER	COMMENT	
#12-23	6/5/2012	(b) (6) (b) (6) (on behalf of COL (b) (6)	Any and all information concerning husband's accident	Naval District of Washington	6/6/2012	N/A	6/5/2012	6/6/2012	Spoke with [redacted] at NDW who confirmed case belonged to them. Transferred case to her 6/6/2012. CLOSED 6/7/2012	N/A
#12-24	7/5/2012	LEXIS NEXIS - for (b) (6) (b) (6)	Accident Report - #123163400101	N/A	N/A	N/A	7/11/2012	7/11/2012	Spoke with [redacted] at LexisNexis to inform that I needed a release letter from the insured. Linda requested that I terminate case. Her office will send a new request along with release document. CLOSED 7/11/2012	N/A

FY12 FOIA PROCESSING LOG

Oct 2011 - Sep 2012

#12-25	7/16/2012	Mr. Wade F. Casey	Outlook Calendar, Cell phone and text messages pertaining to [redacted] on 20 Apr 2012 from 1430-1530	FOIA/JAG	7/16/2012	7/31/ 2012	7/19/2012	7/19/2012	Sent requester final response. Info requested is denied via Exemption 6 and the Privacy Act. CLOSED 7/19/2012 Reopened due to customer concerns 7/23 CLOSED 2nd time 8/16/2012	N/A
#12-26	7/26/2012	CPT Ryan Coward - on behalf of MAJ Nidal M. Hasan	Requests for religious accommodation to wear beard, turban, Yakama, etc. Also Command policies relating to religious accommodation for past 10 years	FOIA	7/26/2012	N/A	7/26/2012	7/26/2012	Spoke with [redacted] wh(6) confirmed that the information he needed is at FT. Belvoir (where WRAMC records were transferred to). I contacted Ft. Belvoir to inform of the transfer then sent request electronically. CLOSED 7/26/2012	N/A

FY12 FOIA PROCESSING LOG

Oct 2011 - Sep 2012

CONTROL #	DATE RECEIVED	REQUESTOR/ NAME	SUBJECT/TITLE	ACTION OFFICE	DATE TO ACTION OFFICE	ACTION OFFICE SUSPENSE DATE	INITIAL RESPONSE TO REQUESTER	FINAL RESPONSE TO REQUESTER	COMMENT	Redaction Codes
#12-27	7/ /2012	Louis French	IG Investigation	IG					Awaiting official request. No response from requester since 7/26/2012 therefore case CLOSED 9/6/2012	N/A
#12/28	5/25/2012 (out of sequence)	Fitzpatrick, Hunt, Tucker, Collier, Pagano, Aubert	On behalf of (b) (6) Health Records	Medical Records	Outpatient Records				Sent request to Records for direct reply to requester. Asked for copy of response. Didn't get it from records. Called requester who confirmed she had received requested documents. CLOSED 7/20/2012	N/A

FY12 FOIA PROCESSING LOG

Oct 2011 - Sep 2012

CONTROL #	DATE RECEIVED	REQUESTOR/ NAME	SUBJECT/TITLE	ACTION OFFICE	DATE TO ACTION OFFICE	ACTION OFFICE SUSPENSE DATE	INITIAL RESPONSE TO REQUESTER	FINAL RESPONSE TO REQUESTER	COMMENT	Redaction Codes
#12-29	8/1/2012	(b) (6)	Police Records	JAG/FOIA	8/1/2012	8/13/2012	8/1/2012		Responsive documents sent to requester via e-mail. CLOSED 8/16/2012	(b)(6)
#12-30	8/14/2012	Allen Conrad	IG Report	IG	8/14/2012	8/21/2012	8/14/2012		Requested documetns sent to requester via e-mail. CLOSED 9/10/2012	(b)(6); (b)(7)
#12-31	8/14/2012	(b) (6) (b) (6)	Naval Health Clinic Quantico records	NHC Quantico	8/14/2012	8/28/2012	8/14/2012		Case transferred to Quantico 9/10/2012 - see notes and e-mails in folder. CLOSED 9/10/2012 REOPENED - 9/11/2012 Quantico did not process. Redactions completed and sent to (b) [redacted] (b) approval to sent to requester NLT 9/13/2012	(b)(6)

FY12 FOIA PROCESSING LOG

Oct 2011 - Sep 2012

CONTROL #	DATE RECEIVED	REQUESTOR/ NAME	SUBJECT/TITLE	ACTION OFFICE	DATE TO ACTION OFFICE	ACTION OFFICE SUSPENSE DATE	INITIAL RESPONSE TO REQUESTER	FINAL RESPONSE TO REQUESTER	COMMENT	Redaction Codes
#12-32	Unknown	Lt (b) (6) (b) (6)	Formal copy of CMEO report	WRNMMC JAG OFFICE	Unknown	Unknown	Unknown		Per [redacted] - Request came to his office. He gathered the information, did the redactions and will present documents to requester. He only wants this office to "serialize" the case. CLOSED 8/16/2012	N/A
12-33	8/24/2012	(b) (6)	Psychiatric Records	WRAMC JAG					CLOSED 9/10/2012	N/A
12-34	9/10/2012	Nick Nowatney	AFCFCP write-up on (b) (6) & (b) (6)	Dept of Pediatrics/IAG/FOIA	9/10/2012	9/17/2012	9/10/2012		NOTE: Case was hand delivered by [redacted]. He says [redacted] had already gathered information from [redacted] MC,USN, Dept of Peds; AFCFCP.	N/A

FY12 FOIA PROCESSING LOG

Oct 2011 - Sep 2012

CONTROL #	DATE RECEIVED	REQUESTOR/ NAME	SUBJECT/TITLE	ACTION OFFICE	DATE TO ACTION OFFICE	ACTION OFFICE SUSPENSE DATE	INITIAL RESPONSE TO REQUESTER	FINAL RESPONSE TO REQUESTER	COMMENT	Redaction Codes
12-35	9/10/2012	Roger Myerberg	Inspection, evaluation, testing and analysis of a 23mm Medtronic bio-prosthetic valve-Medtronic Corp.	Contracting	9/11/2012	9/18/2012	9/11/2012 Via e-mail			
12-36	9/25/2012	Charles Porter	Copy of WRNMMC Inst 5720.4C - Bible Band	Command Secretariat	9/25/2012	N/A - hand carried and received no instruction	9/25/2012	9/25/2012	Two part request. This office answered 1,3,&4, and BUMED [redacted] answered 2 & 5	N/A
12-37	9/26/2012	CW4 Rajesh Sabharwal	Documents from Ft. Meade	FOIA Office	9/26/2012	N/A	9/26/2012	9/26/2012	Transferred to NSA - Ft. Meade	N/A
12-38	5/24/2012	Signature Performance, INC - for client: Kelly McIntosh	Contract Information - W91YTZ-12-P-0516	Contracting	5/24/2012	6/2/2012		6/19/2012	Redacted information given to requester	(b)(6)

From: [redacted] CIV USN BUMED FCH VA (US)
To: [redacted] OJAG, Code 14
Subject: FW: FOIA End of Year Report
Date: Friday, November 13, 2015 12:26:16 PM

[redacted]
FOIA/PA Paralegal Specialist
Bureau of Medicine and Surgery
Medical-Legal Affairs Office
[redacted]

COMM [redacted]

[redacted]

FOR OFFICIAL USE ONLY (FOUO) - PRIVACY SENSITIVE. Any misuse or unauthorized disclosure may result in both civil and criminal penalties.

-----Original Message-----
From: [redacted] CIV NNMC
Sent: Monday, October 01, 2012 4:36 PM
To: [redacted] GS BUMED
Subject: RE: FOIA End of Year Report

Yes, but I'm off on Friday. Any other day will be perfect

-----Original Message-----
From: [redacted] GS BUMED
Sent: Monday, October 01, 2012 3:20 PM
To: [redacted] CIV NNMC
Subject: RE: FOIA End of Year Report

Good afternoon. Thanks! Will you be available in the next day or two to discuss? v/r [redacted]

[redacted]
FOIA/PA Paralegal Specialist
Bureau of Medicine and Surgery
Medical-Legal Affairs Office
[redacted]

COMM [redacted]

[redacted]

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disclosure may result in both civil and criminal penalties.

-----Original Message-----
From: [redacted] CIV NNMC
Sent: Monday, October 01, 2012 3:09 PM

To: [redacted] GS BUMED
Cc: [redacted] CIV NNMC
Subject: FOIA End of Year Report

Good morning [redacted] - In follow-up to our conversation regarding the FOIA end of year report, attached please find the Processing Log as discussed.

Please let me know if there is anything else I need to do.

Thanks!

[redacted]

ENCLOSURE B

Bizzell, Judy J CIV DHA NCR MEDICAL DIR (US)

From: Bizzell, Judy J CIV US WRNMMC
Sent: Thursday, January 24, 2013 1:07 PM
To: 'DONFOIA-PA'; Patterson, Robin L CIV OPNAV, DNS-36
Cc: Garcia, Della W. GS BUMED; Bizzell, Judy J CIV US WRNMMC
Subject: FY13 1st FOIA Quarterly Report

FY13 FOIA Quarterly REPORTING M

Quarter: 1st Quarter FY13
Department Name: Walter Reed National Military Medical Center
a) FOIA requests received during quarter: 12
b) FOIA requests processed during quarter: 7
c) FOIA backlog at end of quarter: 4
d) Status of 10 oldest backlogged cases reported on FY12 report -N/A

V/R

Judy J. Bizzell
(b) (6)

-----Original Message-----
From: (b) (6) CIV OPNAV, DNS-36C [mailto:(b) (6) @navy.mil] On Behalf Of DONFOIA-PA
Sent: Thursday, January 24, 2013 12:29 PM
To: Patterson, Robin L CIV OPNAV, DNS-36
Subject: DRAFT----------REMINDER: Action Item due Jan 25th - SOP - FOIA Quarterly Reports and Consolidation process
Importance: High

DON/Marine Corps FOIA Community,

This is a friendly reminder that the FOIA Quarterly Report is rapidly approaching along with the wintery weather conditions. The DON/MC consolidated submission is due to DNS-36 by COB tomorrow.

Echelon I/II's and Marine Corps, please coordinate with your subcomponents (same premise as the FOIA Annual Reporting process), consolidate the component data and provide your consolidated component response in the attached format. You may use the attached format to collect your subcomponents data. If you would like the master loader format to assist you in consolidating your responses, please contact our office thru the DONFOIA-PA mailbox or the service line at 202-685-0412, my FOIA team will expedite your request.

For those DON/MC community members fully vested in the DON/MC (NAVSEA) FOIA tracker and management tool, please find the attached SOP on how you can generate this data within the tool. This SOP provides you with visual step by step instructions.

Please include in your final response the hours and costs to generate your components consolidated report. The DON/MC consolidated submission is due to DNS-36 no later than COB January 25th. Please send your final response to the DONFOIA-PA mailbox.

Respectfully,

Robin Patterson
Head, DON PA/FOIA Office
(b) (6) [redacted]@navy.mil
FOIA/PA Service Center 202-685-0412
or DONFOIA-PA@NAVY.MIL

Garcia, Della W CIV USN BUMED FCH VA (US)

From: (b) (6) CTR OPNAV, DNS-36 <(b) (6) @navy.mil>
Sent: Friday, September 29, 2017 8:10 AM
To: Garcia, Della W CIV USN BUMED FCH VA (US)
Cc: Strong, Richard R CIV USN DNS (US); Patterson, Robin W CIV USN CNO (US)
Subject: RE: [Non-DoD Source] BUMED False Reaporting? FOIA Fee Waiver Disposition Reached for DON-NAVY-2016-000246
Attachments: Reply to DON letter re WRNMMC FY 2012 annual report submission reduced..pdf; DON reply to appeal of request to BUMED for WRNMMC Fy 2012 FOIA.pdf; Appeal of Request for BUMED 2012 Annual FOIA Report Submission and associated records.pdf; 2016-001842 casefile.pdf; 2016-000246 casefile.pdf; Response to appeal DON-NAVY-2016-001842.pdf
Signed By: (b) (6) @navy.mil

Attached are all the relevant FOIAonline files.

OJAG attached appeal DON-NAVY-2016-001842 - FOIAonline needs a case file to append an appeal to; if no case file appears to exist, OJAG creates a new request as a placeholder.

As best as I can tell, this is just the result of OJAG "cleaning house". The appeal was responded to, as well as what appears to be an appeal of an appeal. I'm not seeing anything that indicates that either case number was actually open for action (other than FOIAonline administrative housecleaning).

V/r,

(b) (6)

-----Original Message-----
From: Garcia, Della W CIV USN BUMED FCH VA (US) [mailto:(b) (6) @mail.mil]
Sent: Friday, September 29, 2017 7:38 AM
To: (b) (6) CTR OPNAV, DNS-36
Subject: FW: [Non-DoD Source] BUMED False Reaporting? FOIA Fee Waiver Disposition Reached for DON-NAVY-2016-000246

Della W. Garcia
FOIA/PA Paralegal Specialist
Bureau of Medicine and Surgery
Medical-Legal Affairs Office
7700 Arlington Blvd Ste (b) (6)
Falls Church, VA 22042-5124

COMM (b) (6)

(b) (6) @mail.mil

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-----Original Message-----
From: (b) (6) [redacted] @aol.com [mailto (b) (6) [redacted] @aol.com]
Sent: Thursday, September 28, 2017 3:34 PM
To: Faison, C Forrest (Forrest) VADM USN BUMED FCH VA (US); Moulton, Terry J RADM USN BUMED FCH VA (US); Chung, Joo Y SES OSD ODCMO (US); Allard, Cindy L CIV OSD ODCMO (US)
Cc: Tillotson, David III SES OSD ODCMO (US); Bono, Raquel C VADM USN DHA (US); (b) (6) [redacted] @mail.mil; (b) (6) [redacted] @dha.mil; (b) (6) [redacted] @med.navy.mil; (b) (6) [redacted] @mail.mil; (b) (6) [redacted] @mail.mil; voiceofthecustomer@dha.mil
Subject: [Non-DoD Source] BUMED False Reaporting? FOIA Fee Waiver Disposition Reached for DON-NAVY-2016-000246

Dear Vice Admiral Faison, Rear Admiral Moulton, Ms. Chung, Ms. Allard,

With deep respect, please see the email below that I received today. From the perspective of the accuracy and integrity of BUMED, DON JAG, DON FOIA processes and reporting through DOD to the Attorney General of the United States - not good. Potentially premeditated. Gets worse.

I have similar concerns regarding the accuracy and integrity of BUMED/DON Privacy Act reporting through DOD to Congress.

Please address this as to the accuracy and integrity of the BUMED/DON FOIA process and reporting of this Request/Appeal and whether or not there is willful false reporting plus an attempt to cover up same. DOD has all records contained in my appeal, along with the DON JAG reply, which I may address later. Ugly.

Ms, Chung, Ms. Allard, this is a DoD matter. I will greatly appreciate knowing your findings.

With my deep respect,

Robert Hammond

CC: Multiple

From: (b) (6) [redacted] @navy.mil
To: (b) (6) [redacted] @aol.com
Sent: 9/28/2017 8:56:33 AM Eastern Standard Time
Subject: FOIA Fee Waiver Disposition Reached for DON-NAVY-2016-000246

Your request for Fee Waiver for the FOIA request DON-NAVY-2016-000246 has been partially granted with $ 0.0 waived. Additional details for this request are as follows:

* Request Created on: 10/14/2015
* Fee Waiver Disposition Reason: This request is a partial grant and part denied
* Request Long Description: THIS IS AN APPEAL, NOT A FOIA REQUEST. I am appealing my FOIA request of September 14, 2014 to BUMED (which is shown at page 12 of the attached PDF) seeking the Walter Reed National

Military Medical Center (WRNMMC) Fiscal Year 2012 Annual FOIA Report Submission. Basis for Appeal. This request remains open and unanswered, and I have not been provided an FY 2014 case tracking number. Despite factually inaccurate assertions by Ms. Patterson in the attachment, BUMED has not provided a reply to this FOIA request, nor has there been any letter of referral to Walter Reed National Military Medical Center. No responsive documents have been provided. I am further asserting that my FOIA request was not included in the DON FY 2014 Annual FOIA Report Submission to the Attorney General, nor has it been included in the FY 2015 submission. As shown in the attachment, DON is aware that this FOIA request has not been included in its Annual FOIA Report submission. Please address this matter in your response to my appeal.

Appeal Details
Request Type : *FOIA*

Status : *Closed* **Due Date :** *N/A*
0

Submitted — Evaluation — Assignment — Processing — Closed

Appeal Details

Tracking Number : DON-NAVY-2016-001842
Requester : Mr. robert hammond
Organization : N/A
Requester Has Account : Yes
Created on behalf of : N/A
Email Address : (b) (6) @aol.com
Phone Number : (b) (6)
Fax Number : N/A
Address :
City :
State/Province :
Zip Code/Postal Code :

Submitted Date : 12/10/2015
Last Assigned Date : 02/22/2016
Appeal Track : Simple
Due Date : N/A
Assigned To : Wendy A. Winston (OJAG-Administrative Law Division)
Last Assigned By : Wendy A. Winston (OJAG-Administrative Law Division)

Request Details

Tracking Number : DON-NAVY-2016-000246
Requester : Mr. robert hammond
Date Submitted : 10/14/2015

Request Phase : Processing
Request Track : Simple
Final Disposition : Partial grant/partial denial

Request Description :

THIS IS AN APPEAL, NOT A FOIA REQUEST. I am appealing my FOIA request of September 14, 2014 to BUMED (which is shown at pate 12 of the attached PDF) seeking the Walter Reed National Military Medical Center (WRNMMC) Fiscal Year 2012 Annual FOIA Report Submission. Basis for Appeal. This request remains open and unanswered, and I have not been provided an FY 2014 case tracking number. Despite factually inaccurate assertions by Ms. Patterson in the attachment, BUMED has not provided a reply to this FOIA request, nor has there been any letter of referral to Walter Reed National Military Medical Center. No responsive documents have been provided. I am further asserting that my FOIA request was not included in the DON FY 2014 Annual FOIA Report Submission to the Attorney General, nor has it been included in the FY2015 submission. As shown in the attachment, DON is aware that this FOIA request has not been included in its Annual FOIA Report submission. Please address this matter in your response to my appeal.

Submission Details

Appeal Handling

Requester Info Available to the Public : No
Appeal Track : Simple
Fee Category : Other
Based on Fee Waiver :
Based on Expedited Processing :

Appeal Received : No
Acknowledgement Sent Date:
Litigation : No
* Litigation Court Docket Number :

Basis for Appeal

Short Description : N/A

WRNMMC 2012 FOIA RPT
In a DON JAG letter 5720 Ser 14/050, DON JAG granted my appeal in part but inappropriately redacted the names of government personnel under exemption (b)6(). The correct procedure is to grant the appeal, remand the Request back to BUMED to release responsive documents and restore my appeal rights once those responsive documents are released. DON JAG cannot foreclose my right to appeal the subsequent release of records .

I am appealing all redactions and seeking that my appeal be handled outside of DON JAG a the next higher level in the DOD. DON JAG has a conflict of interest, having denied release of records from his office on that same basis in connection with records sought to ascertain if his office has acted legally under the FOIA and the Privacy Act and has submitted inaccurate FOIA reports to higher headquarters for submission to the Attorney General. Regardless of grade level, their is no right to privacy for the names of Government civilian employees in the performance of their official duties. Moreover, some names have already been released to me via FOIA and cannot be redacted in these documents. The BUMED paralegal is Dela Garcia. (b) (6) [redacted] @MED.NAVY.MIL

42. The DoD Privacy Act Program Regulation directs that the personnel information sought by Hammond for DoD civilian employees and military members must be released under the FOIA:
DoD 5400.11-R, May 14, 2007, DoD Privacy Act Program:
C4. CHAPTER 4
DISCLOSURE OF PERSONAL INFORMATION TO OTHER AGENCIES AND THIRD PARTIES
C4.1. CONDITIONS OF DISCLOSURE
[Intervening text omitted]
C4.2. NON-CONSENSUAL CONDITIONS OF DISCLOSURES
[Intervening text omitted]
C4.2.2. Disclosures Required by FOIA
C4.2.2.1. All records must be disclosed
[Intervening text omitted]
C4.2.2.5.1. DoD Civilian Employees
C4.2.2.5.1.1. Some examples of personal information regarding DoD civilian employees that normally may be released without a clearly unwarranted invasion of Privacy.
See attached

Basis Available to the Public : No | Has Basis Been Modified? No | 0/2000

Attached Supporting Files

Attachments Available to the Public : No

Attached File	Type	Size (MB)	Remove
Appeal of Request for BUMED 2012 Annual FOIA Report Submission and associated records.pdf	PDF	0.01	
DON reply to appeal of request to BUMED for WRNMMC Fy 2012 FOIA.pdf	PDF	0.56	
Reply to Robin Patterson Request for 2102 FOIA Report.pdf	PDF	2.16	

Case File

Direct URL : https://localhost:8443/foia/action/public/view/appeal/80a60a0b

Case Details

Type of Case : FOIA
Fiscal Year : 2016
Total Days Pending : 0
Final Disposition : Closed for other reasons -- Other
Other Disposition : Moot
Appeal Exemptions : N/A

Business Date of Receipt : 12/11/2015
Clock Initially Started On : TBD
Closed Date : 01/12/2016

Case Responsive Records

No records have been uploaded.

Consultations

No consultations have been added.

Correspondence to Requester

2 items found, displaying all items.

1

Subject	From	To	Date	Detail	Remove
Final Disposition, Appeal DON-NAVY-2016-001842	Wendy A. Winston	(UNSENT)	03/02/2016		

DON-NAVY-2016-001842 has been processed with the following final disposition: Closed for other reasons.

FOIA Appeal DON-NAVY-2016-001842 Submitted	System	robert hammond	12/10/2015	

This message is to notify you of a new appeal submission to the FOIAonline application. Appeal information is as follows:

- Appeal Tracking Number: DON-NAVY-2016-001842
- Request Tracking Number: DON-NAVY-2016-000246
- Requester Name: robert hammond
- Date Submitted: 12/10/2015
- Appeal Status: Submitted
- Description: WRNMMC 2012 FOIA RPT
  In a DON JAG letter 5720 Ser 14/050, DON JAG granted my appeal in part but inappropriately redacted the names of government personnel under exemption (b)6(). The correct procedure is to grant the appeal, remand the Request back to BUMED to release responsive documents and restore my appeal rights once those responsive documents are released. DON JAG cannot foreclose my right to appeal the subsequent release of records .

  I am appealing all redactions and seeking that my appeal be handled outside of DON JAG a the next higher level in the DOD. DON JAG has a conflict of interest, having denied release of records from his office on that same basis in connection with records sought to ascertain if his office has acted legally under the FOIA and the Privacy Act and has submitted inaccurate FOIA reports to higher headquarters for submission to the Attorney General. Regardless of grade level, their is no right to privacy for the names of Government civilian employees in the performance of their official duties. Moreover, some names have already been released to me via FOIA and cannot be redacted in these documents. The BUMED paralegal is Dela Garcia (b) (6) [redacted] @MED.NAVY.MIL

  42. The DoD Privacy Act Program Regulation directs that the personnel information sought by Hammond for DoD civilian employees and military members must be released under the FOIA:
  DoD 5400.11-R, May 14, 2007, DoD Privacy Act Program:
  C4. CHAPTER 4
  DISCLOSURE OF PERSONAL INFORMATION TO OTHER AGENCIES AND THIRD PARTIES
  C4.1. CONDITIONS OF DISCLOSURE
  [Intervening text omitted]
  C4.2. NON-CONSENSUAL CONDITIONS OF DISCLOSURES
  [Intervening text omitted]
  C4.2.2. Disclosures Required by FOIA
  C4.2.2.1. All records must be disclosed
  [Intervening text omitted]
  C4.2.2.5.1. DoD Civilian Employees
  C4.2.2.5.1.1. Some examples of personal information regarding DoD civilian employees that normally may be released without a clearly unwarranted invasion of Privacy.
  See attached

2 items found, displaying all items.

1

Other Correspondence

2 items found, displaying all items.

1

Attached File	Type	Size (MB)	Remove
Final response to appeal DON-NAVY-2016-001842.pdf	PDF	0.56	

Attached File	Type	Size (MB)	Remove
FW_ [Non-DoD Source] FOIA Appeal DON-NAVY-2016-001842 Submitted.pdf Incoming Appeal.pdf	PDF	0.01	

2 items found, displaying all items.

1

Case File | Appeals

Appeals

No appeals have been filed.

Invoice

Total Amount Billed Which Has Been Sent To Requester: $0.00
Invoice will not be stored until close out process has begun.

Payments

Total Amount Owed: $0.00

No payments to display.

Restricted Materials

No restricted materials have been added.

Admin Costs

Entries

No entries have been added.

Assigned Tasks

Outcome	Assigned To	Assigned By	Creation Date	Due Date	Closed Date	Notification	Detail
Completed	Wendy A. Winston	(b) (6)	02/24/2016	02/24/2016	03/02/2016		

Description : Final Disposition Notice

Comments : N/A

Approve	(b) (6)	Wendy A. Winston	02/22/2016	02/22/2016	02/24/2016		

Description : Final Review

Comments : N/A

Comments (2)

Date / Time	User Name	Edit	Remove	Detail
03/02/2016 10:40 AM	Wendy A. Winston			

The request's FOIA Officer, (b) (6) @navy.mil", was sent a notification email that this appeal has been given the final disposition, "Closed for other reasons -- null".

02/22/2016 08:41 AM	Wendy A. Winston			

The request's FOIA Officer, (b) (6) @navy.mil", was sent a notification email that this appeal has been assigned to (b) (6) @navy.mil.

Review

Assigned Reviewers

Review Outcome	Review Order	Assigned Reviewer	Review Date	Action
Approved	1	(b) (6)	02/24/2016	

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 14/050
November 16, 2015

Mr. Robert Hammond
(b) (6)

SUBJECT: FREEDOM OF INFORMATION ACT (FOIA) APPEAL DON-NAVY 2016-000246

This responds to your FOIA appeal submitted via FOIA Online on October 14, 2015. You appeal the non-response of the Navy Bureau of Medicine and Surgery (BUMED) to your September 21, 2014 request for all information they received from Walter Reed National Military Medical Center (WRNMMC) with regard to the Fiscal Year 2012 FOIA Report.

Your appeal is a request for a final determination under the FOIA. I grant your appeal in part and deny it in part. BUMED was not able to locate a response to your September 21, 2014, but did locate two responsive records to your request. Therefore, rather than remanding this request to them for release, I am releasing them as enclosures to this letter in the interests of efficiency.

You also requested that BUMED amend previous Fiscal Year FOIA reports to reflect your request and enter your request into their processing log. This is not a proper FOIA request and no action will be taken on it. Requests under the FOIA may only reasonably describe records to be produced; there is no right under the FOIA for requesters to alter the process by which FOIAs are tracked internally or reported and no requirement for an agency to respond to such demands. Nor is there an obligation to create new records in response to a FOIA request. LaRoche v. SEC, 289 F. App'x 231, 231 (9th Cir. 2008).

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). However, I am redacting the names of individuals and personal information about them listed in the e-mails and the FOIA processing log under FOIA exemption (b)(6). I find that these action officers have a significant privacy interest in this information as they are relatively junior government employees and employees of the Department of Defense. I also find that their privacy interests are enhanced given the recent security concerns caused by the targeting of DoD personnel by

terrorist organizations. Furthermore, I find there is no public interest in their identities as they are not the final decision makers and release of their identities sheds no light on the inner workings of the United States Navy.

While I am substantively granting your appeal, you may view the withholdings as a denial. As the Secretary of the Navy's designee, I am responsible for the denial of this portion of the appeal. You may seek judicial review of this decision by filing suit in an appropriate United States District Court. My office represents the United States government and is therefore unable to assist you in this process. Should you have any questions or concerns, my point of contact is LT(b) (6) JAGC, USN, who may be reached at(b) (6) @navy.mil or(b) (6)

Sincerely,

G. E. LATTIN
Director
General Litigation Division

Enclosures: 1. Copy of FOIA Fiscal Year 2012 Processing Log from WRNMMC
2. Copy of e-mail correspondence submitting processing log

Copy to: BUMED
DNS-36

FY12 FOIA PROCESSING LOG

Oct 2011 - Sep 2012

CONTROL #	DATE RECEIVED	REQUESTOR/ NAME	SUBJECT/TITLE	ACTION OFFICE	DATE TO ACTION OFFICE	ACTION OFFICE SUSPENSE DATE	INITIAL RESPONSE TO REQUESTER	FINAL RESPONSE TO REQUESTER	COMMENT	REDACTION CODES
#12-01	10/13/2011	Cid Standifer/ Military Times	Digital copy of patient discharge statistics - 2000 thru 2010	Public Affairs/ Out Patience Correspond ence	10/26/2011	11/8/2011	10/17/2011	12/8/2011	Closed 12/08/2011 by requester without responsive docs. Tele Con to requester shows that the docs were received thru alternate channels	N/A
#12-02	9/29/2011	Dept of Health and Human Services (survey #1039350)	Pharmacy and Billing Information for: [redacted]	CHCS/ AHLTA	10/31/2011			11/01/2011	Closed 11/1/2011 - Spoke with [redacted] SJA). Granted per signed request of each patient (provider names redacted)	(b)(6)
#12-03	10/20/2011	(b) (6)	Medical Records	CHCS/ AHLTA	10/27/2011	N/A	11/01/2012	11/1/2011	Closed 11/01/2011 NO RECORD.	N/A
#12-04	7/22/2011 Carryover from WRAMC	(b) (6)	Complaint about former Supervisor - possible HIPPA violation	Patient Advocacy (WRAMC).					Ms (b) (6) will not provide formal request. Spoke with [redacted] and [redacted] regarding this matter. Awaiting requester's response. CLOSED 7/8/2012 - No response from requester	N/A

FY12 FOIA PROCESSING LOG

Oct 2011 - Sep 2012

CONTROL #	DATE RECEIVED	REQUESTOR/ NAME	SUBJECT/TITLE	ACTION OFFICE	DATE TO ACTION OFFICE	ACTION OFFICE SUSPENSE DATE	INITIAL RESPONSE TO REQUESTER	FINAL RESPONSE TO REQUESTER	COMMENT	Redaction Codes
#12-05	10/31/2011	(b) (6) [redacted]	Medical Records	Out Patient Records	10/31/2011	11/19/2011	10/31/2011		Closed 12/15/2011 Spoke w/ [redacted] (SJA). Granted in full with patient signed auth.	N/A
#12-06	12/1/2011	(b) (6) [redacted]	Police Report	Police Dept	12/1/2011	12/15/2011	12/1/2011		CLOSED 2/8/2012 - No response from requester	N/A
#12-07	10/13/2011	Cid Standifer/ Military Times	Digital copy of patient discharge statistics (patient stay greater than 24 hours) for 2010	Public Affairs/ Out Patience Correspond ence	10/26/2011	11/8/2011	10/17/2011	12/8/2011	Closed 12/08/2011 by requester without responsive docs. Tele Con to requester revealed docs were received thru alternate channels - See 12-03.	N/A

FY12 FOIA PROCESSING LOG

Oct 2011 - Sep 2012

CONTROL #	DATE RECEIVED	REQUESTOR/ NAME	SUBJECT/TITLE	ACTION OFFICE	DATE TO ACTION OFFICE	ACTION OFFICE SUSPENSE DATE	INITIAL RESPONSE TO REQUESTER	FINAL RESPONSE TO REQUESTER	COMMENT	Redaction Codes
#12-08	12/20/2011	Americans for Limited Government	All Communication to or from WRMMC staff discussing CoS Callahan's 9/14/2011 memo, prior to and after release; and copy of prior policy regarding "no religious items" section.	JAG					Per [redacted], she will collect and distribute information for and to this office. Responsive documents received from [redacted]. Redactions made, and entire docs were given to [redacted] on 1/13/2012 for review and processing. Response docs back to JAG 3 times. Finally sent to JAG Navy Yard (Pentagon) on 2/17/2012. Awaiting response. CLOSED	(b)(6); (b)(7)

FY12 FOIA PROCESSING LOG

Oct 2011 - Sep 2012

CONTROL #	DATE RECEIVED	REQUESTOR/ NAME	SUBJECT/TITLE	ACTION OFFICE	DATE TO ACTION OFFICE	ACTION OFFICE SUSPENSE DATE	INITIAL RESPONSE TO REQUESTER	FINAL RESPONSE TO REQUESTER	COMMENT	Redaction Codes
#12-09	12/21/2011	Family Research Council	Communication to or from WRMMC staff discussing CoS Callahan's 9/14/2011 memo, prior to and after release; and copy of prior policy regarding "no religious items" section.	JAG - [redacted]					Per [redacted], she will collect and distribute information for and to this office. Responsive documents received from [redacted], Redactions made, and entire docs were given to [redacted] on 1/13/2012 for review and processing. CLOSED	(b)(6); (b)(7)

FY12 FOIA PROCESSING LOG

Oct 2011 - Sep 2012

CONTROL #	DATE RECEIVED	REQUESTOR/ NAME	SUBJECT/TITLE	ACTION OFFICE	DATE TO ACTION OFFICE	ACTION OFFICE SUSPENSE DATE	INITIAL RESPONSE TO REQUESTER	FINAL RESPONSE TO REQUESTER	COMMENT	Redaction Codes
#12-10	12/21/2011	(b) (6) Father	Copy of his sons latest NAVPERS 1070/602 - NOTE: Son = HM3 (b) (6) (b) (6) who died on 19 Aug 2011	NAVY Personnel - [redacted]					NOTE: I contacted the "father" to say that we needed proof of his identy before we could process his request. He was in a class; took my number ans says he will call me back. Tried to contact [redacted] several times. No return call received. E-mailed him/her on 1/17/2012 and called again several times. H/she read e-mail on 1/17/2012. CLOSED 2/8/2012. No response from requester.	N/A

FY12 FOIA PROCESSING LOG

Oct 2011 - Sep 2012

CONTROL #	DATE RECEIVED	REQUESTOR/ NAME	SUBJECT/TITLE	ACTION OFFICE	DATE TO ACTION OFFICE	ACTION OFFICE SUSPENSE DATE	INITIAL RESPONSE TO REQUESTER	FINAL RESPONSE TO REQUESTER	COMMENT	Redaction Codes
#12-11	1/17/2012	Phillips Health Care - Pamela Knop	Sales data for monitors procured by manufacturer and the dollar amounts of those procurements.	Contracting - [redacted]					CLOSED 2/8/2012 1 page document faxed to Ms. Knop	N/A
#12-12	1/31/2012	David P. Sheldon, Esq - On behalf of CDR (b) (6) (b) (6) USN	ALL documents between any one that pertains to the work performance and any adverse actions the Command has taken	Referred back to: Naval Health Clinic; 47149 Buse Road; Patuxent, MD 20670-1540	1/31/2012	N/A	1/31/2012	N/A	[redacted] contact Pax and received responsive docs on/about 15 Feb 2012. I received docs on 17 Feb 2012. Prepared letter for requester. JAG has back for review on 3/7/2012	(b5); (b)(6); (b)(7)
#12-13	1/31/2012	LexisNexis - on behalf of (b) (6)	Auto Accident Report	WRAMC - Forest Glen Police Depart	2/1/2012	N/A	2/1/2012	2/1/2012	Not a WRNMMC case. Transferred to WRAMC PD- Forest Glen. CLOSED	N/A

FY12 FOIA PROCESSING LOG

Oct 2011 - Sep 2012

CONTROL #	DATE RECEIVED	REQUESTOR/ NAME	SUBJECT/TITLE	ACTION OFFICE	DATE TO ACTION OFFICE	ACTION OFFICE SUSPENSE DATE	INITIAL RESPONSE TO REQUESTER	FINAL RESPONSE TO REQUESTER	COMMENT	Redaction Codes
#12-14	2/23/2012	MacDonald Law Group	All facilities construction information of WRNMMC (formally NNMC/Bethesda Naval Hospital) from 1941-1983	Facilities [redacted]	3/6/2012	N/A	3/6/2012	3/6/2012	CLOSED-03/06/2012 Per [redacted] - forwarded case to Ms. [redacted] at Facilities and notified the requester. See e-mail string	N/A
#12-15	3/1/2012	(b) (6)	Medical Records referred from JAG, Criminal Law Division, (Code 20)	N/A	N/A	N/A	N/A	N/A	CLOSED - 3/8/2012. Because they were his medical records, release in full. No charge	N/A
#12-16	4/3/2012	Cooley, LLP Patricia Perry	Contract information on 6 NMMC & WRAMC contracts on Orthotics and Prosthetics for medical and surgical instruments.	Contracting - Attn: [redacted]	4/3/2012	4/23/2012	4/3/2012			(b)(6)

FY12 FOIA PROCESSING LOG

Oct 2011 - Sep 2012

CONTROL #	DATE RECEIVED	REQUESTOR/ NAME	SUBJECT/TITLE	ACTION OFFICE	DATE TO ACTION OFFICE	ACTION OFFICE SUSPENSE DATE	INITIAL RESPONSE TO REQUESTER	FINAL RESPONSE TO REQUESTER	COMMENT	Redaction Codes
#12-17	4/19/2012	Cohen & Cohen, P.C Kim Brooks-Rodney	Identity of Blood Bank civilian, non-civilian and contractor from 7/19/11-7/25/11	NARMC - Ft Belvoir; ATTN: [redacted]	4/19/2012	N/A	N/A	4/19/2012	Spoke with Ms. Kim Brooks-Rodney and informed that case was transferred to NARMC (per [redacted]) Sent follow-up e-mail to Ms. Brooks-Rodney and [redacted] (NARMC FOIA Officer). See note in folder for further comments. CLOSED 4/19/2012	N/A
#12-18	4/24/2012	Fayetteville Observer	Warrior Transition Brigade Discharges	NRMC - Ft Belvoir; ATTN: [redacted])	N/A	N/A	N/A	N/A	[redacted] forwarded me a copy of this request. I informed this was not my case and gave her general guidance on processing it. CLOSED 4/24/2012	N/A

FY12 FOIA PROCESSING LOG

Oct 2011 - Sep 2012

CONTROL #	DATE RECEIVED	REQUESTOR/ NAME	SUBJECT/TITLE	ACTION OFFICE	DATE TO ACTION OFFICE	ACTION OFFICE SUSPENSE DATE	INITIAL RESPONSE TO REQUESTER	FINAL RESPONSE TO REQUESTER	COMMENT	Redaction Codes
#12-19	3/13/2012	(b) (6) [redacted]	Graduate records from civilian organization	Civilian Hospital - Akron, Ohio	N/A	N/A	N/A	N/A	This one is numbered out of order. This is not a case for this office. Informed requester that he must submit his request to Akron Hospital. We have no oversight on civilian organizations - CLOSED 4/16/2012	N/A
#12-20	4/18/2012	(b) (6) [redacted]	Personal information on result of lab tests conducted	FOIA Office	N/A	N/A	N/A	N/A	Request was received from Navy Criminal Investigative Service at Quantico, VA. That agency sent most of the response to [redacted] and wanted this agency to agree to sending the results of the lab tests. CLOSED 5/23/2012	(b)(6)

FY12 FOIA PROCESSING LOG

Oct 2011 - Sep 2012

CONTROL #	DATE RECEIVED	REQUESTOR/ NAME	SUBJECT/TITLE	ACTION OFFICE	DATE TO ACTION OFFICE	ACTION OFFICE SUSPENSE DATE	INITIAL RESPONSE TO REQUESTER	FINAL RESPONSE TO REQUESTER	COMMENT	
#12-21	6/14/2012 (out of sequence)	Glenda Battle	Therapeutic behavioral health screening, psychological assessments, referrals, links w/providers, partners with local Chaplains and MFLC	FOIA Office	6/14/2012	7/20/2012	6/14/2012	7/20/2012	TRANSFERRED to SE Region - Naval Air Station, Jacksonville, FL 32212-0102 CLOSED 7/23/2012 - # is Out of sequence -	N/A
#12-22		LT (b) (6) (b) (6)	CMEO Report - 9 Mar 2012	WRNMMC - JAG Office; POC [redacted] 6)	N/A	N/A	N/A	N/A	Per [redacted] - Request came to his office. He gathered the information, did the redactions and will present documents to requester. He only wants this office to "serialize" the case. CLOSED 6/7/2012	N/A

FY12 FOIA PROCESSING LOG

Oct 2011 - Sep 2012

CONTROL #	DATE RECEIVED	REQUESTOR/ NAME	SUBJECT/TITLE	ACTION OFFICE	DATE TO ACTION OFFICE	ACTION OFFICE SUSPENSE DATE	INITIAL RESPONSE TO REQUESTER	FINAL RESPONSE TO REQUESTER	COMMENT	
#12-23	6/5/2012	(b) (6) (b) (6) for on behalf of COL (b) (6)	Any and all information concerning husband's accident	Naval District of Washington	6/6/2012	N/A	6/5/2012	6/6/2012	Spoke with [redacted] at NDW who confirmed case belonged to them. Transferred case to her 6/6/2012. CLOSED 6/7/2012	N/A
#12-24	7/5/2012	LEXIS NEXIS - for (b) (6) (b) (6)	Accident Report - #123163400101	N/A	N/A	N/A	7/11/2012	7/11/2012	Spoke with [redacted] at LexisNexis to inform that I needed a release letter from the insured. Linda requested that I terminate case. Her office will send a new request along with release document. CLOSED 7/11/2012	N/A

FY12 FOIA PROCESSING LOG

Oct 2011 - Sep 2012

#12-25	7/16/2012	Mr. Wade F. Casey	Outlook Calendar, Cell phone and text messages pertaining to [redacted] on 20 Apr 2012 from 1430-1530	FOIA/JAG	7/16/2012	7/31/ 2012	7/19/2012	7/19/2012	Sent requester final response. Info requested is denied via Exemption 6 and the Privacy Act. CLOSED 7/19/2012 Reopened due to customer concerns 7/23 CLOSED 2nd time 8/16/2012	N/A
#12-26	7/26/2012	CPT Ryan Coward - on behalf of MAJ Nidal M. Hasan	Requests for religious accommodation to wear beard, turban, Yakama, etc. Also Command policies relating to religious accommodation for past 10 years	FOIA	7/26/2012	N/A	7/26/2012	7/26/2012	Spoke with [redacted] who(b6) confirmed that the information he needed is at FT. Belvoir (where WRAMC records were transferred to). I contacted Ft. Belvoir to inform of the transfer then sent request electronically. CLOSED 7/26/2012	N/A

FY12 FOIA PROCESSING LOG

Oct 2011 - Sep 2012

CONTROL #	DATE RECEIVED	REQUESTOR/ NAME	SUBJECT/TITLE	ACTION OFFICE	DATE TO ACTION OFFICE	ACTION OFFICE SUSPENSE DATE	INITIAL RESPONSE TO REQUESTER	FINAL RESPONSE TO REQUESTER	COMMENT	Redaction Codes
#12-27	7/ /2012	Louis French	IG Investigation	IG					Awaiting official request. No response from requester since 7/26/2012 therefore case CLOSED 9/6/2012	N/A
#12/28	5/25/2012 (out of sequence)	Fitzpatrick, Hunt, Tucker, Collier, Pagano, Aubert	On behalf of (b) (6) [redacted] - Health Records	Medical Records	Outpatient Records				Sent request to Records for direct reply to requester. Asked for copy of response. Didn't get it from records. Called requester who confirmed she had received requested documents. CLOSED 7/20/2012	N/A

FY12 FOIA PROCESSING LOG

Oct 2011 - Sep 2012

CONTROL #	DATE RECEIVED	REQUESTOR/ NAME	SUBJECT/TITLE	ACTION OFFICE	DATE TO ACTION OFFICE	ACTION OFFICE SUSPENSE DATE	INITIAL RESPONSE TO REQUESTER	FINAL RESPONSE TO REQUESTER	COMMENT	Redaction Codes
#12-29	8/1/2012	(b) (6)	Police Records	JAG/FOIA	8/1/2012	8/13/2012	8/1/2012		Responsive documents sent to requester via e-mail. CLOSED 8/16/2012	(b)(6)
#12-30	8/14/2012	Allen Conrad	IG Report	IG	8/14/2012	8/21/2012	8/14/2012		Requested documents sent to requester via e-mail. CLOSED 9/10/2012	(b)(6); (b)(7)
#12-31	8/14/2012	LT (b) (6) (b) (6)	Naval Health Clinic Quantico records	NHC Quantico	8/14/2012	8/28/2012	8/14/2012		Case transferred to Quantico 9/10/2012 - see notes and e-mails in folder. CLOSED 9/10/2012 REOPENED - 9/11/2012 Quantico did not process. Redactions completed and sent to [redacted] fo(b) approval to sent to requester NLT 9/13/2012	(b)(6)

FY12 FOIA PROCESSING LOG

Oct 2011 - Sep 2012

CONTROL #	DATE RECEIVED	REQUESTOR/ NAME	SUBJECT/TITLE	ACTION OFFICE	DATE TO ACTION OFFICE	ACTION OFFICE SUSPENSE DATE	INITIAL RESPONSE TO REQUESTER	FINAL RESPONSE TO REQUESTER	COMMENT	Redaction Codes
#12-32	Unknown	L(b) (6) (b) (6)	Formal copy of CMEO report	WRNMMC JAG OFFICE	Unknown	Unknown	Unknown		Per [redacted] - Request came to his office. He gathered the information, did the redactions and will present documents to requester. He only wants this office to "serialize" the case. CLOSED 8/16/2012	N/A
12-33	8/24/2012	(b) (6)	Psychiatric Records	WRAMC JAG					CLOSED 9/10/2012	N/A
12-34	9/10/2012	Nick Nowatney	AFCFCP write-up of (b) (6) & (b) (6)	Dept of Pediatrics/JAG/FOIA	9/10/2012	9/17/2012	9/10/2012		NOTE: Case was hand delivered by [redacted]. He says [redacted] had already gathered information from [redacted] MC,USN, Dept of Peds; AFCFCP.	N/A

FY12 FOIA PROCESSING LOG

Oct 2011 - Sep 2012

CONTROL #	DATE RECEIVED	REQUESTOR/ NAME	SUBJECT/TITLE	ACTION OFFICE	DATE TO ACTION OFFICE	ACTION OFFICE SUSPENSE DATE	INITIAL RESPONSE TO REQUESTER	FINAL RESPONSE TO REQUESTER	COMMENT	Redaction Codes
12-35	9/10/2012	Roger Myerberg	Inspection, evaluation, testing and analysis of a 23mm Medtronic bio-prosthetic valve-Medtronic Corp.	Contracting	9/11/2012	9/18/2012	9/11/2012 Via e-mail			
12-36	9/25/2012	Charles Porter	Copy of WRNMMC Inst 5720.4C - Bible Band	Command Secretariat	9/25/2012	N/A - hand carried and received no instruction	9/25/2012	9/25/2012	Two part request. This office answered 1,3,&4, and BUMED [redacted] answered 2 & 5	N/A
12-37	9/26/2012	CW4 Rajesh Sabharwal	Documents from Ft. Meade	FOIA Office	9/26/2012	N/A	9/26/2012	9/26/2012	Transferred to NSA - Ft. Meade	N/A
12-38	5/24/2012	Signature Performance, INC - for client: Kelly McIntosh	Contract Information - W91YTZ-12-P-0516	Contracting	5/24/2012	6/2/2012		6/19/2012	Redacted information given to requester	(b)(6)

From: [redacted] CIV USN BUMED FCH VA (US)
To: [redacted] OJAG, Code 14
Subject: FW: FOIA End of Year Report
Date: Friday, November 13, 2015 12:26:16 PM

[redacted]
FOIA/PA Paralegal Specialist
Bureau of Medicine and Surgery
Medical-Legal Affairs Office
[redacted]

COMM [redacted]

[redacted]

FOR OFFICIAL USE ONLY (FOUO) - PRIVACY SENSITIVE. Any misuse or unauthorized disclosure may result in both civil and criminal penalties.

-----Original Message-----
From: [redacted] CIV NNMC
Sent: Monday, October 01, 2012 4:36 PM
To: [redacted] GS BUMED
Subject: RE: FOIA End of Year Report

Yes, but I'm off on Friday. Any other day will be perfect

-----Original Message-----
From: [redacted] GS BUMED
Sent: Monday, October 01, 2012 3:20 PM
To: [redacted] CIV NNMC
Subject: RE: FOIA End of Year Report

Good afternoon. Thanks! Will you be available in the next day or two to discuss? v/r [redacted]

[redacted]
FOIA/PA Paralegal Specialist
Bureau of Medicine and Surgery
Medical-Legal Affairs Office
[redacted]

COMM [redacted]

[redacted]

FOR OFFICIAL USE ONLY (FOUO) - PRIVACY SENSITIVE. Any misuse or unauthorized
disclosure may result in both civil and criminal penalties.

-----Original Message-----
From: [redacted] CIV NNMC
Sent: Monday, October 01, 2012 3:09 PM

To: [redacted] GS BUMED
Cc: [redacted] CIV NNMC
Subject: FOIA End of Year Report

Good morning [redacted] - In follow-up to our conversation regarding the FOIA end of year report, attached please find the Processing Log as discussed.

Please let me know if there is anything else I need to do.

Thanks!

[redacted]

DEPARTMENT OF THE NAVY

OFFICE OF THE JUDGE ADVOCATE GENERAL
WASHINGTON NAVY YARD BLDG 33
1322 PATTERSON AVE SE SUITE 3000
WASHINGTON DC 20374-5066

OFFICIAL BUSINESS

MR. ROBERT HAMMOND

[redacted] (b) (6)

Request Details
Request Type : *FOIA*

Status : *Final Preparation of Response* **Due Date :** *N/A*
0 (Never Started)

Submitted — Evaluation — Assignment — Processing — Closed

Request Details

Tracking Number :	DON-NAVY-2016-000246	Submitted Date :	10/14/2015
Requester :	Mr. robert hammond	Last Assigned Date :	09/28/2017
Organization :	N/A	Fee Limit :	$1.00
Requester Has Account :	Yes	Request Track :	Simple
Email Address :	(b) (6) @aol.com	Due Date :	N/A
Phone Number :		Assigned To :	Wendy A. Winston (OJAG-Administrative Law Division)
Fax Number :	N/A	Last Assigned By :	Wendy A. Winston (OJAG-Administrative Law Division)
Address :	(b) (6)		
City :			
State/Province :			
Zip Code/Postal Code :			

Submission Details

Request Handling

Requester Info Available to the Public :	No	Request Perfected :	No
Request Track :	Simple	Appellate Authority :	OJAG14
Fee Category :	Other	Acknowledgement Sent Date:	10/14/2015
Fee Waiver Requested:	Yes	Unusual Circumstances ? :	No
Fee Waiver Status:	Partial Grant	5 Day Notifications:	No
Expedited Processing Requested :	No	Litigation :	No
Expedited Processing Status :	N/A	* Litigation Court Docket Number :	

Request Description

Short Description : Submits appeal due to IDA, BUMED'S non response to his IR for 2012 Annual Report

THIS IS AN APPEAL, NOT A FOIA REQUEST. I am appealing my FOIA request of September 14, 2014 to BUMED (which is shown at pate 12 of the attached PDF) seeking the Walter Reed National Military Medical Center (WRNMMC) Fiscal Year 2012 Annual FOIA Report Submission. Basis for Appeal. This request remains open and unanswered, and I have not been provided an FY 2014 case tracking number. Despite factually inaccurate assertions by Ms. Patterson in the attachment, BUMED has not provided a reply to this FOIA request, nor has there been any letter of referral to Walter Reed National Military Medical Center. No responsive documents have been provided. I am further asserting that my FOIA request was not included in the DON FY 2014 Annual FOIA Report Submission to the Attorney General, nor has it been included in the FY2015 submission. As shown in the attachment, DON is aware that this FOIA request has not been included in its Annual FOIA Report submission. Please address this matter in your response to my appeal.

Description Available to the Public :	No	Has Description Been Modified?	No

Additional Information

Case # :	N/A
Name of Local Command :	N/A
Contract/Sol.# :	N/A
Limit Request To Clearly Releasable Info :	N/A

Attached Supporting Files

Attachments Available to the Public : No

Attached File	Type	Size (MB)	Remove
Reply to DON letter re WRNMMC FY 2012 annual report submission reduced..pdf	PDF	0.58	

Case File

Direct URL : https://localhost:8443/foia/action/public/view/request/809988e1

Case Details

Type of Case : FOIA

Received Date : 10/14/2015

Fiscal Year : 2016

Clock Initially Started On : TBD

Total Days Pending : 0

Final Disposition : Partial grant/partial denial

Case Responsive Records

No records have been uploaded.

Consultations

No consultations have been added.

Correspondence to Requester

2 items found, displaying all items.

Subject	From	To	Date	Detail	Remove
FOIA Fee Waiver Disposition Reached for DON-NAVY-2016-000246	System	robert hammond	09/28/2017		

Your request for Fee Waiver for the FOIA request DON-NAVY-2016-000246 has been partially granted with $ 0.0 waived. Additional details for this request are as follows:

- Request Created on: 10/14/2015
- Fee Waiver Disposition Reason: This request is a partial grant and part denied
- Request Long Description: THIS IS AN APPEAL, NOT A FOIA REQUEST. I am appealing my FOIA request of September 14, 2014 to BUMED (which is shown at pate 12 of the attached PDF) seeking the Walter Reed National Military Medical Center (WRNMMC) Fiscal Year 2012 Annual FOIA Report Submission. Basis for Appeal. This request remains open and unanswered, and I have not been provided an FY 2014 case tracking number. Despite factually inaccurate assertions by Ms. Patterson in the attachment, BUMED has not provided a reply to this FOIA request, nor has there been any letter of referral to Walter Reed National Military Medical Center. No responsive documents have been provided. I am further asserting that my FOIA request was not included in the DON FY 2014 Annual FOIA Report Submission to the Attorney General, nor has it been included in the FY2015 submission. As shown in the attachment, DON is aware that this FOIA request has not been included in its Annual FOIA Report submission. Please address this matter in your response to my appeal.

FOIA Request DON-NAVY-2016-000246 Submitted	System	robert hammond	10/14/2015	

This message is to confirm your request submission to the FOIAonline application: *View Request*. Request information is as follows:

- Tracking Number: DON-NAVY-2016-000246
- Requester Name: robert hammond
- Date Submitted: 10/14/2015
- Request Status: Submitted
- Description: THIS IS AN APPEAL, NOT A FOIA REQUEST. I am appealing my FOIA request of September 14, 2014 to BUMED (which is shown at pate 12 of the attached PDF) seeking the Walter Reed National Military Medical Center (WRNMMC) Fiscal Year 2012 Annual FOIA Report Submission. Basis for Appeal. This request remains open and unanswered, and I have not been provided an FY 2014 case tracking number. Despite factually inaccurate assertions by Ms. Patterson in the attachment, BUMED has not provided a reply to this FOIA request, nor has there been any letter of referral to Walter Reed National Military Medical Center. No responsive documents have been provided. I am further asserting that my FOIA request was not included in the DON FY 2014 Annual FOIA Report Submission to the Attorney General, nor has it been included in the FY2015 submission. As shown in the attachment, DON is aware that this FOIA request has not been included in its Annual FOIA Report submission. Please address this matter in your response to my appeal.

2 items found, displaying all items.

Other Correspondence

3 items found, displaying all items.

Attached File	Type	Size (MB)	Remove
Hammond incoming FOIA appeal.pdf	PDF	0.58	
Hammond 2016-000246 final ltr.pdf	PDF	0.05	
Hammond 2016-000246 final ltr.pdf	PDF	0.05	

3 items found, displaying all items.

Appeals

Tracking Number	Appeal Date	Appellant	Notification	Basis
DON-NAVY-2016-001842	12/10/2015	robert hammond		

WRNMMC 2012 FOIA RPT In a DON JAG letter 5720 Ser 14/050, DON JAG granted my appeal in part but inappropriately redacted the names of government personnel under exemption (b)6(). The correct procedure is to grant the appeal, remand the Request back to BUMED to release responsive documents and restore my appeal rights once those responsive documents are released. DON JAG cannot foreclose my right to appeal the subsequent release of records . I am appealing all redactions and seeking that my appeal be handled outside of DON JAG a the next higher level in the DOD. DON JAG has a conflict of interest, having denied release of records from his office on that same basis in connection with records sought to ascertain if his office has acted legally under the FOIA and the Privacy Act and has submitted inaccurate FOIA reports to higher headquarters for submission to the Attorney General. Regardless of grade level, their is no right to privacy for the names of Government civilian employees in the performance of their official duties. Moreover, some names have already been released to me via FOIA and cannot be redacted in these documents. The BUMED paralegal is Dela Garcia.(b) (6) [redacted] @MED.NAVY.MIL 42. The DoD Privacy Act Program Regulation directs that the personnel information sought by Hammond for DoD civilian employees and military members must be released under the FOIA: DoD 5400.11-R, May 14, 2007, DoD Privacy Act Program: C4. CHAPTER 4 DISCLOSURE OF PERSONAL INFORMATION TO OTHER AGENCIES AND THIRD PARTIES C4.1. CONDITIONS OF DISCLOSURE [Intervening text omitted] C4.2. NON-CONSENSUAL CONDITIONS OF DISCLOSURES [Intervening text omitted] C4.2.2. Disclosures Required by FOIA C4.2.2.1. All records must be disclosed [Intervening text omitted] C4.2.2.5.1. DoD Civilian Employees C4.2.2.5.1.1. Some examples of personal information regarding DoD civilian employees that normally may be released without a clearly unwarranted invasion of Privacy. See attached

Invoice

Total Amount Billed Which Has Been Sent To Requester: $0.00
Invoice will not be stored until close out process has begun.

Payments

Total Amount Owed: $0.00

No payments to display.

Restricted Materials

No restricted materials have been added.

Admin Costs

Entries

No entries have been added.

Assigned Tasks

Outcome	Assigned To	Assigned By	Creation Date	Due Date	Closed Date	Notification	Detail
Pending	Wendy A. Winston	Adam Inch	09/28/2017	09/28/2017			

Description : Final Disposition Notice

Comments : N/A

Approve	Adam Inch	Wendy A. Winston	09/28/2017	09/28/2017	09/28/2017		

Description : Final Review

Comments : N/A

Partial Grant	Wendy A. Winston	Wendy A. Winston	10/14/2015	10/14/2015	09/28/2017		

Description : Fee Waiver Task

Comments : This is an appeal, not a FOIA request. I cannot submit as an appeal via your website a request that DON has improperly omitted from its Enterprise FOIA Tracking System.

Decision : Partial Grant: This request is a partial grant and part denied

Comments (0)

No comments have been added.

Review

Assigned Reviewers

Review Outcome	Review Order	Assigned Reviewer	Review Date	Action
Approved	1	Adam Inch	09/28/2017	

Appeal of Request to BUMED 2012 for WRNMMC Annual FOIA Report Submission
DON Tracking number DON-NAVY 216-00246

In the DON JAG letter 5720 Ser 14/050 (attached), DON JAG granted my appeal in part but inappropriately redacted the names of government personnel under exemption (b)6(). The correct procedure is to grant the appeal, remand the Request back to BUMED to release responsive documents and restore my appeal rights once those responsive documents are released. DON JAG cannot foreclose my right to appeal the subsequent release of records.

I am appealing all redactions and seeking that my appeal be handled outside of DON JAG at the next higher level in the DOD. DON JAG has a conflict of interest, having denied release of records from his office on that same basis in connection with records sought to ascertain if his office has acted legally under the FOIA and the Privacy Act and has submitted inaccurate FOIA reports to higher headquarters for submission to the Attorney General. It is also apparent that BUMED did not include my FOA request of April 1, 2014 in either the 2014 or 2015 DON Annual FOIA report submissions, knowingly submitting inaccurate reports.

Regardless of grade level, there is no right to privacy for the names of Government civilian employees in the performance of their official duties. Moreover, some names have already been released to me via FOIA and cannot be redacted in these documents. The BUMED paralegal, whose name and email is redacted is Della Garcia.

(b) (6) [redacted]@MED.NAVY.MIL, who is the BUMED FOIA Officer. DON JAG cannot redact the name and contact information of the FOIA Officer.

The DoD Privacy Act Program Regulation directs that the personnel information redacted in the DON JAG reply for DoD civilian employees and military members must be released under the FOIA:

DoD 5400.11-R, May 14, 2007, DoD Privacy Act Program:
C4. CHAPTER 4
DISCLOSURE OF PERSONAL INFORMATION TO OTHER AGENCIES AND THIRD PARTIES
C4.1. CONDITIONS OF DISCLOSURE
[Intervening text omitted]
C4.2. NON-CONSENSUAL CONDITIONS OF DISCLOSURES
[Intervening text omitted]
C4.2.2. Disclosures Required by FOIA
C4.2.2.1. All records must be disclosed if their release is required by Reference (p), as implemented by Reference (d). The FOIA requires that records be made available to the public unless withholding is authorized pursuant to one of nine exemptions or one of three law enforcement exclusions under the Act.
[Intervening text omitted]
C4.2.2.5.1. DoD Civilian Employees
C4.2.2.5.1.1. Some examples of personal information regarding DoD civilian employees that normally may be released without a clearly unwarranted invasion of personal privacy include:
C4.2.2.5.1.1.1. Name.
C4.2.2.5.1.1.2. Present and past position titles.
C4.2.2.5.1.1.3. Present and past grades.
C4.2.2.5.1.1.4. Present and past annual salary rates.
C4.2.2.5.1.1.5. Present and past duty stations.
C4.2.2.5.1.1.6. Office and duty telephone numbers.
C4.2.2.5.1.1.7. Position Descriptions.
C4.2.2.5.1.2. All disclosures of personal information regarding Federal civilian employees shall be made in accordance with OPM release policies.
C4.2.2.5.2. Military Members
C4.2.2.5.2.1.While it is not possible to identify categorically information that must be released or withheld from military personnel records in every instance, the following items of personal information regarding individual military members normally may be disclosed without aclearly unwarranted invasion of their personal privacy:
C4.2.2.5.2.1.1. Full name.
C4.2.2.5.2.1.2. Rank.
C4.2.2.5.2.1.3. Date of rank.
C4.2.2.5.2.1.4. Gross salary.
C4.2.2.5.2.1.5. Past duty assignments.
C4.2.2.5.2.1.6. Present duty assignment.
C4.2.2.5.2.1.7. Future assignments that are officially established.
C4.2.2.5.2.1.8. Office or duty telephone numbers.
C4.2.2.5.2.1.9. Source of commission.
C4.2.2.5.2.1.10. Promotion sequence number.
C4.2.2.5.2.1.11. Awards and decorations.
C4.2.2.5.2.1.12. Attendance at professional military schools.

C4.2.2.5.2.1.13. Duty status at any given time.
C4.2.2.5.2.1.14. Home of record (identification of the state only).
C4.2.2.5.2.1.15. Length of military service
C4.2.2.5.2.1.16. Basic Pay Entry Date

Appeal of Request to BUMED 2012 for WRNMMC Annual FOIA Report Submission
DON Tracking number DON-NAVY 216-00246

In the DON JAG letter 5720 Ser 14/050 (attached), DON JAG granted my appeal in part but inappropriately redacted the names of government personnel under exemption (b)6(). The correct procedure is to grant the appeal, remand the Request back to BUMED to release responsive documents and restore my appeal rights once those responsive documents are released. DON JAG cannot foreclose my right to appeal the subsequent release of records.

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C4.1. CONDITIONS OF DISCLOSURE
[Intervening text omitted]
C4.2. NON-CONSENSUAL CONDITIONS OF DISCLOSURES
[Intervening text omitted]
C4.2.2. Disclosures Required by FOIA
C4.2.2.1. All records must be disclosed if their release is required by Reference (p), as implemented by Reference (d). The FOIA requires that records be made available to the public unless withholding is authorized pursuant to one of nine exemptions or one of three law enforcement exclusions under the Act.
[Intervening text omitted]
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C4.2.2.5.1.1.2. Present and past position titles.
C4.2.2.5.1.1.3. Present and past grades.
C4.2.2.5.1.1.4. Present and past annual salary rates.
C4.2.2.5.1.1.5. Present and past duty stations.
C4.2.2.5.1.1.6. Office and duty telephone numbers.
C4.2.2.5.1.1.7. Position Descriptions.
C4.2.2.5.1.2. All disclosures of personal information regarding Federal civilian employees shall be made in accordance with OPM release policies.
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C4.2.2.5.2.1.1. Full name.
C4.2.2.5.2.1.2. Rank.
C4.2.2.5.2.1.3. Date of rank.
C4.2.2.5.2.1.4. Gross salary.
C4.2.2.5.2.1.5. Past duty assignments.
C4.2.2.5.2.1.6. Present duty assignment.
C4.2.2.5.2.1.7. Future assignments that are officially established.
C4.2.2.5.2.1.8. Office or duty telephone numbers.
C4.2.2.5.2.1.9. Source of commission.
C4.2.2.5.2.1.10. Promotion sequence number.
C4.2.2.5.2.1.11. Awards and decorations.
C4.2.2.5.2.1.12. Attendance at professional military schools.

C4.2.2.5.2.1.13. Duty status at any given time.
C4.2.2.5.2.1.14. Home of record (identification of the state only).
C4.2.2.5.2.1.15. Length of military service
C4.2.2.5.2.1.16. Basic Pay Entry Date

From: (b) (6) LT OJAG, Code 14
To: (b) (6) @aol.com
Cc: Winston, Wendy A CIV OJAG, CODE 14
Subject: Response to appeal DON-NAVY-2016-001842
Date: Tuesday, January 12, 2016 11:24:00 AM

Good morning Mr. Hammond,

Happy new year!

We have received your appeal with the above listed number. However, I regret to inform that our office will be taking no further action on it as it is not a proper FOIA appeal. You challenge the fact that we granted your appeal and released information to you with redactions in earlier appeal from BUMED DON-NAVY-2016-000246; however, pursuant to SECNAVINST 5720.42F, Mr. Lattin is the proper appellate authority for BUMED and his action represents the final agency action on this matter. Contrary to what you state, Code 14 is authorized to make disclosures on behalf of the Navy, including on behalf of IDAs, and so our release and the redactions therein are final and non-appealable. There is no requirement that the granting of appeal must be remanded to the IDA to release the information instead of the appellate authority releasing the information in an effort to expedite the information to the requester. Similarly, there is neither the requirement nor the ability for the DoN to elevate review of a DoN FOIA request or appeal to the DoD. I'm sorry that we can't be of more assistance in this matter. As stated in the final letter, you always retain the right to challenge any final agency action by filing a complaint in a United States District Court, including this one. If you continue to be dissatisfied with the Navy's response and FOIA procedures that is the best option available to you.

Very respectfully,

(b) (6)

(b) (6)
LT, JAGC, USN
Office of the Judge Advocate General
General Litigation Division (Code 14)
1322 Patterson Avenue, SE, STE 3000
Washington Navy Yard, DC 20374
TEL: (b) (6)
DSN

Garcia, Della W CIV USN BUMED FCH VA (US)

(b) (5)

DEPARTMENT OF THE NAVY
BUREAU OF MEDICINE AND SURGERY
7700 ARLINGTON BOULEVARD
FALLS CHURCH, VA 22042

IN REPLY REFER TO
5720
Ser M00JE/17UM00J0217
October 3, 2017

(b) (5)

Garcia, Della W CIV USN BUMED FCH VA (US)

(b) (5)

(b) (5)

This followed a 7 Jan 15 letter (Ser DNS-36JP/15U105010), from Ms. Robin L. Paterson (OPNAV DNS 36 (DON FOIA/PA)) - that included BUMED, DHA, Walter Reed, Defense FOIA Policy Office - in which Ms. Patterson states, "BUMED indicated that their offices have no record of a FOIA Annual Report submission from WRNMMC since Fiscal Year 2009."

In doubt, I sought through FOIA and obtained from Ms. Patterson, the "Fiscal Year 2012 Subcomponent/Component or Agency" addendum supporting her FY 2012 Annual Report. That addendum shows National Naval Medical Center as the first subcomponent under BUMED.

In partially granting my appeal, Mr. Lattin released Walter Reed's FY 2012 Annual FOIA Report submission to BUMED that Walter Reed had forwarded as an attachment to BUMED in an October 01, 2012 3:09PM email. BUMED had the records all along.

I thought then, and still believe, that WRNMMC, BUMED, DON FOIA/PA, DHA did not want me to have those records. Why? These records are required by DOJ to be made publicly available, allowing requsters to see how – or even if – their requests and appeals are being reported to the Attorney General of the United States. Accurate reporting is the cornerstone of accountability.

Also, in my appeal package, you will find discussion relating to an appeal of a FOIA request that Walter Reed had improperly denied claiming that I had not offered to pay, even though the request clearly offers to pay $200. By that unethical action any FOIA request could be denied. DON JAG sustained the appeal. Ms. Patterson interjected that matter into her letter.

Through OGIS, I sought only the basis of denial of that request as DON JAG and Walter Reed had reported it in their Annual FOIA Reports. Rather than answer that question, Mr. Lattin proclaimed that he was prepared to defend his decision in court. I felt that response was arrogant. DON JAG ultimately conceded that I "was improperly advised," but did not disclose the basis for denial. Long story short, I sought DON JAG's Appeals Processing Log via FOIA, which, although heavily and improperly redacted, shows that DON JAG had not reported that appeal denial along with others. As I recall, there is a critical performance element for Mr. Lattin's position related to the accuracy of the FOIA/Appeals Logs.

In over 40 years of serving DOD, it is my experience that by-in-large, FOIA/Privacy Officers are good and decent people trying to do a good job. Decisions are typically made by management, following legal review, sometimes placing those at the bottom rung, leadership and the Department in peril.

When will this all end? What will it take? These are easy audits.

In my view, integrity matters; accountability begins at the top; leadership is key.

This is a DOD matter.

I am asking for your help.

That said, I am open to considering timely, reasonable mediation with DOD regarding some records that I am currently seeking.

Thank you.

With my deep respect,

Robert Hammond

In a message dated 9/28/2017 3:33:45 PM Eastern Standard Time, (b) (6) [redacted] @aol.com writes:

Dear Vice Admiral Faison, Rear Admiral Moulton, Ms. Chung, Ms. Allard,

With deep respect, please see the email below that I received today. From the perspective of the accuracy and integrity of BUMED, DON JAG, DON FOIA processes and reporting through DOD to the Attorney General of the United States - not good. Potentially premeditated. Gets worse.

I have similar concerns regarding the accuracy and integrity of BUMED/DON Privacy Act reporting through DOD to Congress.

Please address this as to the accuracy and integrity of the BUMED/DON FOIA process and reporting of this Request/Appeal and whether or not there is willful false reporting plus an attempt to cover up same. DOD has all records contained in my appeal, along with the DON JAG reply, which I may address later. Ugly.

Ms, Chung, Ms. Allard, this is a DoD matter. I will greatly appreciate knowing your findings.

With my deep respect,

Robert Hammond

CC: Multiple

From: (b) (6) [redacted] @navy.mil < Caution-mailto (b) (6) [redacted] @navy.mil >
To: (b) (6) [redacted] @aol.com < Caution-mailto: (b) (6) [redacted] @aol.com >
Sent: 9/28/2017 8:56:33 AM Eastern Standard Time
Subject: FOIA Fee Waiver Disposition Reached for DON-NAVY-2016-000246

Your request for Fee Waiver for the FOIA request DON-NAVY-2016-000246 has been partially granted with $ 0.0 waived. Additional details for this request are as follows:

* Request Created on: 10/14/2015
* Fee Waiver Disposition Reason: This request is a partial grant and part denied

* Request Long Description: THIS IS AN APPEAL, NOT A FOIA REQUEST. I am appealing my FOIA request of September 14, 2014 to BUMED (which is shown at page 12 of the attached PDF) seeking the Walter Reed National Military Medical Center (WRNMMC) Fiscal Year 2012 Annual FOIA Report Submission. Basis for Appeal. This request remains open and unanswered, and I have not been provided an FY 2014 case tracking number. Despite factually inaccurate assertions by Ms. Patterson in the attachment, BUMED has not provided a reply to this FOIA request, nor has there been any letter of referral to Walter Reed National Military Medical Center. No responsive documents have been provided. I am further asserting that my FOIA request was not included in the DON FY 2014 Annual FOIA Report Submission to the Attorney General, nor has it been included in the FY 2015 submission. As shown in the attachment, DON is aware that this FOIA request has not been included in its Annual FOIA Report submission. Please address this matter in your response to my appeal.

CLASSIFICATION: UNCLASSIFIED

Garcia, Della W CIV USN BUMED FCH VA (US)

(b) (5)

-----Original Message-----
From: (b) (6) [redacted] @aol.com [mailto:(b) (6) [redacted] @aol.com]
Sent: Saturday, September 30, 2017 8:46 AM
To: Bono, Raquel C VADM USN DHA (US); Faison, C Forrest (Forrest) VADM USN BUMED FCH VA (US); Moulton, Terry J RADM USN BUMED FCH VA (US); Chung, Joo Y SES OSD ODCMO (US); Allard, Cindy L CIV OSD ODCMO (US)
Cc: Tillotson, David III SES OSD ODCMO (US); Bono, Raquel C VADM USN DHA (US);(b) (6) [redacted] @mail.mil; (b) (6) [redacted] @med.navy.mil;(b) (6) [redacted] @mail.mil; (b) (6) [redacted] @mail.mil; voiceofthecustomer@dha.mil; (b) (6) [redacted] @dha.mil
Subject: [Non-DoD Source] Re: BUMED False Reaporting? FOIA Fee Waiver Disposition Reached for DON-NAVY-2016-000246

All active links contained in this email were disabled. Please verify the identity of the sender, and confirm the authenticity of all links contained within the message prior to copying and pasting the address to a Web browser.

Dear Vice Admiral Faison, Vice Admiral Bono, Rear Admiral Moulton, Ms. Chung, Ms. Allard,

As a point of clarification, the accuracy of reporting to this request was not resolved by the administrative appeal below. Perhaps it will be accurately documented now.

In his November 16, 2015 final determination letter, Mr. Grant E. Lattin, DON JAG, stated, "You appeal the non-response of the Navy Bureau of Medicine and Surgery (BUMED) to your September 21, 2014 request for all information they received from Walter Reed National Military Medical Center (WRNMMC) with regard to the Fiscal Year 2012 FOIA Report...BUMED was not able to locate a response to your September 21, 2014 request."

Regarding, whether or not my FOIA Request had been reported and entered into previous Fiscal Year Reports or if such reports should be amended, Mr. Lattin, stated that no action would be taken... that I had no right to ask... that the agency had no requirement to respond.

This followed a 7 Jan 15 letter (Ser DNS-36JP/15U105010), from Ms. Robin L. Paterson (OPNAV DNS 36 (DON FOIA/PA)) - that included BUMED, DHA, Walter Reed, Defense FOIA Policy Office - in which Ms. Patterson states, "BUMED indicated that their offices have no record of a FOIA Annual Report submission from WRNMMC since Fiscal Year 2009."

In doubt, I sought through FOIA and obtained from Ms. Patterson, the "Fiscal Year 2012 Subcomponent/Component or Agency" addendum supporting her FY 2012 Annual Report. That addendum shows National Naval Medical Center as the first subcomponent under BUMED.

In partially granting my appeal, Mr. Lattin released Walter Reed's FY 2012 Annual FOIA Report submission to BUMED that Walter Reed had forwarded as an attachment to BUMED in an October 01, 2012 3:09PM email. BUMED had the records all along.

I thought then, and still believe, that WRNMMC, BUMED, DON FOIA/PA, DHA did not want me to have those records. Why? These records are required by DOJ to be made publicly available, allowing requsters to see how – or even if – their requests and appeals are being reported to the Attorney General of the United States. Accurate reporting is the cornerstone of accountability.

Also, in my appeal package, you will find discussion relating to an appeal of a FOIA request that Walter Reed had improperly denied claiming that I had not offered to pay, even though the request clearly offers to pay $200. By that unethical action any FOIA request could be denied. DON JAG sustained the appeal. Ms. Patterson interjected that matter into her letter.

Through OGIS, I sought only the basis of denial of that request as DON JAG and Walter Reed had reported it in their Annual FOIA Reports. Rather than answer that question, Mr. Lattin proclaimed that he was prepared to defend his decision in court. I felt that response was arrogant. DON JAG ultimately conceded that I "was improperly advised," but did not disclose the basis for denial. Long story short, I sought DON JAG's Appeals Processing Log via FOIA, which, although heavily and improperly redacted, shows that DON JAG had not reported that appeal denial along with others. As I recall, there is a critical performance element for Mr. Lattin's position related to the accuracy of the FOIA/Appeals Logs.

In over 40 years of serving DOD, it is my experience that by-in-large, FOIA/Privacy Officers are good and decent people trying to do a good job. Decisions are typically made by management, following legal review, sometimes placing those at the bottom rung, leadership and the Department in peril.

When will this all end? What will it take? These are easy audits.

In my view, integrity matters; accountability begins at the top; leadership is key.

This is a DOD matter.

I am asking for your help.

That said, I am open to considering timely, reasonable mediation with DOD regarding some records that I am currently seeking.

Thank you.

With my deep respect,

Robert Hammond

In a message dated 9/28/2017 3:33:45 PM Eastern Standard Time, (b) (6) [redacted] @aol.com writes:

Dear Vice Admiral Faison, Rear Admiral Moulton, Ms. Chung, Ms. Allard,

With deep respect, please see the email below that I received today. From the perspective of the accuracy and integrity of BUMED, DON JAG, DON FOIA processes and reporting through DOD to the Attorney General of the United States - not good. Potentially premeditated. Gets worse.

I have similar concerns regarding the accuracy and integrity of BUMED/DON Privacy Act reporting through DOD to Congress.

Please address this as to the accuracy and integrity of the BUMED/DON FOIA process and reporting of this Request/Appeal and whether or not there is willful false reporting plus an attempt to cover up same. DOD has all records contained in my appeal, along with the DON JAG reply, which I may address later. Ugly.

Ms, Chung, Ms. Allard, this is a DoD matter. I will greatly appreciate knowing your findings.

With my deep respect,

Robert Hammond

CC: Multiple

From: (b) (6) [redacted] @navy.mil < Caution-mailto (b) (6) [redacted] @navy.mil >
To: (b) (6) [redacted] @aol.com < Caution-mailto: (b) (6) [redacted] @aol.com >
Sent: 9/28/2017 8:56:33 AM Eastern Standard Time
Subject: FOIA Fee Waiver Disposition Reached for DON-NAVY-2016-000246

Your request for Fee Waiver for the FOIA request DON-NAVY-2016-000246 has been partially granted with $ 0.0 waived. Additional details for this request are as follows:

* Request Created on: 10/14/2015
* Fee Waiver Disposition Reason: This request is a partial grant and part denied
* Request Long Description: THIS IS AN APPEAL, NOT A FOIA REQUEST. I am appealing my FOIA request of September 14, 2014 to BUMED (which is shown at page 12 of the attached PDF) seeking the Walter Reed National Military Medical Center (WRNMMC) Fiscal Year 2012 Annual FOIA Report Submission. Basis for Appeal. This request remains open and unanswered, and I have not been provided an FY 2014 case tracking number. Despite factually inaccurate assertions by Ms. Patterson in the attachment, BUMED has not provided a reply to this FOIA request, nor has there been any letter of referral to Walter Reed National Military Medical Center. No responsive documents have been provided. I am further asserting that my FOIA request was not included in the DON FY 2014 Annual FOIA Report Submission to the Attorney General, nor has it been included in the FY 2015 submission. As shown in the attachment, DON is aware that this FOIA request has not been included in its Annual FOIA Report submission. Please address this matter in your response to my appeal.

Garcia, Della W CIV USN BUMED FCH VA (US)

(b) (5)

-----Original Message-----
From: (b) (6) [redacted] @aol.com [mailto (b) (6) [redacted] @aol.com]
Sent: Thursday, September 28, 2017 3:34 PM
To: Faison, C Forrest (Forrest) VADM USN BUMED FCH VA (US); Moulton, Terry J RADM USN BUMED FCH VA (US); Chung, Joo Y SES OSD ODCMO (US); Allard, Cindy L CIV OSD ODCMO (US)
Cc: Tillotson, David III SES OSD ODCMO (US); Bono, Raquel C VADM USN DHA (US); (b) (6) [redacted] @mail.mil; (b) (6) [redacted] @dha.mil; (b) (6) [redacted] @med.navy.mil (b) (6) [redacted] @mail.mil; (b) (6) [redacted] @mail.mil; voiceofthecustomer@dha.mil
Subject: [Non-DoD Source] BUMED False Reaporting? FOIA Fee Waiver Disposition Reached for DON-NAVY-2016-000246

Dear Vice Admiral Faison, Rear Admiral Moulton, Ms. Chung, Ms. Allard,

With deep respect, please see the email below that I received today. From the perspective of the accuracy and integrity of BUMED, DON JAG, DON FOIA processes and reporting through DOD to the Attorney General of the United States - not good. Potentially premeditated. Gets worse.

I have similar concerns regarding the accuracy and integrity of BUMED/DON Privacy Act reporting through DOD to Congress.

Please address this as to the accuracy and integrity of the BUMED/DON FOIA process and reporting of this Request/Appeal and whether or not there is willful false reporting plus an attempt to cover up same. DOD has all records contained in my appeal, along with the DON JAG reply, which I may address later. Ugly.

Ms, Chung, Ms. Allard, this is a DoD matter. I will greatly appreciate knowing your findings.

With my deep respect,

Robert Hammond

CC: Multiple

From: (b) (6) @navy.mil
To: (b) (6) @aol.com
Sent: 9/28/2017 8:56:33 AM Eastern Standard Time
Subject: FOIA Fee Waiver Disposition Reached for DON-NAVY-2016-000246

Your request for Fee Waiver for the FOIA request DON-NAVY-2016-000246 has been partially granted with $ 0.0 waived. Additional details for this request are as follows:

* Request Created on: 10/14/2015
* Fee Waiver Disposition Reason: This request is a partial grant and part denied
* Request Long Description: THIS IS AN APPEAL, NOT A FOIA REQUEST. I am appealing my FOIA request of September 14, 2014 to BUMED (which is shown at page 12 of the attached PDF) seeking the Walter Reed National Military Medical Center (WRNMMC) Fiscal Year 2012 Annual FOIA Report Submission. Basis for Appeal. This request remains open and unanswered, and I have not been provided an FY 2014 case tracking number. Despite factually inaccurate assertions by Ms. Patterson in the attachment, BUMED has not provided a reply to this FOIA request, nor has there been any letter of referral to Walter Reed National Military Medical Center. No responsive documents have been provided. I am further asserting that my FOIA request was not included in the DON FY 2014 Annual FOIA Report Submission to the Attorney General, nor has it been included in the FY 2015 submission. As shown in the attachment, DON is aware that this FOIA request has not been included in its Annual FOIA Report submission. Please address this matter in your response to my appeal.

Garcia, Della W CIV USN BUMED FCH VA (US)

(b) (5)

(b) (5)

(b) (5)

(b) (5)

(b) (5)

Garcia, Della W CIV USN BUMED FCH VA (US)

(b) (5)

From: foia@erulemaking.net
To: (b) (6) [redacted] LT,OJAG, Code 14
Subject: FOIA Assignment for DON-NAVY-2016-000246
Date: Thursday, October 15, 2015 2:25:03 PM

You have been assigned to the FOIA request DON-NAVY-2016-000246. Additional details for this request are as follows:

* Assigned By: (b) (6) [redacted]
* Request Tracking Number: DON-NAVY-2016-000246
* Due Date: N/A
* Requester: robert hammond
* Request Track: Simple
* Short Description: Submits appeal due to IDA, BUMED'S non response to his IR for 2012 Annual Report
* Long Description: THIS IS AN APPEAL, NOT A FOIA REQUEST. I am appealing my FOIA request of September 14, 2014 to BUMED (which is shown at pate 12 of the attached PDF) seeking the Walter Reed National Military Medical Center (WRNMMC) Fiscal Year 2012 Annual FOIA Report Submission. Basis for Appeal. This request remains open and unanswered, and I have not been provided an FY 2014 case tracking number. Despite factually inaccurate assertions by Ms. Patterson in the attachment, BUMED has not provided a reply to this FOIA request, nor has there been any letter of referral to Walter Reed National Military Medical Center. No responsive documents have been provided. I am further asserting that my FOIA request was not included in the DON FY 2014 Annual FOIA Report Submission to the Attorney General, nor has it been included in the FY2015 submission. As shown in the attachment, DON is aware that this FOIA request has not been included in its Annual FOIA Report submission. Please address this matter in your response to my appeal.

Garcia, Della W CIV USN BUMED FCH VA (US)

From: Garcia, Della W CIV (US)
Sent: Friday, December 12, 2014 8:45 AM
To: (b) (6) [redacted] CTR OPNAV, DNS-36
Subject: RE: Hammond

Thanks so much for the letter. I'm waiting on my boss to review it--I should get back with you today-Monday latest. Thanks. v/r Della

Della W. Garcia
FOIA/PA Paralegal Specialist
Bureau of Medicine and Surgery
2300 E Street NW (M00JE)
Washington, DC 20372-5300

DSN (b) (6) [redacted]
COMM (b) (6) [redacted]
Fax (202) 762 3092

(b) (6) [redacted] @med.navy.mil

This document may contain information covered under the Privacy Act, 5 USC 552(a), Health Insurance Portability and Accountability Act, Public Law 104-191, and DoD Directive 6025.18. It must be protected in accordance with those provisions.

-----Original Message-----
From: (b) (6) [redacted] CTR OPNAV, DNS-36
[mailto (b) (6) [redacted] @navy.mil]
Sent: Thursday, December 11, 2014 4:27 PM
To: Garcia, Della W CIV (US)
Subject: Re: Hammond

Della,

Robin asked me to run the attached letter draft by you before we move forward. If there's anything you think should be added, removed, or changed, don't hesitate to ask.

V/r,

(b) (6) [redacted]

Garcia, Della W CIV USN BUMED FCH VA (US)

(b) (5)

(b) (5)

Garcia, Della W CIV USN BUMED FCH VA (US)

(b) (5)

(b) (5)

Garcia, Della W CIV USN BUMED FCH VA (US)

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Garcia, Della W CIV USN BUMED FCH VA (US)

(b) (5)

(b) (5)

(b) (5)

Garcia, Della W CIV USN BUMED FCH VA (US)

(b) (5)

(b) (5)

From: foia@erulemaking.net
To: (b) (6) [redacted] LT OJAG, Code 14
Subject: FOIA Assignment for DON-NAVY-2016-000246
Date: Thursday, October 15, 2015 2:25:03 PM

You have been assigned to the FOIA request DON-NAVY-2016-000246. Additional details for this request are as follows:

* Assigned By: Douglas Lipe
* Request Tracking Number: DON-NAVY-2016-000246
* Due Date: N/A
* Requester: robert hammond
* Request Track: Simple
* Short Description: Submits appeal due to IDA, BUMED'S non response to his IR for 2012 Annual Report
* Long Description: THIS IS AN APPEAL, NOT A FOIA REQUEST. I am appealing my FOIA request of September 14, 2014 to BUMED (which is shown at pate 12 of the attached PDF) seeking the Walter Reed National Military Medical Center (WRNMMC) Fiscal Year 2012 Annual FOIA Report Submission. Basis for Appeal. This request remains open and unanswered, and I have not been provided an FY 2014 case tracking number. Despite factually inaccurate assertions by Ms. Patterson in the attachment, BUMED has not provided a reply to this FOIA request, nor has there been any letter of referral to Walter Reed National Military Medical Center. No responsive documents have been provided. I am further asserting that my FOIA request was not included in the DON FY 2014 Annual FOIA Report Submission to the Attorney General, nor has it been included in the FY2015 submission. As shown in the attachment, DON is aware that this FOIA request has not been included in its Annual FOIA Report submission. Please address this matter in your response to my appeal.

Garcia, Della W CIV USN BUMED FCH VA (US)

(b) (5)

(b) (5)

-----Original Message-----
From: Winston, Wendy A CIV OJAG, CODE 14
Sent: Tuesday, September 15, 2015 9:42 AM
To: Patterson, Robin L CIV OPNAV, DNS-36; Strong, Richard R CIV OPNAV, DNS-3; (b) (6) CIV OPNAV, DNS-36L
Cc: (b) (6) LT OJAG, Code 14
Subject: FOIA Appeal ICO Hammond DON-NAVY-2015-008860

Good Morning,

We received a FOIA appeal from Mr. Robert Hammond via FOIA online on 30 Aug 2015, original request number DON-NAVY-2015-007691. Could you please provide to us, by 18 Sept 2015, I apologize for the short notice.

1) A brief memo explaining the description of the search conducted.
2) A copy of any correspondence between your command and the requester (both emails and written correspondence).

Thank you and have a great day!

Very respectfully,

Wendy A. Winston
Office of the Judge Advocate General
General Litigation Division (Code 14)
1322 Patterson Avenue, SE, STE 3000
Washington Navy Yard, DC 20374
TEL: (b) (6)
DSN

5720
Ser M00J-SJA/14UM00J0069
15 Apr 14

(b) (5)

5720
Ser M00J-SJA/14UM00J0069
15 Apr 14

(b) (5)

Garcia, Della W CIV USN BUMED FCH VA (US)

From: Garcia, Della W. CIV BUMED
Sent: Wednesday, December 03, 2014 10:21 AM
To: (b) (6) CTR OPNAV, DNS-36
Cc: Patterson, Robin L CIV OPNAV, DNS-36
Subject: Hammonds
Attachments: RE: FOIA Request – WRNMMC Fiscal Year 2012 Annual FOIA Report Submission (17.9 KB); FW: FOIA Request – WRNMMC Fiscal Year 2012 Annual FOIA Report Submission (13.4 KB); RE: FOIA Request – WRNMMC Fiscal Year 2012 Annual FOIA Report Submission (14.4 KB); RE: FOIA Request – WRNMMC Fiscal Year 2012 Annual FOIA Report Submission (14.4 KB); RE: FOIA Request - WRNMMC Fiscal Year 2012 Annual FOIA Report Submission (10.7 KB); RE: FOIA Request - WRNMMC Fiscal Year 2012 Annual FOIA Report Submission (10.7 KB); RE: FOIA Request - WRNMMC Fiscal Year 2012 Annual FOIA Report Submission (11.4 KB); RE: FOIA Request - WRNMMC Fiscal Year 2012 Annual FOIA Report Submission (11.4 KB); RE: FOIA Request – WRNMMC Fiscal Year 2012 Annual FOIA Report Submission (16.2 KB); RE: FOIA Request – WRNMMC Fiscal Year 2012 Annual FOIA Report Submission (16.2 KB); RE: FOIA Request – WRNMMC Fiscal Year 2012 Annual FOIA Report Submission (17.9 KB); FW: FOIA Request – WRNMMC Fiscal Year 2012 Annual FOIA Report Submission (13.8 KB)

Garcia, Della W CIV USN BUMED FCH VA (US)

From: Julka, Christopher A CIV DON, CIO <christopher.a.julka@navy.mil>
Sent: Tuesday, November 25, 2014 11:13 AM
To: (b) (6) [redacted] CDR BUMED
Cc: DONFOIA-PA; BUMED - FOIA; Muck, Steve CIV SECNAV, DON CIO; (b) (6) [redacted] @aol.com; DON FOIA Public Liaison; Garcia, Della W. CIV BUMED
Subject: RE: FOIA Request – WRNMMC Fiscal Year 2012 Annual FOIA Report Submission

CDR (b) (6) [redacted]

Excellent news. If there is any way in which might assist, please let me know.

Christopher Julka
Department of Navy Chief Information Office
Policy Lead and FOIA Public Liaison
christopher.a.julka@navy.mil

-----Original Message-----
From: (b) (6) [redacted] CDR BUMED [mailto: (b) (6) [redacted] @med.navy.mil]
Sent: Tuesday, November 25, 2014 10:37 AM
To: Julka, Christopher A CIV DON, CIO
Cc: DONFOIA-PA; BUMED - FOIA; Muck, Steve CIV SECNAV, DON CIO; (b) (6) [redacted] @aol.com; DON FOIA Public Liaison; Garcia, Della
Subject: RE: FOIA Request – WRNMMC Fiscal Year 2012 Annual FOIA Report Submission

Mr. Julka,

I have just returned from leave and will ensure our office responds to Mr. Hammond. I spoke with our FOIA Paralegal, Ms. Garcia - we had not realized Mr. Hammond was submitting a new FOIA request specifically for Walter Reed National Military Medical Center (WRNMMC) FY 2012 Annual Freedom of Information Act Report submission to BUMED.

V/r, CDR (b) (6) [redacted]

CDR (b) (6) [redacted] JAGC, USN
Staff Judge Advocate (M00J)
Bureau of Medicine and Surgery
DHHQ 1NW243
7700 Arlington Blvd. Ste (b) (6) [redacted]
Falls Church, VA 22042-5124
Phone: (b) (6) [redacted]

CONFIDENTIALITY NOTICE
This e-mail and any attachments thereto, are intended only for use by the addressee(s) named herein and may contain legally privileged and/or confidential information. If you are not the intended recipient of this e-mail, you are hereby notified any dissemination, distribution or copying of this e-mail, and any attachments thereto, is strictly prohibited. If you receive this e-mail in error, please immediately notify me and permanently delete the original copy and any other copy of the e-mail, and any printout

thereof.

"Ethics only have meaning when converted to direct, decisive action."
-Chiang Kai-shek

-----Original Message-----
From: Julka, Christopher A CIV DON, CIO [mailto:christopher.a.julka@navy.mil]
Sent: Wednesday, November 19, 2014 11:08 AM
To: (b) (6) [redacted] @aol.com; DON FOIA Public Liaison; Garcia, Della W. CIV BUMED
Cc: (b) (6) [redacted] CDR BUMED; DONFOIA-PA; BUMED - FOIA; Muck, Steve CIV SECNAV, DON CIO
Subject: RE: FOIA Request – WRNMMC Fiscal Year 2012 Annual FOIA Report Submission

Sir,

I have searched FOIAonline, the Department of the Navy's central service for the processing of requests under the FOIA (which is located on the Internet at https://foiaonline.regulations.gov/foia), but have not found any request under your name listed as having been submitted on September 21, 2014.

Has anyone on this thread seen this request? Please respond yes or no.

Christopher Julka
Department of Navy Chief Information Office
Policy Lead and FOIA Public Liaison
christopher.a.julka@navy.mil

-----Original Message-----
From: (b) (6) [redacted] @aol.com [mailto (b) (6) [redacted] @aol.com]
Sent: Wednesday, November 19, 2014 7:11 AM
To: Julka, Christopher A CIV DON, CIO; DON FOIA Public Liaison; Garcia, Della
Cc: (b) (6) [redacted]; DONFOIA-PA; BUMED.FOIA@med.navy.mil; Muck, Steve CIV SECNAV, DON CIO
Subject: Re: FOIA Request – WRNMMC Fiscal Year 2012 Annual FOIA Report Submission

Dear Mr. Julka,

Please see my reply to this question of Monday, November 10, 2014 3:22 PM In that June 21, 2014 FOIA request that you referenced, I sought FY 2013 FOIA reports. While the BUMED reply did not meet my expectations, I did not appeal. The request below, which was submitted at 9/21/2014 9:14:07 A.M, seeks the Walter Reed National Military Medical Center (WRNMMC) FY 2012 Annual Freedom of Information Act Report submission to BUMED. It is a different FOIA request:

I went directly to the BUMED FOIA Office to file that FOIA request, just as I did with my earlier request to them. BUMED should have reported this request as open in their FY 2014 Annual FOIA Report to Congress.

Are you able to assist as the liaison in helping me to get a tracking number and a reply to this second FOIA request?

With my respect,

Robert Hammond

In a message dated 11/12/2014 1:48:00 P.M. Eastern Standard Time, christopher.a.julka@navy.mil writes:

Mr. Hammond,

FOIAonline, the website that serves as the main FOIA-request processing service for the Department of the Navy (its URL is https://foiaonline.regulations.gov), indicates that on June 21, 2014 a Mr. Robert Hammond submitted a FOIA request to BUMED for its annual FOIA report, that this request received a tracking number of DON-NAVY-2014-009065, that the request was fully satisfied on July 16, 2014, and that the request was closed with a final disposition notice on August 26, 2014. Do these dates, or at least some of these dates, sound correct to you?

Does anyone else on this email thread have any additional information pertaining to this request?

Respectfully,
Christopher Julka
Department of Navy Chief Information Office
Policy Lead and FOIA Public Liaison
christopher.a.julka@navy.mil

-----Original Message-----
From: (b) (6) [redacted] @aol.com [mailto: (b) (6) [redacted] @aol.com]
Sent: Monday, November 10, 2014 5:57 AM
To: Garcia, Della ; DON FOIA Public Liaison
Cc: (b) (6) [redacted] ; DONFOIA-PA; BUMED.FOIA@med.navy.mil; (b) (6) [redacted] @aol.com; Muck, Steve CIV SECNAV, DON CIO
Subject: Re: FOIA Request – WRNMMC Fiscal Year 2012 Annual FOIA Report Submission

Dear DON FOIA Liaison,

I am requesting your assistance in obtaining a tracking number, the URL where I may request status, and a reply from BUMED for this aged FOIA request. This request has exceeded the statutory and regulatory time for reply.

Thank you for your assistance.

With my respect,

Robert Hammond

In a message dated 10/28/2014 4:21:35 A.M. Eastern Standard Time, (b) (6) [redacted] @aol.com writes:

Dear Ms. Garcia,

Please provide me the tracking number and status of this FOIA request, along with the URL of the website where I may track status. This request is quite old. Please provide you reply promptly.

With my respect,

Robert Hammond

In a message dated 9/21/2014 9:14:07 A.M. Eastern Daylight Time, (b) (6) @aol.com writes:

Robert Hammond
(b) (6)

(b) (6) @aol.com

September 21, 2014

Della W. Garcia, FOIA/PA Paralegal Specialist
Bureau of Medicine and Surgery
Medical-Legal Affairs Office
7700 Arlington Blvd Ste (b) (6)
Falls Church, VA 22042-5124

Subject: FOIA Request – Walter Reed National Military Medical Center (WRNMMC) Fiscal Year 2012 Annual FOIA Report Submission

References: (a) Joint publication of U.S. Department of Justice, Executive Office of the President and U.S. General Services Administration of July 2011, "Your Right to Federal Records" at http://publications.usa.gov/USAPubs.php?PubID=6080 <http://publications.usa.gov/USAPubs.php?PubID=6080>

(b) DoD 5400.11-R, May 14, 2007, Department of Defense Privacy Program

(c) DoD 5400.7-R, September 1998, DoD Freedom of Information Act (FOIA) Program

(d) DoD 6025.18-R, Jan. 24, 2003, DoD Health Information Privacy Regulation

Dear Ms. Garcia,

I under submitting this request under the Freedom of Information Act, U.S.C. subsection 522. I agree to pay fees for searching or copying the records up to $100. If the fees exceed this amount please advise me of the cost. I am a private citizen seeking this information. I do not believe that there should be any charge for providing these records.

If you deny all or any part of this request, please cite each specific exemption you think justifies your refusal to release the information and notify me of appeal procedures available under the law.

Please include a copy of this request in your reply. This request letter is an agency record and providing a copy of this request is an integral part of my FOIA request.

The requested format is Adobe PDF. Formal reply by email is acceptable.

Background: The Freedom of Information Act Requires an annual report. The overarching guidance for DoD is found in DoD 5400.7-R, September 1998, which states:

C7.1. REPORTS CONTROL

C7.1.1. General.

C7.1.1.1. The Annual Freedom of Information Act Report is mandated by the statute and reported on a fiscal year basis. Due to the magnitude of the requested

statistics and the need to ensure accuracy of reporting, DoD Components shall track this data as requests are processed. This will also facilitate a quick and accurate compilation of statistics. DoD Components shall forward their report to the Directorate for Freedom of Information and Security Review no later than November 30 following the fiscal year's close.

(Intervening text omitted)

C7.1.2.5.4. Accuracy of Calculations. Components must ensure the accuracy of calculations. As backup, the raw data used to perform calculations

should be recorded and preserved. This will enable recalculation of median [and mean values] as necessary. Components may require subordinate elements to

forward raw data, as deemed necessary and appropriate.

I am requesting a copy of the WRNMMC FY 2012 Annual Freedom of Information Act Report submissions to you as it was received in your office. This includes the incoming correspondence, all enclosures and any raw data. The

Department of Navy web site at
https://foia.navy.mil/foia/webdoc01.nsf/(vwDocsByID)/DL120718122927/$file/2012%20Agency%20Components%20and%20Subcomponents-addresses.pdf
<https://foia.navy.mil/foia/webdoc01.nsf/(vwDocsByID)/DL120718122927/$file/2012%20Agency%20Components%20and%20Subcomponents-addresses.pdf> shows WRNMMC as a command reporting to you, and you similarly reflect that in your 2012 submission to your higher headquarters shown on your website.

Please note that I am not asking for your consolidated report; I am asking for all documents related to the WRNMMC submission to you. The fact that you include your submission to your higher headquarters on your public website means that there can be no basis for denial of a subordinate command submission to you for your for further consolidation.

Reference (a) states that for requests 'that will require more than ten days for the agency to process the FOIA requires agencies to assign a tracking number to your request. Each agency must provide a telephone number or website by which a requester can use the assigned tracking number to obtain information about the status of a pending request." DoD 5400.11-R, May 14, 2007, paragraph C3.1.1O. states: "Time Limits. "DoD Components normally shall provide access within 20 working days after receipt of the request. If access cannot be given within the 20 working day period, the requester shall be notified in an interim response." Please provide me a tracking number for this request.

Your timely reply to my request will be greatly appreciated. Thank you in advance.

With my respect,

Robert Hammond

Garcia, Della W CIV USN BUMED FCH VA (US)

From: Julka, Christopher A CIV DON, CIO <christopher.a.julka@navy.mil>
Sent: Monday, November 10, 2014 2:10 PM
To: DON FOIA Public Liaison; (b) (6) [redacted]@aol.com; Garcia, Della W. CIV BUMED
Cc: (b) (6) [redacted] CDR BUMED; DONFOIA-PA; BUMED - FOIA; Muck, Steve CIV SECNAV, DON CIO
Subject: RE: FOIA Request -- WRNMMC Fiscal Year 2012 Annual FOIA Report Submission

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Does anyone else on this email thread have any additional information pertaining to this request?

Respectfully,
Christopher Julka
Department of Navy Chief Information Office
Policy Lead and FOIA Public Liaison
christopher.a.julka@navy.mil

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Sent: Monday, November 10, 2014 5:57 AM
To: Garcia, Della ; DON FOIA Public Liaison
Cc: (b) (6) [redacted]; DONFOIA-PA; BUMED.FOIA@med.navy.mil; (b) (6) [redacted]@aol.com; Muck, Steve CIV SECNAV, DON CIO
Subject: Re: FOIA Request – WRNMMC Fiscal Year 2012 Annual FOIA Report Submission

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September 21, 2014

Della W. Garcia, FOIA/PA Paralegal Specialist
Bureau of Medicine and Surgery
Medical-Legal Affairs Office
7700 Arlington Blvd Ste (b) (6)
Falls Church, VA 22042-5124

Subject: FOIA Request – Walter Reed National Military Medical Center (WRNMMC) Fiscal Year 2012 Annual FOIA Report Submission

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Robert Hammond

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Sent: Wednesday, November 12, 2014 8:08 AM
To: (b) (6) @aol.com; DON FOIA Public Liaison; Garcia, Della W. CIV BUMED
Cc: (b) (6) CDR BUMED; DONFOIA-PA; BUMED - FOIA; Muck, Steve CIV SECNAV, DON CIO
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Julka

Garcia, Della W CIV USN BUMED FCH VA (US)

From: Julka, Christopher A CIV DON, CIO <christopher.a.julka@navy.mil>
Sent: Tuesday, October 28, 2014 10:38 AM
To: Garcia, Della W. CIV BUMED
Subject: FW: FOIA Request – WRNMMC Fiscal Year 2012 Annual FOIA Report Submission

Ms. Garcia,

I am the DON FOIA Public Liaison. Please copy me on your response to Mr. Hammond below. In checking FOIAonline, I was unable to identify which request he was referring to.

Christopher Julka
Department of Navy Chief Information Office
Policy Lead and FOIA Public Liaison
christopher.a.julka@navy.mil
(703) 697-0031

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September 21, 2014

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Reference (a) states that for requests 'that will require more than ten days for the agency to process the FOIA requires agencies to assign a tracking number to your request. Each agency must provide a telephone number or website by which a requester can use the assigned tracking number to obtain information about the status of a pending request." DoD 5400.11-R, May 14, 2007, paragraph C3.1.1O. states: "Time Limits. "DoD Components normally shall provide access within 20 working days after receipt of the request. If access cannot be given within the 20 working day period, the requester shall be notified in an interim response." Please provide me a tracking number for this request.

Your timely reply to my request will be greatly appreciated. Thank you in advance.

With my respect,

Robert Hammond

Garcia, Della W CIV USN BUMED FCH VA (US)

From: Julka, Christopher A CIV DON, CIO <christopher.a.julka@navy.mil>
Sent: Monday, November 10, 2014 3:35 PM
To: (b) (6) [redacted]@aol.com; DON FOIA Public Liaison; Garcia, Della W. CIV BUMED
Cc: (b) (6) [redacted] CDR BUMED; DONFOIA-PA; BUMED - FOIA; Muck, Steve CIV SECNAV, DON CIO
Subject: RE: FOIA Request - WRNMMC Fiscal Year 2012 Annual FOIA Report Submission

Mr. Hammond,

You are quite welcome.

Unfortunately, I have found no reference to a request filed by yourself as recent as 9/21/2014.

Did you file this request on FOIAonline? If you have not, I recommend doing so. This is the Department of the Navy's new, centralized service for responding to FOIA requests on-line. It is located at https://foiaonline.regulations.gov/; or simply conduct a Google search for "FOIAonline." Since FOIAonline automatically assigns tracking numbers and is open to immediate inspection by the entire Navy and public, it is the most effective way to ensure that every request is tracked.

Respectfully,
Christopher Julka
Department of Navy Chief Information Office
Policy Lead and FOIA Public Liaison
christopher.a.julka@navy.mil

-----Original Message-----
From: (b) (6) [redacted]@aol.com [mailto: (b) (6) [redacted]@aol.com]
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To: Julka, Christopher A CIV DON, CIO; DON FOIA Public Liaison; Garcia, Della
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Subject: Re: FOIA Request - WRNMMC Fiscal Year 2012 Annual FOIA Report Submission

Dear Mr. Julka,

Thank you for your extremely prompt reply.

In that June 21, 2014 FOIA request that you referenced, I sought FY 2013 FOIA reports. While the BUMED reply did not meet my expectations, I did not appeal. The request below,which was submitted at 9/21/2014 9:14:07 A.M, seeks the Walter Reed National Military Medical Center (WRNMMC) FY 2012 Annual Freedom of Information Act Report submission to BUMED. It is a different FOIA request.

It is also not clear to me how or when the Navy tracking number is assigned. I have only seen Agency assigned tracking numbers, so it is not clear how I would be able to track a FOIA request that has not been answered.

Any way, any assistance that you may be able to provide me will be greatly appreciated.

I wish everyone a happy Veteran's Day and thank you for your service.in support of our military.

With my respect,

Robert Hammond

In a message dated 11/10/2014 2:10:01 P.M. Eastern Standard Time, christopher.a.julka@navy.mil writes:

Julka

Garcia, Della W CIV USN BUMED FCH VA (US)

From: Julka, Christopher A CIV DON, CIO <christopher.a.julka@navy.mil>
Sent: Wednesday, November 19, 2014 11:08 AM
To: (b) (6) [redacted]@aol.com; DON FOIA Public Liaison; Garcia, Della W. CIV BUMED
Cc: (b) (6) [redacted] CDR BUMED; DONFOIA-PA; BUMED - FOIA; Muck, Steve CIV SECNAV, DON CIO
Subject: RE: FOIA Request – WRNMMC Fiscal Year 2012 Annual FOIA Report Submission

Sir,

I have searched FOIAonline, the Department of the Navy's central service for the processing of requests under the FOIA (which is located on the Internet at https://foiaonline.regulations.gov/foia), but have not found any request under your name listed as having been submitted on September 21, 2014.

Has anyone on this thread seen this request? Please respond yes or no.

Christopher Julka
Department of Navy Chief Information Office
Policy Lead and FOIA Public Liaison
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Subject: Re: FOIA Request – WRNMMC Fiscal Year 2012 Annual FOIA Report Submission

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I went directly to the BUMED FOIA Office to file that FOIA request, just as I did with my earlier request to them. BUMED should have reported this request as open in their FY 2014 Annual FOIA Report to Congress.

Are you able to assist as the liaison in helping me to get a tracking number and a reply to this second FOIA request?

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Does anyone else on this email thread have any additional information pertaining to this request?

Respectfully,
Christopher Julka
Department of Navy Chief Information Office
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christopher.a.julka@navy.mil

-----Original Message-----
From: (b) (6) [redacted]@aol.com [mailto:(b) (6) [redacted]@aol.com]
Sent: Monday, November 10, 2014 5:57 AM
To: Garcia, Della ; DON FOIA Public Liaison
Cc: (b) (6) [redacted]; DONFOIA-PA; BUMED.FOIA@med.navy.mil; (b) (6) [redacted]@aol.com; Muck, Steve CIV SECNAV, DON CIO
Subject: Re: FOIA Request – WRNMMC Fiscal Year 2012 Annual FOIA Report Submission

Dear DON FOIA Liaison,

I am requesting your assistance in obtaining a tracking number, the URL where I may request status, and a reply from BUMED for this aged FOIA request. This request has exceeded the statutory and regulatory time for reply.

Thank you for your assistance.

With my respect,

Robert Hammond

In a message dated 10/28/2014 4:21:35 A.M. Eastern Standard Time, (b) (6) [redacted]@aol.com writes:

Dear Ms. Garcia,

Please provide me the tracking number and status of this FOIA request, along with the URL of the website where I may track status. This request is quite old. Please provide you reply promptly.

With my respect,

Robert Hammond

In a message dated 9/21/2014 9:14:07 A.M. Eastern Daylight Time, (b) (6) @aol.com writes:

Robert Hammond
(b) (6)

(b) (6) @aol.com

September 21, 2014

Della W. Garcia, FOIA/PA Paralegal Specialist
Bureau of Medicine and Surgery
Medical-Legal Affairs Office
7700 Arlington Blvd Ste (b) (6)
Falls Church, VA 22042-5124

Subject: FOIA Request – Walter Reed National Military Medical Center (WRNMMC) Fiscal Year 2012 Annual FOIA Report Submission

References: (a) Joint publication of U.S. Department of Justice, Executive Office of the President and U.S. General Services Administration of July 2011, "Your Right to Federal Records" at http://publications.usa.gov/USAPubs.php?PubID=6080 <http://publications.usa.gov/USAPubs.php?PubID=6080>

(b) DoD 5400.11-R, May 14, 2007, Department of Defense Privacy Program

(c) DoD 5400.7-R, September 1998, DoD Freedom of Information Act (FOIA) Program

(d) DoD 6025.18-R, Jan. 24, 2003, DoD Health Information Privacy Regulation

Dear Ms. Garcia,

I under submitting this request under the Freedom of Information Act, U.S.C. subsection 522. I agree to pay fees for searching or copying the records up to $100. If the fees exceed this amount please advise me of the cost. I am a private citizen seeking this information. I do not believe that there should be any charge for providing these records.

If you deny all or any part of this request, please cite each specific exemption you think justifies your refusal to release the information and notify me of appeal procedures available under the law.

Please include a copy of this request in your reply. This request letter is an agency record and providing a copy of this request is an integral part of my FOIA request.

The requested format is Adobe PDF. Formal reply by email is acceptable.

Background: The Freedom of Information Act Requires an annual report. The overarching guidance for DoD is found in DoD 5400.7-R, September 1998, which states:

C7.1. REPORTS CONTROL

C7.1.1. General.

C7.1.1.1. The Annual Freedom of Information Act Report is mandated by the statute and reported on a fiscal year basis. Due to the magnitude of the requested

statistics and the need to ensure accuracy of reporting, DoD Components shall track this data as requests are processed. This will also facilitate a quick and accurate compilation of statistics. DoD Components shall forward their report to the Directorate for Freedom of Information and Security Review no later than November 30 following the fiscal year's close.

(Intervening text omitted)

C7.1.2.5.4. Accuracy of Calculations. Components must ensure the accuracy of calculations. As backup, the raw data used to perform calculations

should be recorded and preserved. This will enable recalculation of median [and mean values] as necessary. Components may require subordinate elements to

forward raw data, as deemed necessary and appropriate.

I am requesting a copy of the WRNMMC FY 2012 Annual Freedom of Information Act Report submissions to you as it was received in your office. This includes the incoming correspondence, all enclosures and any raw data. The Department of Navy web site at
https://foia.navy.mil/foia/webdoc01.nsf/(vwDocsByID)/DL120718122927/$file/2012%20Agency%20Components%20and%20Subcomponents-addresses.pdf

<https://foia.navy.mil/foia/webdoc01.nsf/(vwDocsByID)/DL120718122927/$file/2012%20Agency%20Components%20and%20Subcomponents-addresses.pdf> shows WRNMMC as a command reporting to you, and you similarly reflect that in your 2012 submission to your higher headquarters shown on your website.

Please note that I am not asking for your consolidated report; I am asking for all documents related to the WRNMMC submission to you. The fact that you include your submission to your higher headquarters on your public website means that there can be no basis for denial of a subordinate command submission to you for your for further consolidation.

Reference (a) states that for requests 'that will require more than ten days for the agency to process the FOIA requires agencies to assign a tracking number to your request. Each agency must provide a telephone number or website by which a requester can use the assigned tracking number to obtain information about the status of a pending request." DoD 5400.11-R, May 14, 2007, paragraph C3.1.1O. states: "Time Limits. "DoD Components normally shall provide access within 20 working days after receipt of the request. If access cannot be given within the 20 working day period, the requester shall be notified in an interim response." Please provide me a tracking number for this request.

Your timely reply to my request will be greatly appreciated. Thank you in advance.

With my respect,

Robert Hammond

Garcia, Della W CIV USN BUMED FCH VA (US)

From: (b) (6) [redacted]@aol.com
Sent: Friday, November 28, 2014 5:52 AM
To: (b) (6) [redacted] CDR BUMED; christopher.a.julka@navy.mil
Cc: donfoia-pa@navy.mil; BUMED - FOIA; (b) (6) [redacted]@navy.mil; DONFOIAPublicLiaison@navy.mil; Garcia, Della W. CIV BUMED
Subject: Re: FOIA Request – WRNMMC Fiscal Year 2012 Annual FOIA Report Submission

Dear CDR (b) (6) [redacted]

Thank you for your interim reply.

Please provide me the FOIA case tracking number for this request and advise if this request has been included in your submission to the FY 2014 Annual FOIA Report to Congress. If it has not, please advise of action planned or taken to correct or amend your submission.

It is concerning that it has taken multiple follow ups to receive any reply from BUMED for what is unambiguously a new FOIA request. However, even a request that is identical in every respect requires a final response from the Agency granting or denying the request and the request must be included in the Annual FOIA Report to Congress.

Please include this email in your FOIA case file for my FOIA request.

With my respect,

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> Mr. Julka,
>
> I have just returned from leave and will ensure our office responds to Mr. Hammond. I spoke with our FOIA Paralegal, Ms. Garcia - we had not realized Mr. Hammond was submitting a new FOIA request specifically for Walter Reed National Military Medical Center (WRNMMC) FY 2012 Annual Freedom of Information Act Report submission to BUMED.
>
> V/r, CDR (b) (6) [redacted]
>
> CDR (b) (6) [redacted] JAGC, USN
> Staff Judge Advocate (M00J)
> Bureau of Medicine and Surgery
> DHHQ 1NW243
> 7700 Arlington Blvd. Ste (b) (6) [redacted]
> Falls Church, VA 22042-5124
> Phone: (b) (6) [redacted]
>
> CONFIDENTIALITY NOTICE
> This e-mail and any attachments thereto, are intended only for use by the addressee(s) named herein and may contain legally privileged and/or confidential information. If you are not the intended recipient of this

e-mail, you are hereby notified any dissemination, distribution or copying of this e-mail, and any attachments thereto, is strictly prohibited. If you receive this e-mail in error, please immediately notify me and permanently delete the original copy and any other copy of the e-mail, and any printout thereof.

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-Chiang Kai-shek

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Subject: RE: FOIA Request – WRNMMC Fiscal Year 2012 Annual FOIA Report Submission

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September 21, 2014

Della W. Garcia, FOIA/PA Paralegal Specialist
Bureau of Medicine and Surgery
Medical-Legal Affairs Office
7700 Arlington Blvd Ste (b) (6)
Falls Church, VA 22042-5124

Subject: FOIA Request – Walter Reed National Military Medical Center (WRNMMC) Fiscal Year 2012 Annual FOIA Report Submission

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Robert Hammond

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Sent: Friday, November 28, 2014 5:52 AM
To: (b) (6) [redacted] CDR BUMED; christopher.a.julka@navy.mil
Cc: donfoia-pa@navy.mil; BUMED - FOIA; (b) (6) [redacted]@navy.mil; DONFOIAPublicLiaison@navy.mil; Garcia, Della W. CIV BUMED
Subject: Re: FOIA Request – WRNMMC Fiscal Year 2012 Annual FOIA Report Submission

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> CDR (b) (6) [redacted] JAGC, USN
> Staff Judge Advocate (M00J)
> Bureau of Medicine and Surgery
> DHHQ 1NW243
> 7700 Arlington Blvd. Ste (b) (6) [redacted]
> Falls Church, VA 22042-5124
> Phone: (b) (6) [redacted]
>
> CONFIDENTIALITY NOTICE
> This e-mail and any attachments thereto, are intended only for use by the addressee(s) named herein and may contain legally privileged and/or confidential information. If you are not the intended recipient of this

e-mail, you are hereby notified any dissemination, distribution or copying of this e-mail, and any attachments thereto, is strictly prohibited. If you receive this e-mail in error, please immediately notify me and permanently delete the original copy and any other copy of the e-mail, and any printout thereof.

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Dear Mr. Julka,

Please see my reply to this question of Monday, November 10, 2014 3:22 PM In that June 21, 2014 FOIA request that you referenced, I sought FY 2013 FOIA reports. While the BUMED reply did not meet my expectations, I did not appeal. The request below, which was submitted at 9/21/2014 9:14:07 A.M, seeks the Walter Reed National Military Medical Center (WRNMMC) FY 2012 Annual Freedom of Information Act Report submission to BUMED. It is a different FOIA request:

I went directly to the BUMED FOIA Office to file that FOIA request, just as I did with my earlier request to them. BUMED should have reported this request as open in their FY 2014 Annual FOIA Report to Congress.

Are you able to assist as the liaison in helping me to get a tracking number and a reply to this second FOIA request?

With my respect,

Robert Hammond

In a message dated 11/12/2014 1:48:00 P.M. Eastern Standard Time, christopher.a.julka@navy.mil writes:

Mr. Hammond,

FOIAonline, the website that serves as the main FOIA-request processing service for the Department of the Navy (its URL is https://foiaonline.regulations.gov), indicates that on June 21, 2014 a Mr. Robert Hammond submitted a FOIA request to BUMED for its annual FOIA report, that this request received a tracking number of DON-NAVY-2014-009065, that the request was fully satisfied on July 16, 2014, and that the request was closed with a final disposition notice on August 26, 2014. Do these dates, or at least some of these dates, sound correct to you?

Does anyone else on this email thread have any additional information pertaining to this request?

Respectfully,
Christopher Julka
Department of Navy Chief Information Office
Policy Lead and FOIA Public Liaison
christopher.a.julka@navy.mil

-----Original Message-----
From: (b) (6) [redacted] @aol.com [mailto: (b) (6) [redacted] @aol.com]
Sent: Monday, November 10, 2014 5:57 AM
To: Garcia, Della ; DON FOIA Public Liaison
Cc: (b) (6) [redacted] ; DONFOIA-PA; BUMED.FOIA@med.navy.mil; (b) (6) [redacted] @aol.com; Muck, Steve CIV SECNAV, DON CIO
Subject: Re: FOIA Request – WRNMMC Fiscal Year 2012 Annual FOIA Report Submission

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Thank you for your assistance.

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In a message dated 10/28/2014 4:21:35 A.M. Eastern Standard Time, (b) (6) [redacted] @aol.com writes:

Dear Ms. Garcia,

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September 21, 2014

Della W. Garcia, FOIA/PA Paralegal Specialist
Bureau of Medicine and Surgery
Medical-Legal Affairs Office
7700 Arlington Blvd Ste (b) (6)
Falls Church, VA 22042-5124

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Dear Mr. Julka,

Thank you for your extremely prompt reply.

In that June 21, 2014 FOIA request that you referenced, I sought FY 2013 FOIA reports. While the BUMED reply did not meet my expectations, I did not appeal. The request below,which was submitted at 9/21/2014 9:14:07 A.M, seeks the Walter Reed National Military Medical Center (WRNMMC) FY 2012 Annual Freedom of Information Act Report submission to BUMED. It is a different FOIA request.

It is also not clear to me how or when the Navy tracking number is assigned. I have only seen Agency assigned tracking numbers, so it is not clear how I would be able to track a FOIA request that has not been answered.

Any way, any assistance that you may be able to provide me will be greatly appreciated.

I wish everyone a happy Veteran's Day and thank you for your service.in support of our military.

With my respect,

Robert Hammond

In a message dated 11/10/2014 2:10:01 P.M. Eastern Standard Time, christopher.a.julka@navy.mil writes:

Julka

Garcia, Della W CIV USN BUMED FCH VA (US)

From: Garcia, Della W. CIV BUMED
Sent: Wednesday, December 03, 2014 10:20 AM
To: (b) (6) [redacted] CTR OPNAV, DNS-36
Cc: Patterson, Robin L CIV OPNAV, DNS-36
Subject: Hammonds
Attachments: Re: FOIA Request – WRNMMC Fiscal Year 2012 Annual FOIA Report Submission (25.3 KB); Re: FOIA Request – WRNMMC Fiscal Year 2012 Annual FOIA Report Submission (24.1 KB); Re: FOIA Request – WRNMMC Fiscal Year 2012 Annual FOIA Report Submission (24.0 KB); Re: FOIA Request -- WRNMMC Fiscal Year 2012 Annual FOIA Report Submission (25.0 KB); Re: FOIA Request – WRNMMC Fiscal Year 2012 Annual FOIA Report Submission (25.0 KB); Re: FOIA Request – WRNMMC Fiscal Year 2012 Annual FOIA Report Submission (5.04 KB); Re: FOIA Request – WRNMMC Fiscal Year 2012 Annual FOIA Report Submission (5.04 KB); Re: FOIA Request – WRNMMC Fiscal Year 2012 Annual FOIA Report Submission (7.80 KB); Re: FOIA Request – WRNMMC Fiscal Year 2012 Annual FOIA Report Submission (7.80 KB); Re: FOIA Request – WRNMMC Fiscal Year 2012 Annual FOIA Report Submission (18.2 KB); Re: FOIA Request – WRNMMC Fiscal Year 2012 Annual FOIA Report Submission (18.1 KB); Fwd: FOIA Request – WRNMMC Fiscal Year 2012 Annual FOIA Report Submission (25.1 KB); Fwd: FOIA Request – WRNMMC Fiscal Year 2012 Annual FOIA Report Submission (25.1 KB); Re: FOIA Request – WRNMMC Fiscal Year 2012 Annual FOIA Report Submission (25.3 KB)

Good morning. The attached is sent per discussion with Robin and will be followed by two more. Thanks so much for your help! v/r Della

Garcia, Della W CIV USN BUMED FCH VA (US)

From: (b) (6) [redacted]@aol.com
Sent: Friday, November 28, 2014 5:52 AM
To: (b) (6) [redacted] CDR BUMED; christopher.a.julka@navy.mil
Cc: donfoia-pa@navy.mil; BUMED - FOIA; (b) (6) [redacted]@navy.mil; DONFOIAPublicLiaison@navy.mil; Garcia, Della W. CIV BUMED
Subject: Re: FOIA Request – WRNMMC Fiscal Year 2012 Annual FOIA Report Submission

Dear CDR (b) (6) [redacted]

Thank you for your interim reply.

Please provide me the FOIA case tracking number for this request and advise if this request has been included in your submission to the FY 2014 Annual FOIA Report to Congress. If it has not, please advise of action planned or taken to correct or amend your submission.

It is concerning that it has taken multiple follow ups to receive any reply from BUMED for what is unambiguously a new FOIA request. However, even a request that is identical in every respect requires a final response from the Agency granting or denying the request and the request must be included in the Annual FOIA Report to Congress.

Please include this email in your FOIA case file for my FOIA request.

With my respect,

Robert Hammond

In a message dated 11/25/2014 10:36:36 A.M. Eastern Standard Time (b) (6) [redacted]@med.navy.mil writes:

> Mr. Julka,
>
> I have just returned from leave and will ensure our office responds to Mr. Hammond. I spoke with our FOIA Paralegal, Ms. Garcia - we had not realized Mr. Hammond was submitting a new FOIA request specifically for Walter Reed National Military Medical Center (WRNMMC) FY 2012 Annual Freedom of Information Act Report submission to BUMED.
>
> V/r, CDR (b) (6) [redacted]
>
> CDR (b) (6) [redacted] JAGC, USN
> Staff Judge Advocate (M00J)
> Bureau of Medicine and Surgery
> DHHQ 1NW243
> 7700 Arlington Blvd. Ste (b) (6) [redacted]
> Falls Church, VA 22042-5124
> Phone: (b) (6) [redacted]
>
> CONFIDENTIALITY NOTICE
> This e-mail and any attachments thereto, are intended only for use by the addressee(s) named herein and may contain legally privileged and/or confidential information. If you are not the intended recipient of this

e-mail, you are hereby notified any dissemination, distribution or copying of this e-mail, and any attachments thereto, is strictly prohibited. If you receive this e-mail in error, please immediately notify me and permanently delete the original copy and any other copy of the e-mail, and any printout thereof.

"Ethics only have meaning when converted to direct, decisive action."
-Chiang Kai-shek

-----Original Message-----
From: Julka, Christopher A CIV DON, CIO [mailto:christopher.a.julka@navy.mil]
Sent: Wednesday, November 19, 2014 11:08 AM
To:(b) (6) [redacted]@aol.com; DON FOIA Public Liaison; Garcia, Della W. CIV BUMED
Cc: (b) (6) [redacted] CDR BUMED; DONFOIA-PA; BUMED - FOIA; Muck, Steve CIV SECNAV, DON CIO
Subject: RE: FOIA Request – WRNMMC Fiscal Year 2012 Annual FOIA Report Submission

Sir,

I have searched FOIAonline, the Department of the Navy's central service for the processing of requests under the FOIA (which is located on the Internet at https://foiaonline.regulations.gov/foia), but have not found any request under your name listed as having been submitted on September 21, 2014.

Has anyone on this thread seen this request? Please respond yes or no.

Christopher Julka
Department of Navy Chief Information Office
Policy Lead and FOIA Public Liaison
christopher.a.julka@navy.mil

-----Original Message-----
From:(b) (6) [redacted]@aol.com [mailto:(b) (6) [redacted]@aol.com]
Sent: Wednesday, November 19, 2014 7:11 AM
To: Julka, Christopher A CIV DON, CIO; DON FOIA Public Liaison; Garcia, Della
Cc:(b) (6) [redacted]; DONFOIA-PA; BUMED.FOIA@med.navy.mil; Muck, Steve CIV SECNAV, DON CIO
Subject: Re: FOIA Request – WRNMMC Fiscal Year 2012 Annual FOIA Report Submission

Dear Mr. Julka,

Please see my reply to this question of Monday, November 10, 2014 3:22 PM In that June 21, 2014 FOIA request that you referenced, I sought FY 2013 FOIA reports. While the BUMED reply did not meet my expectations, I did not appeal. The request below, which was submitted at 9/21/2014 9:14:07 A.M, seeks the Walter Reed National Military Medical Center (WRNMMC) FY 2012 Annual Freedom of Information Act Report submission to BUMED. It is a different FOIA request:

I went directly to the BUMED FOIA Office to file that FOIA request, just as I did with my earlier request to them. BUMED should have reported this request as open in their FY 2014 Annual FOIA Report to Congress.

Are you able to assist as the liaison in helping me to get a tracking number and a reply to this second FOIA request?

With my respect,

Robert Hammond

In a message dated 11/12/2014 1:48:00 P.M. Eastern Standard Time, christopher.a.julka@navy.mil writes:

Mr. Hammond,

FOIAonline, the website that serves as the main FOIA-request processing service for the Department of the Navy (its URL is https://foiaonline.regulations.gov), indicates that on June 21, 2014 a Mr. Robert Hammond submitted a FOIA request to BUMED for its annual FOIA report, that this request received a tracking number of DON-NAVY-2014-009065, that the request was fully satisfied on July 16, 2014, and that the request was closed with a final disposition notice on August 26, 2014. Do these dates, or at least some of these dates, sound correct to you?

Does anyone else on this email thread have any additional information pertaining to this request?

Respectfully,
Christopher Julka
Department of Navy Chief Information Office
Policy Lead and FOIA Public Liaison
christopher.a.julka@navy.mil

-----Original Message-----
From: (b) (6) [redacted] @aol.com [mailto (b) (6) [redacted] @aol.com]
Sent: Monday, November 10, 2014 5:57 AM
To: Garcia, Della ; DON FOIA Public Liaison
Cc: (b) (6) [redacted] ; DONFOIA-PA; BUMED.FOIA@med.navy.mil; (b) (6) [redacted] @aol.com; Muck, Steve CIV SECNAV, DON CIO
Subject: Re: FOIA Request – WRNMMC Fiscal Year 2012 Annual FOIA Report Submission

Dear DON FOIA Liaison,

I am requesting your assistance in obtaining a tracking number, the URL where I may request status, and a reply from BUMED for this aged FOIA request. This request has exceeded the statutory and regulatory time for reply.

Thank you for your assistance.

With my respect,

Robert Hammond

In a message dated 10/28/2014 4:21:35 A.M. Eastern Standard Time, (b) (6) [redacted] @aol.com writes:

Dear Ms. Garcia,

Please provide me the tracking number and status of this FOIA request, along with the URL of the website where I may track status. This request is quite old. Please provide you reply promptly.

With my respect,

Robert Hammond

In a message dated 9/21/2014 9:14:07 A.M. Eastern Daylight Time, (b) (6) @aol.com writes:

Robert Hammond
(b) (6)

(b) (6) @aol.com

September 21, 2014

Della W. Garcia, FOIA/PA Paralegal Specialist
Bureau of Medicine and Surgery
Medical-Legal Affairs Office
7700 Arlington Blvd Ste (b) (6)
Falls Church, VA 22042-5124

Subject: FOIA Request – Walter Reed National Military Medical Center (WRNMMC) Fiscal Year 2012 Annual FOIA Report Submission

References: (a) Joint publication of U.S. Department of Justice, Executive Office of the President and U.S. General Services Administration of July 2011, "Your Right to Federal Records" at http://publications.usa.gov/USAPubs.php?PubID=6080 <http://publications.usa.gov/USAPubs.php?PubID=6080>

(b) DoD 5400.11-R, May 14, 2007, Department of Defense Privacy Program

(c) DoD 5400.7-R, September 1998, DoD Freedom of Information Act (FOIA) Program

(d) DoD 6025.18-R, Jan. 24, 2003, DoD Health Information Privacy Regulation

Dear Ms. Garcia,

I under submitting this request under the Freedom of Information Act, U.S.C. subsection 522. I agree to pay fees for searching or copying the records up to $100. If the fees exceed this amount please advise me of the cost. I am a private citizen seeking this information. I do not believe that there should be any charge for providing these records.

If you deny all or any part of this request, please cite each specific exemption you think justifies your refusal to release the information and notify me of appeal procedures available under the law.

Please include a copy of this request in your reply. This request letter is an agency record and providing a copy of this request is an integral part of my FOIA request.

The requested format is Adobe PDF. Formal reply by email is acceptable.

Background: The Freedom of Information Act Requires an annual report. The overarching guidance for DoD is found in DoD 5400.7-R, September 1998, which states:

C7.1. REPORTS CONTROL

C7.1.1. General.

C7.1.1.1. The Annual Freedom of Information Act Report is mandated by the statute and reported on a fiscal year basis. Due to the magnitude of the requested

statistics and the need to ensure accuracy of reporting, DoD Components shall track this data as requests are processed. This will also facilitate a quick and accurate compilation of statistics. DoD Components shall forward their report to the Directorate for Freedom of Information and Security Review no later than November 30 following the fiscal year's close.

(Intervening text omitted)

C7.1.2.5.4. Accuracy of Calculations. Components must ensure the accuracy of calculations. As backup, the raw data used to perform calculations

should be recorded and preserved. This will enable recalculation of median [and mean values] as necessary. Components may require subordinate elements to

forward raw data, as deemed necessary and appropriate.

I am requesting a copy of the WRNMMC FY 2012 Annual Freedom of Information Act Report submissions to you as it was received in your office. This includes the incoming correspondence, all enclosures and any raw data. The Department of Navy web site at https://foia.navy.mil/foia/webdoc01.nsf/(vwDocsByID)/DL120718122927/$file/2012%20Agency%20Components%20and%20Subcomponents-addresses.pdf <https://foia.navy.mil/foia/webdoc01.nsf/(vwDocsByID)/DL120718122927/$file/2012%20Agency%20Components%20and%20Subcomponents-addresses.pdf> shows WRNMMC as a command reporting to you, and you similarly reflect that in your 2012 submission to your higher headquarters shown on your website.

Please note that I am not asking for your consolidated report; I am asking for all documents related to the WRNMMC submission to you. The fact that you include your submission to your higher headquarters on your public website means that there can be no basis for denial of a subordinate command submission to you for your for further consolidation.

Reference (a) states that for requests 'that will require more than ten days for the agency to process the FOIA requires agencies to assign a tracking number to your request. Each agency must provide a telephone number or website by which a requester can use the assigned tracking number to obtain information about the status of a pending request." DoD 5400.11-R, May 14, 2007, paragraph C3.1.1O. states: "Time Limits. "DoD Components normally shall provide access within 20 working days after receipt of the request. If access cannot be given within the 20 working day period, the requester shall be notified in an interim response." Please provide me a tracking number for this request.

Your timely reply to my request will be greatly appreciated. Thank you in advance.

With my respect,

Robert Hammond

Garcia, Della W CIV USN BUMED FCH VA (US)

From: (b) (6) [redacted]@aol.com
Sent: Tuesday, October 28, 2014 5:22 AM
To: Garcia, Della W. CIV BUMED
Cc: (b) (6) [redacted] CDR BUMED; donfoiapublicliaison@navy.mil; donfoia-pa@navy.mil; BUMED - FOIA
Subject: Re: FOIA Request – WRNMMC Fiscal Year 2012 Annual FOIA Report Submission

Dear Ms. Garcia,

Please provide me the tracking number and status of this FOIA request, along with the URL of the website where I may track status. This request is quite old. Please provide you reply promptly.

With my respect,

Robert Hammond

In a message dated 9/21/2014 9:14:07 A.M. Eastern Daylight Time, (b) (6) [redacted]@aol.com writes:

Robert Hammond
(b) (6) [redacted]

(b) (6) [redacted]@aol.com

September 21, 2014

Della W. Garcia, FOIA/PA Paralegal Specialist
Bureau of Medicine and Surgery
Medical-Legal Affairs Office
7700 Arlington Blvd Ste (b) (6)
Falls Church, VA 22042-5124

Subject: FOIA Request – Walter Reed National Military Medical Center (WRNMMC) Fiscal Year 2012 Annual FOIA Report Submission

References: (a) Joint publication of U.S. Department of Justice, Executive Office of the President and U.S. General Services Administration of July 2011, "Your Right to Federal Records" at http://publications.usa.gov/USAPubs.php?PubID=6080 <http://publications.usa.gov/USAPubs.php?PubID=6080>

(b) DoD 5400.11-R, May 14, 2007, Department of Defense Privacy Program

(c) DoD 5400.7-R, September 1998, DoD Freedom of Information Act (FOIA) Program

(d) DoD 6025.18-R, Jan. 24, 2003, DoD Health Information Privacy Regulation

Dear Ms. Garcia,

I under submitting this request under the Freedom of Information Act, U.S.C. subsection 522. I agree to pay fees for searching or copying the records up to $100. If the fees exceed this amount please advise me of the cost. I am a private citizen seeking this information. I do not believe that there should be any charge for providing these records.

If you deny all or any part of this request, please cite each specific exemption you think justifies your refusal to release the information and notify me of appeal procedures available under the law.

Please include a copy of this request in your reply. This request letter is an agency record and providing a copy of this request is an integral part of my FOIA request.

The requested format is Adobe PDF. Formal reply by email is acceptable.

Background: The Freedom of Information Act Requires an annual report. The overarching guidance for DoD is found in DoD 5400.7-R, September 1998, which states:

C7.1. REPORTS CONTROL

C7.1.1. General.

C7.1.1.1. The Annual Freedom of Information Act Report is mandated by the

statute and reported on a fiscal year basis. Due to the magnitude of the requested

statistics and the need to ensure accuracy of reporting, DoD Components shall track this data as requests are processed. This will also facilitate a quick and accurate compilation of statistics. DoD Components shall forward their report to the Directorate for Freedom of Information and Security Review no later than November 30 following the fiscal year's close.

(Intervening text omitted)

C7.1.2.5.4. Accuracy of Calculations. Components must ensure the accuracy of calculations. As backup, the raw data used to perform calculations should be recorded and preserved. This will enable recalculation of median [and mean values] as necessary. Components may require subordinate elements to forward raw data, as deemed necessary and appropriate.

I am requesting a copy of the WRNMMC FY 2012 Annual Freedom of Information Act Report submissions to you as it was received in your office. This includes the incoming correspondence, all enclosures and any raw data. The Department of Navy web site at https://foia.navy.mil/foia/webdoc01.nsf/(vwDocsByID)/DL120718122927/$file/2012%20Agency%20Components%20and%20Subcomponents-addresses.pdf <https://foia.navy.mil/foia/webdoc01.nsf/(vwDocsByID)/DL120718122927/$file/2012%20Agency%20Components%20and%20Subcomponents-addresses.pdf> shows WRNMMC as a command reporting to you, and you similarly reflect that in your 2012 submission to your higher headquarters shown on your website.

Please note that I am not asking for your consolidated report; I am asking for all documents related to the WRNMMC submission to you. The fact that you include your submission to your higher headquarters on your public website means that there can be no basis for denial of a subordinate command submission to you for your for further consolidation.

Reference (a) states that for requests 'that will require more than ten days for the agency to process the FOIA requires agencies to assign a tracking number to your request. Each agency must provide a telephone number or website by which a requester can use the assigned tracking number to obtain information about the status of a pending request." DoD 5400.11-R, May 14, 2007, paragraph C3.1.1O. states: "Time Limits. "DoD Components normally shall provide access within 20 working days after receipt of the request. If access cannot be given within the 20 working day period, the requester shall be notified in an interim response." Please provide me a tracking number for this request.

Your timely reply to my request will be greatly appreciated. Thank you in advance.

With my respect,

Robert Hammond

Garcia, Della W CIV USN BUMED FCH VA (US)

From: (b) (6) [redacted]@aol.com
Sent: Tuesday, October 28, 2014 5:22 AM
To: Garcia, Della W. CIV BUMED
Cc: (b) (6) [redacted] D. CDR BUMED; donfoiapublicliaison@navy.mil; donfoia-pa@navy.mil; BUMED - FOIA
Subject: Re: FOIA Request – WRNMMC Fiscal Year 2012 Annual FOIA Report Submission

Dear Ms. Garcia,

Please provide me the tracking number and status of this FOIA request, along with the URL of the website where I may track status. This request is quite old. Please provide you reply promptly.

With my respect,

Robert Hammond

In a message dated 9/21/2014 9:14:07 A.M. Eastern Daylight Time, (b) (6) [redacted]@aol.com writes:

Robert Hammond
(b) (6) [redacted]

(b) (6) [redacted]@aol.com

September 21, 2014

Della W. Garcia, FOIA/PA Paralegal Specialist
Bureau of Medicine and Surgery
Medical-Legal Affairs Office
7700 Arlington Blvd Ste (b) (6)
Falls Church, VA 22042-5124

Subject: FOIA Request – Walter Reed National Military Medical Center (WRNMMC) Fiscal Year 2012 Annual FOIA Report Submission

References: (a) Joint publication of U.S. Department of Justice, Executive Office of the President and U.S. General Services Administration of July 2011, "Your Right to Federal Records" at http://publications.usa.gov/USAPubs.php?PubID=6080 <http://publications.usa.gov/USAPubs.php?PubID=6080>

(b) DoD 5400.11-R, May 14, 2007, Department of Defense Privacy Program

(c) DoD 5400.7-R, September 1998, DoD Freedom of Information Act (FOIA) Program

(d) DoD 6025.18-R, Jan. 24, 2003, DoD Health Information Privacy Regulation

Dear Ms. Garcia,

I under submitting this request under the Freedom of Information Act, U.S.C. subsection 522. I agree to pay fees for searching or copying the records up to $100. If the fees exceed this amount please advise me of the cost. I am a private citizen seeking this information. I do not believe that there should be any charge for providing these records.

If you deny all or any part of this request, please cite each specific exemption you think justifies your refusal to release the information and notify me of appeal procedures available under the law.

Please include a copy of this request in your reply. This request letter is an agency record and providing a copy of this request is an integral part of my FOIA request.

The requested format is Adobe PDF. Formal reply by email is acceptable.

Background: The Freedom of Information Act Requires an annual report. The overarching guidance for DoD is found in DoD 5400.7-R, September 1998, which states:

C7.1. REPORTS CONTROL

C7.1.1. General.

C7.1.1.1. The Annual Freedom of Information Act Report is mandated by the

statute and reported on a fiscal year basis. Due to the magnitude of the requested

statistics and the need to ensure accuracy of reporting, DoD Components shall track this data as requests are processed. This will also facilitate a quick and accurate compilation of statistics. DoD Components shall forward their report to the Directorate for Freedom of Information and Security Review no later than November 30 following the fiscal year's close.

(Intervening text omitted)

C7.1.2.5.4. Accuracy of Calculations. Components must ensure the accuracy of calculations. As backup, the raw data used to perform calculations should be recorded and preserved. This will enable recalculation of median [and mean values] as necessary. Components may require subordinate elements to forward raw data, as deemed necessary and appropriate.

I am requesting a copy of the WRNMMC FY 2012 Annual Freedom of Information Act Report submissions to you as it was received in your office. This includes the incoming correspondence, all enclosures and any raw data. The Department of Navy web site at https://foia.navy.mil/foia/webdoc01.nsf/(vwDocsByID)/DL120718122927/$file/2012%20Agency%20Components%20and%20Subcomponents-addresses.pdf <https://foia.navy.mil/foia/webdoc01.nsf/(vwDocsByID)/DL120718122927/$file/2012%20Agency%20Components%20and%20Subcomponents-addresses.pdf> shows WRNMMC as a command reporting to you, and you similarly reflect that in your 2012 submission to your higher headquarters shown on your website.

Please note that I am not asking for your consolidated report; I am asking for all documents related to the WRNMMC submission to you. The fact that you include your submission to your higher headquarters on your public website means that there can be no basis for denial of a subordinate command submission to you for your for further consolidation.

Reference (a) states that for requests 'that will require more than ten days for the agency to process the FOIA requires agencies to assign a tracking number to your request. Each agency must provide a telephone number or website by which a requester can use the assigned tracking number to obtain information about the status of a pending request." DoD 5400.11-R, May 14, 2007, paragraph C3.1.1O. states: "Time Limits. "DoD Components normally shall provide access within 20 working days after receipt of the request. If access cannot be given within the 20 working day period, the requester shall be notified in an interim response." Please provide me a tracking number for this request.

Your timely reply to my request will be greatly appreciated. Thank you in advance.

With my respect,

Robert Hammond

Garcia, Della W CIV USN BUMED FCH VA (US)

From: Patterson, Robin L CIV OPNAV, DNS-36 <(b) (6) @navy.mil>
Sent: Thursday, October 29, 2015 4:25 PM
To: Garcia, Della W CIV USN BUMED FCH VA (US)
Cc: (b) (6) CIV USN CNO (US)
Subject: RE: Hammond FOIA request from

Yes - I'm sorry we are trying to finalize the annual report...

I think (b) (6) has reached out to Walter Reed today. I'll follow-up tomorrow.

Respectfully,

R. Patterson
Head, SECNAV/CNO FOIA/PA Program Office (DNS-36).
CNO Office of The Director, Navy Staff
Organization and Management Division
FOIA/PA Service Center 202 685-0412 DONFOIA-PA@NAVY.MIL

-----Original Message-----
From: Garcia, Della W CIV USN BUMED FCH VA (US) [mailto (b) (6) @mail.mil]
Sent: Thursday, October 29, 2015 5:32 AM
To: Patterson, Robin L CIV OPNAV, DNS-36
Subject: FW: Hammond FOIA request from

Good morning. I have not responded to LT (b) (6) yet. Should I tell her that I'm working with you for a response? v/r Della

Della W. Garcia
FOIA/PA Paralegal Specialist
Bureau of Medicine and Surgery
Medical-Legal Affairs Office
7700 Arlington Blvd Ste (b) (6)
Falls Church, VA 22042-5124

COMM (b) (6)
(b) (6) @mail.mil

FOR OFFICIAL USE ONLY (FOUO) - PRIVACY SENSITIVE. Any misuse or unauthorized disclosure may result in both civil and criminal penalties.

-----Original Message-----
From: (b) (6) LT OJAG, Code 14 [mailto (b) (6) @navy.mil]
Sent: Wednesday, October 28, 2015 5:06 PM
To: Garcia, Della W CIV USN BUMED FCH VA (US)

Cc: Winston, Wendy A CIV USN (US)
Subject: RE: Hammond FOIA request from

Della,

Any luck with the e-mail below?

V/r,

(b) (6)

-----Original Message-----
From: (b) (6) LT OJAG, Code 14
Sent: Tuesday, October 27, 2015 8:42 AM
To: Garcia, Della
Cc: Winston, Wendy A CIV OJAG, CODE 14
Subject: Hammond FOIA request from

Good morning Della,

We received the attached appeal from Mr. Hammond. There is no original request number he refers to because he claims it was never logged and he never received any correspondence from BUMED, but also claims the request was submitted 21 Sep 14 for WRNMMC's FY2012 annual FOIA report submission. Totally understand the confusing admin relationship with WRNMMC back then but do you have any record of a reply from BUMED? I know DNS-36 replied somewhat on your behalf on 7 Jan 15, but hadn't seen any correspondence from your office. Take a look at the lengthy attached letter and request and let me know if you dig up anything; if not, we may grant and remand just so he has some kind of response.

Very respectfully,

(b) (6)

(b) (6)
LT, JAGC, USN
Office of the Judge Advocate General
General Litigation Division (Code 14)
1322 Patterson Avenue, SE, STE 3000
Washington Navy Yard, DC 20374
TEL: (b) (6)
DSN:

Garcia, Della W CIV USN BUMED FCH VA (US)

From: Patterson, Robin L CIV OPNAV, DNS-36 (b) (6) @navy.mil>
Sent: Tuesday, October 27, 2015 4:54 PM
To: Garcia, Della W CIV USN BUMED FCH VA (US)
Cc: Strong, Richard R CIV (US); (b) (6) CIV (US); (b) (6) CTR USN (US)
Subject: RE: Hammond FOIA request from

Della,

I'll work with the team tomorrow - to draft a response to OJAG. Will keep you in the loop as this blossoms.

I will attempt to connect with Walter Reed to see if they ever received or responded to the requester, at any point over the last few years. If they haven't, I will encourage them to respond to his requests and/or provide us with a statement explaining that a request was never received and explain their reporting chain. However this may be difficult since they are not a Navy agency.

If this is remanded, a simple no records response with another explanation as to why and include a formal referral to WR, will be considered -Since you don't have the records, or authority over Walter Reed there really is nothing we can do.

Respectfully,

R. Patterson
Head, SECNAV/CNO FOIA/PA Program Office (DNS-36).
CNO Office of The Director, Navy Staff
Organization and Management Division
FOIA/PA Service Center 202 685-0412 DONFOIA-PA@NAVY.MIL

-----Original Message-----
From: Garcia, Della W CIV USN BUMED FCH VA (US) [mailto:(b) (6) @mail.mil]
Sent: Tuesday, October 27, 2015 9:29 AM
To: Patterson, Robin L CIV OPNAV, DNS-36
Cc: Strong, Richard R CIV OPNAV, DNS-3
Subject: FW: Hammond FOIA request from

Good morning.

When you get a chance, please take a look at the email below from Code 14 regarding Mr. Hammond.

I think we (you guys too) have already told him everything. Code 14 is saying that if we can't, " dig up anything; if not, we may grant and remand just so he has some kind of response."

I don't believe remanding it back to us would be the answer. Please let me know how you think I should respond to Code 14 when you get a chance. v/r Della

Della W. Garcia

FOIA/PA Paralegal Specialist
Bureau of Medicine and Surgery
Medical-Legal Affairs Office
7700 Arlington Blvd Ste (b) (6)
Falls Church, VA 22042-5124

COMM (b) (6)

(b) (6) @mail.mil

FOR OFFICIAL USE ONLY (FOUO) - PRIVACY SENSITIVE. Any misuse or unauthorized disclosure may result in both civil and criminal penalties.

-----Original Message-----
From: (b) (6) LT OJAG, Code 14 [mailto (b) (6) @navy.mil]
Sent: Tuesday, October 27, 2015 8:43 AM
To: Garcia, Della W CIV USN BUMED FCH VA (US)
Cc: Winston, Wendy A CIV USN (US)
Subject: Hammond FOIA request from

Good morning Della,

We received the attached appeal from Mr. Hammond. There is no original request number he refers to because he claims it was never logged and he never received any correspondence from BUMED, but also claims the request was submitted 21 Sep 14 for WRNMMC's FY2012 annual FOIA report submission. Totally understand the confusing admin relationship with WRNMMC back then but do you have any record of a reply from BUMED? I know DNS-36 replied somewhat on your behalf on 7 Jan 15, but hadn't seen any correspondence from your office. Take a look at the lengthy attached letter and request and let me know if you dig up anything; if not, we may grant and remand just so he has some kind of response.

Very respectfully,

(b) (6)

(b) (6)
LT, JAGC, USN
Office of the Judge Advocate General
General Litigation Division (Code 14)
1322 Patterson Avenue, SE, STE 3000
Washington Navy Yard, DC 20374
TEL: (b) (6)
DSN:

Garcia, Della W CIV USN BUMED FCH VA (US)

From: Patterson, Robin L CIV OPNAV, DNS-36 <(b) (6) [redacted]@navy.mil>
Sent: Thursday, September 17, 2015 12:12 PM
To: Garcia, Della W CIV USN BUMED FCH VA (US)
Subject: FW: RE: FOIA Appeal ICO Hammond DON-NAVY-2015-008860
Attachments: WRNMMC no longer under BUMED (7.31 KB); FW: How does this affect (10.0 KB); RE: Defense Health Agency FOIA (10.4 KB)

Della,

FYI only. Keeping you in the loop

Robin

-----Original Message-----
From:(b) (6) [redacted] CTR OPNAV, DNS-36
Sent: Thursday, September 17, 2015 10:59 AM
To: Patterson, Robin L CIV OPNAV, DNS-36; Strong, Richard R CIV OPNAV, DNS-3;(b) (6) [redacted] CIV OPNAV, DNS-36L
Cc:(b) (6) [redacted] CIV OPNAV, DNS-3
Subject: RE: FOIA Appeal ICO Hammond DON-NAVY-2015-008860

It looks like (b) (6) was working this one, but it was largely building off work I had done.

This comes on the tail of a very long back-and-forth with the requester, across several requests submitted to WRNMMC, BUMED, and this office (he has previously also included DHA, DFOIPO, and OGIS).

(b) (5)

(b) (5)

-----Original Message-----
From: Patterson, Robin L CIV OPNAV, DNS-36
Sent: Wednesday, September 16, 2015 6:15 PM
To: Strong, Richard R CIV OPNAV, DNS-3;(b) (6) CIV OPNAV, DNS-36L
Cc:(b) (6) CTR OPNAV, DNS-36
Subject: RE: FOIA Appeal ICO Hammond DON-NAVY-2015-008860

Who is taking the lead on this one?

Respectfully,

R. Patterson
Head, SECNAV/CNO FOIA/PA Program Office (DNS-36).
CNO Office of The Director, Navy Staff
Organization and Management Division
FOIA/PA Service Center 202 685-0412 DONFOIA-PA@NAVY.MIL

-----Original Message-----
From: Winston, Wendy A CIV OJAG, CODE 14
Sent: Tuesday, September 15, 2015 9:42 AM
To: Patterson, Robin L CIV OPNAV, DNS-36; Strong, Richard R CIV OPNAV, DNS-3;(b) (6) CIV OPNAV, DNS-36L
Cc:(b) (6) LT OJAG, Code 14
Subject: FOIA Appeal ICO Hammond DON-NAVY-2015-008860

Good Morning,

We received a FOIA appeal from Mr. Robert Hammond via FOIA online on 30 Aug 2015, original request number DON-NAVY-2015-007691. Could you please provide to us, by 18 Sept 2015, I apologize for the short notice.

1) A brief memo explaining the description of the search conducted.
2) A copy of any correspondence between your command and the requester (both emails and written correspondence).

Thank you and have a great day!

Very respectfully,

Wendy A. Winston
Office of the Judge Advocate General
General Litigation Division (Code 14)
1322 Patterson Avenue, SE, STE 3000
Washington Navy Yard, DC 20374
TEL: (b) (6)
DSN: (b) (6)

Garcia, Della W CIV USN BUMED FCH VA (US)

From: (b) (6) [redacted] @gmail.com>
Sent: Thursday, October 29, 2015 4:51 PM
To: Patterson, Robin W CIV USN CNO (US)
Cc: Garcia, Della W CIV USN BUMED FCH VA (US); (b) (6) [redacted] CIV USN CNO (US)
Subject: Re: Hammond FOIA request from

I did reach out to Walter Reed today and spoke with Judy. She indicated that I could send the FOIA to her office to respond to. They have over 22 open requests from Mr. Hammond. Would they have the Annual Report Della?

Will check back in tomorrow. I just walked into the house.

r/

(b) (6)

> On Oct 29, 2015, at 4:25 PM, Patterson, Robin L CIV OPNAV, DNS-36 <(b) (6) [redacted] @navy.mil> wrote:
>
> Yes - I'm sorry we are trying to finalize the annual report...
>
> I think (b) (6) has reached out to Walter Reed today. I'll follow-up tomorrow.
>
> Respectfully,
>
> R. Patterson
> Head, SECNAV/CNO FOIA/PA Program Office (DNS-36).
> CNO Office of The Director, Navy Staff Organization and Management
> Division FOIA/PA Service Center 202 685-0412 DONFOIA-PA@NAVY.MIL
>
>
>
>
> -----Original Message-----
> From: Garcia, Della W CIV USN BUMED FCH VA (US)
> [mailto (b) (6) [redacted] @mail.mil]
> Sent: Thursday, October 29, 2015 5:32 AM
> To: Patterson, Robin L CIV OPNAV, DNS-36
> Subject: FW: Hammond FOIA request from
>
> Good morning. I have not responded to LT (b) (6) yet. Should I tell
> her that I'm working with you for a response? v/r Della
>
> Della W. Garcia
> FOIA/PA Paralegal Specialist
> Bureau of Medicine and Surgery
> Medical-Legal Affairs Office
> 7700 Arlington Blvd Ste (b) (6)
> Falls Church, VA 22042-5124

>
> COMM (b) (6)
>
>(b) (6) @mail.mil
>
> FOR OFFICIAL USE ONLY (FOUO) - PRIVACY SENSITIVE. Any misuse or unauthorized disclosure may result in both civil and criminal penalties.
>
> -----Original Message-----
> From (b) (6) LT OJAG, Code 14
> [mailto:(b) (6) @navy.mil]
> Sent: Wednesday, October 28, 2015 5:06 PM
> To: Garcia, Della W CIV USN BUMED FCH VA (US)
> Cc: Winston, Wendy A CIV USN (US)
> Subject: RE: Hammond FOIA request from
>
> Della,
>
> Any luck with the e-mail below?
>
> V/r,
>
> (b) (6)
>
> -----Original Message-----
> From: (b) (6) LT OJAG, Code 14
> Sent: Tuesday, October 27, 2015 8:42 AM
> To: Garcia, Della
> Cc: Winston, Wendy A CIV OJAG, CODE 14
> Subject: Hammond FOIA request from
>
> Good morning Della,
>
> We received the attached appeal from Mr. Hammond. There is no original request number he refers to because he claims it was never logged and he never received any correspondence from BUMED, but also claims the request was submitted 21 Sep 14 for WRNMMC's FY2012 annual FOIA report submission. Totally understand the confusing admin relationship with WRNMMC back then but do you have any record of a reply from BUMED? I know DNS-36 replied somewhat on your behalf on 7 Jan 15, but hadn't seen any correspondence from your office. Take a look at the lengthy attached letter and request and let me know if you dig up anything; if not, we may grant and remand just so he has some kind of response.
>
> Very respectfully,
>
>(b) (6)
>
> (b) (6)
> LT, JAGC, USN
> Office of the Judge Advocate General
> General Litigation Division (Code 14)
> 1322 Patterson Avenue, SE, STE 3000
> Washington Navy Yard, DC 20374
> TEL:(b) (6)

> DSN: (b) (6)
>
>

Garcia, Della W CIV USN BUMED FCH VA (US)

From: (b) (6) CIV OPNAV, DNS-3 <(b) (6) @navy.mil>
Sent: Thursday, November 05, 2015 11:16 AM
To: Bizzell, Judy J CIV DHA NCR MEDICAL DIR (US); (b) (6) CIV (US)
Cc: Strong, Richard R CIV (US); Patterson, Robin W CIV USN CNO (US); (b) (6) CIV (US); (b) (6) LT USN NAVCIVLAWSUPPACT DC (US); Garcia, Della W CIV USN BUMED FCH VA (US); (b) (6) CIV USN CNO (US)
Subject: RE: FOIA REFERRAL TO WRNMMC RE R. HAMMOND
Attachments: DON-NAVY-2015-008860-REF TO WRNMMC.pdf

Judy,

Resending FOIA Referral please see attached.

r/

(b) (6)

-----Original Message-----
From: Bizzell, Judy J CIV DHA NCR MEDICAL DIR (US) [mailto:(b) (6) @mail.mil]
Sent: Tuesday, November 03, 2015 5:48 PM
To: (b) (6) CIV OPNAV, DNS-3; (b) (6) CIV (US)
Cc: (b) (6) CIV OPNAV, DNS-3; Bizzell, Judy J CIV DHA NCR MEDICAL DIR (US)
Subject: RE: FOIA REFERRAL TO WRNMMC RE R. HAMMOND

Hi (b) (6) I didn't get the email to log into FOIAXpress. Please resend and I will send to (b) (6) in needed. I have added her to this message also for your convenience.

Best Regards,
Judy

-----Original Message-----
From: (b) (6) CIV OPNAV, DNS-3 [mailto:(b) (6) @navy.mil]
Sent: Tuesday, November 03, 2015 11:01 AM
To: Bizzell, Judy J CIV DHA NCR MEDICAL DIR (US)
Cc: (b) (6) CIV USN CNO (US)
Subject: FW: FOIA REFERRAL TO WRNMMC RE R. HAMMOND

Judy:

I got a kick back from (b) (6) email. Please ensure you forward her the email to log into FOIA Express.

Hope you having a Great Day.

r/

(b) (6)

From: EEMSG [mailto:EEMSG@UCOL19PA10.eemsg.mail.mil]
Sent: Tuesday, November 03, 2015 10:56 AM
To: (b) (6) CIV OPNAV, DNS-3
Subject: Undeliverable: FOIA REFERRAL TO WRNMMC RE R. HAMMOND

Delivery has failed to these recipients or groups:

(b) (6) @mail.com <mailto:(b) (6) @mail.com>
A problem occurred during the delivery of this message to this e-mail address. Try sending this message again. If the problem continues, please contact your helpdesk.

The following organization rejected your message: [74.208.5.4].

Diagnostic information for administrators:

Generating server: UCOL19PA10.eemsg.mail.mil

(b) (6) @mail.com
[74.208.5.4] #<[74.208.5.4] #5.0.0 smtp; 5.1.0 - Unknown address error 550-'Requested action not taken: mailbox unavailable' (delivery attempts: 0)> #SMTP#

Original message headers:

X-EEMSG-Attachment-filename: DON-NAVY-2015-008860-REF TO WRNMMC.pdf, smime.p7s
X-IronPort-AV: E=Sophos;i="5.20,239,1444694400";
d="pdf'?p7s'?scan'208";a="50351238"
Received: from naeanrfkax32.nmci.navy.mil (HELO
NAEANRFKAX32o.NADSUSEA.NADS.NAVY.MIL) ([205.85.33.246]) by
UCOL19PA10.eemsg.mail.mil with ESMTP; 03 Nov 2015 15:53:56 +0000
X-AuditID: cd5521f5-f79bc6d000000f8e-7e-5638d8907178
Received: from NAEANRFKXH50V.nadsusea.nads.navy.mil (Unknown_Domain
[205.85.33.242]) by NAEANRFKAX32o.NADSUSEA.NADS.NAVY.MIL (Symantec Messaging
Gateway) with SMTP id CE.64.03982.098D8365; Tue, 3 Nov 2015 10:53:52 -0500 (EST)
From: (b) (6) CIV OPNAV, DNS-3" <(b) (6) @navy.mil>
To: '(b) (6) @mail.com" <(b) (6) @mail.com>
CC: '(b) (6) @mail.mil" <(b) (6) @mail.mil>, "Strong,
Richard R CIV OPNAV, DNS-3" <(b) (6) @navy.mil>, '(b) (6) CIV
OPNAV, DNS-3" <(b) (6) @navy.mil>

Subject: FOIA REFERRAL TO WRNMMC RE R. HAMMOND
Thread-Topic: FOIA REFERRAL TO WRNMMC RE R. HAMMOND
Thread-Index: AdEWT8mviiQpFE7YTcKQm4ZozNmcoQ==
Date: Tue, 3 Nov 2015 15:53:43 +0000
Message-ID:
<D659551164FACE48B09C8AEFEDFBB23A1AA494E4@NAEAWNYDXM02V.nadsusea.nads.navy.mil>
Accept-Language: en-US
Content-Language: en-US
X-MS-Has-Attach: yes
X-MS-TNEF-Correlator:
x-originating-ip: [10.28.248.141]
Content-Type: text/plain
MIME-Version: 1.0
Return-Path: (b) (6) [redacted] @navy.mil
X-Brightmail-Tracker:
H4sIAAAAAAAAAA+NgFnrAlsWRmVeSWpSXmKPExsVyNlTxk+6EGxZhBg+3GFpsf/ma2eJ//w9G

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9XB09tVnG44vPXTqUlPPlvWxej/W6jqlrO/Yb1Y1M/duTfZhRQ+umuiO+d2RQerOIp9e3VRm

4PB/rb61OoM37j7/Va2tEf5vKhjMlZnnhUo9N8ng4fSeNJn1XvecT3+VWIozEg21mIuKEwFd
FTIj8wIAAA==

DEPARTMENT OF THE NAVY
OFFICE OF THE CHIEF OF NAVAL OPERATIONS
2000 NAVY PENTAGON
WASHINGTON, DC 20350-2000

5720
Ser DNS-36PS/15U108018
2 Nov 2015

From: Chief of Naval Operations (DNS-36)
To: Walter Reed National Medical Center (FOIA Office)

Subj: FREEDOM OF INFORMATION ACT APPEAL DON-NAVY-008860 OF ROBERT HAMMOND

Ref: (a) PHONCON CNO (DNS-36PS) (b) (6) /WRNMMC J. Bizzell of 29 Oct 15

Encl: (1) DJAG ltr Ser 14/021 of 26 Oct 15
(2) Requester's ltr of 30 Aug 15
(3) CNO ltr Ser DNS-36PS/15U108017 of 2 Nov 15

1. As agreed during reference (a), enclosures (1) and (2) are forwarded for action as a matter under your cognizance and for direct response to the requester. Enclosure (3) is provided for your information.

2. Enclosure (1) was received by this office on 26 Oct 15. Questions concerning this action may be directed to our FOIA Service Center at (202) 685-0412 or donfoia-pa@navy.mil.

Sincerely,

R. PATTERSON
Head, DON PA/FOIA Program Office

Copy to:
Director, General Litigation Division (Code 14)

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 14/021
26 Oct 15

From: Director, General Litigation Division
To: Chief of Naval Operations (DNS-36)

Subj: FREEDOM OF INFORMATION ACT (FOIA) APPEAL DON-NAVY-2015-008860

Ref: (a) 5 U.S.C. § 552
(b) SECNAVINST 5720.42F

Encl: (1) Mr. Robert Hammond ltr dtd 30 Aug 15
(2) OJAG ltr 5720 Ser 14/020 dtd 26 Oct 15

1. Per references (a) and (b), enclosures (1), and (2) are forwarded as a matter under your cognizance.

2. Enclosure (1) is Mr. Hammond's FOIA appeal. Enclosure (2) is our response to this appeal.

3. On 22 Jul 15, Mr. Hammond requested responsive records regarding any tracking databases or systems having to do with his Fiscal Year (FY) 2013 FOIA requests to Walter Reed National Military Medical Center (WRNMMC). On 24 Aug 15, your office responded by including an earlier letter you had sent him for a different request dated 7 Jan 15.

4. Upon initial review, it is unclear if your 24 Aug letter constituted a denial or a refusal to reconsider. You simply stated that his request was addressed by the 7 Jan letter. The earlier letter was in response to a concern expressed by Mr. Hammond that the Navy Bureau of Medicine (BUMED) was not responding to earlier requests; it does not appear his earlier requests specifically requested tracking databases related to his original FY 2013 requests. While the 7 Jan letter covers related information, it does not appear to be responsive to his 22 Jul 15 request. Therefore, it is unclear what agency action was taken in response to this request, if any.

5. Additionally, it does not appear a search was conducted. Having reviewed the available information in question, it does not appear WRNMMC or BUMED was directed to clarify their reporting authority during the relevant time period in order for

the information to be recovered. This would be necessary in order to ensure a reasonable search of records was conducted. While as of 1 Oct 13, WRNMMC fell under the Defense Health Agency (DHA), a more thorough examination should be made concerning the reporting authority prior to that designation. If the reporting authority was a Navy command, a search should be conducted; if not, a referral should be made to the correct authority.

6. Understandably, while reorganizations and redesignations have made it extremely difficult to determine which offices had administrative control over WRNMMC's FOIA program during 2013, your response does not explain if a search was conducted or, if one was not possible, why a search was not conducted. BUMED has reported to you that WRNMMC was not reporting FOIA information to them in FY 2013 and possibly 2012. However, it appears that prior to 1 Oct 13 they should have been reporting to BUMED. Additionally BUMED indicated they haven't received reports from WRNMMC since 2009 when WRNMMC was clearly under BUMED control. Due to this ambiguity it is difficult for this office to confirm a thorough search was conducted for the relevant tracking records. Accordingly, I must remand this action to your office to clarify these issues and attempt to conduct a search for the information Mr. Hammond requested.

7. If, as you state in the memo to my office, you conclude again that only WRNMMC would have such documents or information, please make a referral to WRNMMC.

8. Please respond directly to Mr. Hammond within 20 business days of the date of this letter and inform him of his right to appeal your response. If you have any questions about this remand my office is standing by to assist you regarding any questions you may have regarding this matter.

9. My point of contact for this remand is LT (b) (6) [redacted] JAGC, USN. He may be reached at (b) (6) [redacted] or (b) (6) [redacted] navy.mil. Thank you for your prompt attention to this matter.

G. E. LATTIN
Director
General Litigation Division

Robert Hammond
(b) (6)
(b) (6) @aol.com

August 30, 2015

Department of the Navy (DON) via FOIA Online, https://foiaonline.regulations.gov/ and donfoia-pa@navy.mil

Subject: Appeal of FOIA Request – Records of Hammond Fiscal Year 2013 FOIA Requests Submitted to Walter Reed National Military Medical Center (WRNMMC)

Requester Personal Reference number: FOIA DON 15-I

Enclosure: (1) My FOIA Request DON #15-I, Records of Hammond Fiscal Year 2013 FOIA Requests Submitted to Walter Reed National Military Medical Center (WRNMMC), dated July 22, 2015
(2) DON Reply Letter DON 5720, Ser DNS-36PS/ 15U107076 dated 24 Aug 15

References: (a) Joint publication of U.S. Department of Justice, Executive Office of the President and U.S. General Services Administration of July 2011, "Your Right to Federal Records"
(b) DoD 5400.11-R, May 14, 2007, Department of Defense Privacy Program
(c) DoD 5400.7-R, September 1998, DoD Freedom of Information Act (FOIA) Program
(d) DoD 6025.18-R, Jan. 24, 2003, DoD Health Information Privacy Regulation
(e) GAO Report GAO-12-828 of July 2012, subject Freedom of Information Act
(f) Department of Justice Handbook for Agency Annual Freedom of Information Act Reports
(g) Department of Navy Chief Information Officer memorandum, subject DEPARTMENT OF NAVY IMPLEMENTATION OF FOIAONLINE dated December 12, 2013

Dear Sir.

This appeal is submitted under the references above for my FOIA request with the subject as above, seeking records my FY 2013 FOIA requests submitted to WRNMMC contained in any DON system used for tracking FOIA requests. References (a) through (g) apply. Please preserve all responsive or potentially responsive records and records of your searches in your FOIA case file until the statutory date for judicial review has passed (should that be necessary) or in accordance with a NARA approved records schedule, if longer.

DON Automated Systems Used for Tracking FOIA Requests. Reference (g) mandates that, "Effective 1 February 2014, all new and open Department of the Navy (DON) Freedom of Information Act (FOIA) requests will be processed through the FOIAonline tracking and management tool." It further states, "FOIA offices currently using the Naval Sea Systems Command e-FOIA tool and commands that are employing other FOIA tools or methods will continue using their respective

system unti131 January2014." Other tools may include Microsoft Excel spreadsheets or other tools. Many of the requests submitted to WRNMMC remain open to this day and may have been migrated to FOIAonline; else the records that I am seeking would reside in the Naval Sea Systems Command e-FOIA tool or other FOIA tools referenced in the preceding sentence above. Moreover, many requests were appealed, such that records of those appeals would abe contained in DON JAG tracking systems.

My FOIA Request and DON's Non-responsive Reply Thereto.

My FOIA request is at enclosure (1). DON assigned number DON-NAVY-2015-007691, and provided a reply to my request in their letter DON 5720, Ser DNS-36PS/ 15U107076 dated 24 Aug 15 at enclosure (2), which states "Please find enclosed a copy of our response letter 5720 Ser DNS-36 - JP/150105010 dated 7 Jan 15 addressing your FOIA request.

The DON reply is non-responsive providing no records from FOIA tracking systems or tools, but rather providing a completely irrelevant letter dated 7 Jan 15. That letter is clearly not a responsive reply to my FOIA Request DON #15-I, which is the subject of this appeal. Please see below.

The DON letter of 7 Jan 2015 is an unsolicited DON letter related to Navy Bureau of Navy Medicine's BUMED) failure to provide any response for a single FOIA request seeking the WRNMMC FY2012 Annual FOIA Report submission, which is shown in the BUMED and DON FY 2012 Annual FIOA reports as having been submitted through BUMED to DON. BUMED has still not provided a reply to that unrelated FOIA request and it remains open. Moreover, DON letter 5720 Ser DNS-36 - JP/150105010 dated 7 Jan 15, signed by Ms. Patterson, DON FOIA/PA Manager, is misleading and contains factual inaccuracies. I am including my reply to that letter as enclosure (3), both to preserve that replay as a FOIA case record and to include it as background for this appeal and for judicial review, should judicial review of this appeal become necessary. In this way the full record will be available to the public .

Requirement to Forward Misdirected FOIA Requests. DON did not perform a responsive search for the records sought in locations within DON where the records would likely be located. That said, should DON conduct such a search (releasing all responsive records in it; possession), and determine that responsive records are located in WRNMMC FOIA tracking systems, DON is required to forward the incident FOIA request to WRRNMMC. DOD regulations require that its various component agencies forward misdirected FOIA requests "to the DoD Component or other Federal Agency with the responsibility for the records requested. DoD 5400.7-R.C5.2.7.

Records Sought Under the FOIA. I am seeking records my FY 2013 FOIA requests submitted to WRNMMC contained in any DON automated system used for tracking FOIA requests. It is records from DON tracking systems that are potentially used for compiling the Annual FOIA Report submission that I am seeking. The current system is https://foiaonline.regulations.gov/, but the records that I am seeking may have been contained in a predecessor system, if they were not brought forward. Note that records released under the FOIA (DON-NAVY-2015-002302) demonstrate that WRNMMC FOIA requests were included in the DON Annual FOIA Report submission. Moreover, many requests

were appealed to DON JAG and would have had to have been included in the DON JAG FY2013 Annual FOIA Report submission. Enclosure (1) is a listing of individual FOIA requests submitted to Walter Reed National Military Medical Center (WRNMMC). It is my understanding that DON/DON JAG maintains one or more automated system(s) database(s) for tracking FOIA requests and FOIA appeals and that each FOIA request that I submitted to WRNMMC and each FOIA request that I appealed should have been recorded in DON automated systems. It is my understanding that such automated tracking systems/database(s) are used in compiling the Annual FOIA Report submission and that subordinate activity requests, such as those that I submitted to WRNMMC would have been entered into such DON-wide tracking systems. The records that I am seeking should be readily available and easily located by FOIA personnel. This is a simple request.

Other agencies have freely released this information for their personnel without charge. Enclosure (1) provides an example of information released for the Defense Health Agency FOIA Officer.

Basis for Appeal.

I am appealing that the Agency Did Not

(1) conduct a search within DON where responsive records would likely be located (i.e. any DON system/tool used for tracking FOIA requests (as described in the FOIA request and above) and any DON JAG tracking system/tool)), and issue a finding as to whether there are responsive records therein.

(2) after completing the DON search for responsive records, forward the request "to the DoD Component or other Federal Agency with the responsibility for the records requested (i. e. WRNMMC) for with explicit instructions for further processing as a matter under their cognizance., *See* DoD 5400.7-R.C5.2.7.

Appelate Authhority Action Reqeuested. I am asking that:

(1) each element of the basis of my appeal be addressed separately;

(2) each element of my appeal be sustained;

(3) my FOIA request be remanded back to for direct reply to me; and,

(4) I be granted new appellate rights following a subsequent reply.

Thank you in advance.

With my respect,

(b) (6)

Robert Hammond

Robert Hammond
(b) (6)
(b) (6) @aol.com

July 22, 2015

Department of the Navy via FOIA Online, https://foiaonline.regulations.gov/ and donfoia-pa@navy.mil

Subject: FOIA Request – Records of Hammond Fiscal Year 2013 FOIA Requests Submitted to Walter Reed National Military Medical Center (WRNMMC)

Requester Personal Reference number: FOIA DON 15-I

Enclosure : (1) Listing of Hammond FY 2013 FOIA Requests to WRNMMC
(2) DON JAG final determination letter dated 18 Sep 2015

References: (a) Joint publication of U.S. Department of Justice, Executive Office of the President and U.S. General Services Administration of July 2011, "Your Right to Federal Records"
(b) DoD 5400.11-R, May 14, 2007, Department of Defense Privacy Program
(c) DoD 5400.7-R, September 1998, DoD Freedom of Information Act (FOIA) Program
(d) DoD 6025.18-R, Jan. 24, 2003, DoD Health Information Privacy Regulation
(e) GAO Report GAO-12-828 of July 2012, subject Freedom of Information Act
(f) Department of Justice Handbook for Agency Annual Freedom of Information Act Reports

Dear FOIA Officer,

I am submitting this request under submitting this request under the Freedom of Information Act, U.S.C. subsection 522. If you deem that any portion of this request must be processed under the Privacy Act, please notify me in writing within the FOIA response timeframe and continue processing under that Act. If you deny all or any part of this request, please cite each specific exemption you think justifies your refusal to release the information under the applicable Act(s) and notify me of appeal procedures available under the law. Please preserve all responsive or potentially responsive records and records of your searches in your FOIA case file until the statutory date for judicial review has passed (should that be necessary) or in accordance with a NARA approved records schedule, if longer.

Records Sought Under the FOIA. I am seeking records my FY 2013 FOIA requests submitted to WRNMMC contained in any DON automated system used for tracking FOIA requests. It is records from DON tracking systems that are potentially used for compiling the Annual FOIA Report submission that I am seeking. The current system is https://foiaonline.regulations.gov/, but the records that I am seeking may have been contained in a predecessor system, if they were not brought forward. Note that records released under the FOIA (DON-NAVY-2015-002302) demonstrate that WRNMMC FOIA requests were included in the DON Annual FOIA Report submission. Moreover, many requests

were appealed to DON JAG and would have had to have been included in the DON JAG FY2013 Annual FOIA Report submission. Enclosure (1) is a listing of individual FOIA requests submitted to Walter Reed National Military Medical Center (WRNMMC). It is my understanding that DON/DON JAG maintains one or more automated system(s) database(s) for tracking FOIA requests and FOIA appeals and that each FOIA request that I submitted to WRNMMC and each FOIA request that I appealed should have been recorded in DON automated systems. It is my understanding that such automated tracking systems/database(s) are used in compiling the Annual FOIA Report submission and that subordinate activity requests, such as those that I submitted to WRNMMC would have been entered into such DON-wide tracking systems. The records that I am seeking should be readily available and easily located by FOIA personnel. This is a simple request.

Requested Format. I am requesting that documents provided as a single PDF file to include: 1) a signed and dated cover letter citing my personally assigned requester control number addressing only this FOIA request; 2) all responsive documents; 3) a copy of this request in your reply. This request letter is an agency record and providing a copy of this request is an integral part of my FOIA request. 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 your reply.

Public Interest. There is significant public interest FOIA at this time an in FOIA reporting The requested records concern "the operations or activities of the government." The disclosure is likely to contribute to an understanding of government operations or activities and contribute to an understanding of the subject by the public. This is a simple request.

Agreement to Pay Fees. I agree to pay fees for searching or copying the records up to $50. If the fees exceed this amount please advise me of the cost. I believe that the records that I am seeking contribute significantly to public understanding of the operations or activities of the Department of Defense. I do not believe that there should be any charge for providing these records, as there is public interest in government operations and procedures. I am a private individual not seeking documents for commercial use, such that the following applies: "No fees may be charged by any DoD 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 a PDF file, there should not be a per page copy fee. This is a simple request. All documents should have been consolidated into case files, assigned case tracking numbers (per governing laws, regulations and policies) and included in automated tracking systems. There should not be a fee to the requester for any failure by DON or WRNMMC to properly store all records and retain them in accordance with an approved NARA record schedule. Should you determine that that there is a charge for this request, please include the calculation of the charge and along with your determination of the costs of routine collection and processing of the fee. As there is public interest (discussed above), I am requesting a fee waiver.

Some Applicable References.

- Reference (a) states that for requests 'that will require more than ten days for the agency to process, the FOIA requires agencies to assign a tracking number to your request. Each agency must provide a telephone number or website by which a requester can use the assigned tracking number to obtain information about the status of a pending request."

- DoD 5400.11-R, May 14, 2007, paragraph C3.1.10. states: "Time Limits. "DoD Components normally shall provide access within 20 working days after receipt of the request. If access cannot be given within the 20 working day period, the requester shall be notified in an interim response." Please provide me a tracking number for this request.
- Reference (c) states, "DoD personnel are expected to comply with the FOIA, this Regulation, and DoD FOIA policy in both letter and spirit. This strict adherence is necessary to provide uniformity in the implementation of the DoD FOIA Program and to create conditions that will promote public trust."

I believe that I have adequately described the records that I am seeking. If you believe that my request is unclear, if you have any questions, or if there is anything else that you need from me to complete this request in a timely manner, please contact me in writing, so that I may perfect my request. If you deem that any portion of my request is unclear, answer the remaining portions and I will perfect a request for additional material as needed.

Thank you in advance.

With my respect,

(b) (6)

Robert Hammond

FY2013 FOIA Requests to Walter Reed National Military Medical Center

My Personal Requester CTRL #	Title/Subject	Date Submitted
	Critical Sodium Value [December 23 2011 to December 29,2011] [Never acknowledged]	2/26/2013
	DD form 2870s [Never acknowledged]	2/26/2013
	All Medical Records in WRNMC possession at the time of the FOIA request	3/29/2013
	Critical Sodium Value [December 23 2011 to December 29,2011]	3/29/2013
	Incorrect Title; **Subject was All medical records 20120101 - 20120511**	5/11/2013
	Incorrect Title; **Subject was All medical records January 1, 2012 to May 11, 2013**	5/12/2013
	Incorrect Title; **Subject was Specific Medical Records - out patient records from January 1, 1997 to November 1,2004;** **• laboratory reports from January 1, 1997 to November 6, 2001;** **• colonoscopy records on or about 2007;** **• emergency room records of December 24,2011 with accompanying consultations and results of treatment/tests.**	5/21/2013
	CAPT Henry Medical Record Notes	6/22/2013
	DD Forms 2870	6/22/2013
	Critical Sodium Value WRNMC [current value]	6/23/2013
NNMC #13-01	**Pager Numbers LT** (b) (6) Pages - # paged, text and who paged	6/23/2013
NNMC #13-02	**Access to laboratory values**	6/23/2013
NNMC #13-03	**1:1 Sitter** -name(s) and other identifying information	6/23/2013
WRNMC #13-04	**Outpatient Records from December 26,2011 to January 30, 2012,** (b) (6)	6/24/2013
WRNMC #13-05	**Medical Records May 15,2012 to June 19,2012; Virtual Colonoscopy**	6/29/2013
WRNMC #13-06	**Medical Records June 20 - July 5, 2013**	6/29/2013
WRNMC #13-07	**Medical Records March 1,2012 to May 14,2012;** (b) (6)	6/29/2013
WRNMC #13-08	**Medical Records from March 1, 2007 to May 30,2007; Virtual colonoscopy**	6/29/2013
WRNMC #13-09	**Outpatient Records from January 1, 1997 to November 1, 2004**	6/29/2013
WRNMC #13-10	**Laboratory Records from January 1, 1997 to December 31, 2000**	6/29/2013
WRNMC #13-11	**Records from January 1, 2013 to February 1, 2013**	6/29/2013
WRNMC #13-12	**Archived Outpatient Records from January 1, 1997 to June 29, 2013**	6/29/2013
WRNMC #13-13	**Archived Inpatient Records from January 1, 1997 to June 29, 2013**	6/29/2013
WRNMC #13-14	**Disclosure of Inpatient Records from June 28, 2007 to June 29, 2013**	6/29/2013
WRNMC #13-15	**Disclosure of Outpatient Records from June 28, 2007 to June, 29, 2013**	6/29/2013

FY2013 FOIA Requests to Walter Reed National Military Medical Center

WRNMC #13-16	**Retrieval of Archived Inpatient Records from January 1, 1997 to June 29, 2013**	6/29/2013
WRNMC #13-17	**Retrieval of Archived Outpatient Records from January 1, 1997 to June 29,2013**	6/29/2013
WRNMC #13-18	**HIPPA Medical Records Letters Including Corrections Tracking and Status Records to Date**	6/29/2013
WRNMC #13-19	**Medical Records; Copy of DVD Containing PDF files of records received as of May 14, 2012**	6/29/2013
WRNMC #13-20	HIPPA Medical Records Corrections Tracking and Status [Withdrawn 2012 12 02; duplicate]	6/29/2013
WRNMC #13-21	(b) (6) [redacted] **2LT 6087 Transfer Duty Assignment** -no personally identifiable information	7/9/2013
WRNMC #13-22	**FOIA Request Tracking and Status** -all information related to my requests, including but not limited to your assigned case numbers, dates received, persons to whom the requests were directed, reviews, status.	7/22/2013
WRNMC #13-23	**All DD Forms 2870 between 1 January 2012 and 30 15 may 2012**	7/22/2013
WRNMC #13-24	**Serum Sodium Reference Ranges and Critical High and Low Values**	7/22/2013
WRNMC #13-25	**Transcript of Voice Mail;** (b) (6) **13 June 2012**	7/28/2013
WRNMC #13-26	**Hyponatremia Acquired During Hospitalization**	7/29/2013
WRNMC #13-27	**Patient Involuntary Restraint**	7/29/7/29
WRNMC #13- 28	(b) (6) [redacted] **Unavailability**	8/18/2013
WRNMC #13- 29	(b) (6) [redacted] **2LT 6087 Unavailability**	8/18/2013

DEPARTMENT OF THE NAVY
OFFICE OF THE CHIEF OF NAVAL OPERATIONS
2000 NAVY PENTAGON
WASHINGTON, DC 20350-2000

5720
Ser DNS-36PS/15U107076
24 Aug 15

Sent via email to: (b) (6) [redacted] aol.com

Mr. Robert Hammond
(b) (6) [redacted]

Dear Mr. Hammond:

This is in reference to your Freedom of Information Act (FOIA) request dated July 22, 2015 for "Records of Hammond Fiscal Year 2013 FOIA Requests Submitted to Walter Reed National Military Center (WRNMMC); Personal Reference number FOIA DON 15-I". Your request was received in our office the same day and assigned Case Tracking Number DON-NAVY-2015-007691.

Please find enclosed a copy of our response letter 5720 Ser DNS-36-JP/15U105010 dated 7 Jan 15 addressing your FOIA request.

Questions regarding this response may be directed to our FOIA Service Center at (202) 685-0412 or by email at donfoia-pa@navy.mil.

Sincerely,

FOR ROBIN PATTERSON
Head, DON PA/FOIA Program Office

Enclosure

Copy to:

Office of Government Information Services
Defense Freedom of Information Policy Office
Defense Health Agency Freedom of Information Service Center
Department of the Navy Chief Information Officer
Walter Reed National Military Medical Center Freedom of Information Act Office
Bureau of Medicine and Surgery Freedom of Information Act Office

DEPARTMENT OF THE NAVY
OFFICE OF THE CHIEF OF NAVAL OPERATIONS
2000 NAVY PENTAGON
WASHINGTON, DC 20350-2000

5720
Ser DNS-36JP/15U105010
7 Jan 15

Sent via email to: (b) (6) [redacted]@aol.com

Robert Hammond
(b) (6) [redacted]

Dear Mr. Hammond:

SUBJECT: YOUR FREEDOM OF INFORMATION ACT REQUESTS

This is in reference to a series of Freedom of Information Act (FOIA) requests submitted to Walter Reed National Military Medical Center (WRNMMC) and to the Bureau of Medicine and Surgery (BUMED). You have been in contact with these offices, as well as several offices along their respective chains of command, as well as an attempt to resolve this matter through mediation by the Office of Government Information Services (OGIS).

It is our understanding that your primary concern is the following: you submitted two (or more) FOIA requests to WNRMMC, which were (improperly) closed due to fee considerations. You appealed the response, and the ultimate result was that the fees were waived and your requests were processed. You are concerned not with the processing of those requests, but with the reporting of the disposition of the requests in the FOIA Annual Report. On this understanding, we are exclusively attempting to address your concern about the accuracy of the Annual Report.

Please be advised that the "raw data" you are seeking with regard to the Annual Report submissions, insofar as it addresses your direct concern, would be maintained solely by WNRMMC. Across DON, Annual Report Data is collected and compiled using DD FORM 2564. A blank copy of a DD FORM 2564 is attached. Please note that this form only tracks aggregate numbers, with no ability to infer the disposition of any specific request.

We contacted BUMED on this matter. BUMED advised that, due to unavoidable personnel management considerations, the BUMED FOIA office has been understaffed, which has delayed response to your multiple inquiries. We apologize for this delay. BUMED further advised that your requests had been directed to WRNMMC and that you were advised of this referral. Additionally, BUMED indicated that their offices have no record of a FOIA Annual Report submission from WRNMMC since Fiscal Year 2009.

With regard to WRNMMC, please be advised that recent reorganizations and redesignations have made it extremely difficult to determine which offices had administrative control over WRNMMC at which time, and that the specific matter of FOIA authority has been similarly unclear. The FOIA page for the WRNMMC website indicates that WRNMMC FOIA falls under the authority of DON. This is not correct. As of October 1, 2013, WRNMMC FOIA falls under the authority of the Defense Health Agency (DHA). If you have concerns about the service you are receiving from the WRNMMC Requester Service Center, please contact the DHA FOIA Liaison Officer at Defense Freedom of Information Policy Office, ATTN: Ms. Linda S. Thomas, Chief, Freedom of Information Service Center, Defense Health Agency, 7700 Arlington Boulevard, Suite 5101, Falls Church, VA 22042-5101, by phone at (703) 681-7500, or by email at FOIARequests@tma.osd.mil.

As an additional note, it is important to refer to the Department of Justice Office of Information Policy guidance regarding accurate completion of the Annual Report (copy attached). If your request was closed for a fee-related reason, appealed, remanded, and then processed to completion, it would be proper to report both the closure for the fee-related reason as well as the final disposition following remand ("For reporting purposes, a remanded request should be treated as a new request by the agency and the time spent processing the request should be included in the agency's Annual FOIA Report just as is done for all FOIA requests.")

In conclusion, please be advised that DON has no further involvement in this matter - WRNMMC no longer falls under DON for FOIA purposes, and BUMED properly responded to your requests for WRNMMC Annual Report data by referring those requests to WRNMMC. As noted above, if you have concerns about the service you are receiving from the WRNMMC Requester Service Center, please contact the DHA FOIA Liaison Officer.

We apologize for the difficulty you have had in the processing of your requests. Questions regarding this response may be directed to Mr. (b) (6) [redacted] at (b) (6) [redacted] or by email at (b) (6) [redacted]@navy.mil.

Sincerely,

ROBIN PATTERSON
Head, DON PA/FOIA Program Office

Copy to:

Office of Government Information Services
Defense Freedom of Information Policy Office
Defense Health Agency Freedom of Information Service Center
Department of the Navy Chief Information Officer
Walter Reed National Military Medical Center Freedom of Information Act Office
Bureau of Medicine and Surgery Freedom of Information Act Office

DEPARTMENT OF THE NAVY
OFFICE OF THE CHIEF OF NAVAL OPERATIONS
2000 NAVY PENTAGON
WASHINGTON, DC 20350-2000

5720
Ser DNS-36PS/15U108017
November 2, 2015

Sent via email to: (b) (6) [redacted]@aol.com

Mr. Robert Hammond
(b) (6) [redacted]

Dear Mr. Hammond:

During the processing of your Freedom of Information Act (FOIA) Appeal file Number DON-NAVY-2015-007691, the Deputy Assistant Judge Advocate General (General Litigation Division-Code 14) granted your appeal, and remanded your request to this office for further processing.

We have consulted with the FOIA coordinator at Walter Reed National Military Medical Center (WRNMMC) and have redirected your request to WRNMMC, located at 8901 Wisconsin Avenue, Bethesda, MD 20889-5600, for action and direct response.

Questions regarding the action this office has taken to redirect your request may be directed to our FOIA service center at (202) 685-0412, or DONFOIA-PA@navy.mil. For questions regarding the current status of your request, please contact a FOIA Coordinator at WRNMMC directly at (301) 400-2315.

Sincerely,

R. PATTERSON
Head, DON PA/FOIA Program Office

Copy to:
Director, General Litigation Division (Code 14)

Garcia, Della W CIV USN BUMED FCH VA (US)

(b) (5)

(b) (5)

(b) (5)

For Official Use Only (FOUO) - Privacy Sensitive. Any misuse or unauthorized disclosure may result in both criminal and civil penalties

NAVY FOIA ADMINISTRATIVE LOG

FOIA Case #:	2015-00[illegible]	Sister Case #:	
Subject:	APPEAL OF 2015007691	☐ PII	
Requester/Organization:	ROBERT HAMMOND		
Fee Category:			
Processing Track:			

☐ PII	☐ CLASSIFIED	☐ APPEAL	☐ LITIGATION
☐ REFERRAL	☐ CONGRESS	☐ HIGH VIZ	☐ CONSULTATION
Request Received By			
Receipt Date: 10-28-15	Date Assigned: 10-28-15	Date Due:	
Caseworker	(b) (6)		

Checklist		Initial	Date
☐ PERFECTED?	☐ Appellate Authority		
☐ PII removed from FOIA request (Paper &Tool)			
☐ Req logged into FOL by			
☐ Short Description			
☐ Request logged into In-Processing Excel Tracker			
☐ Acknowledgement sent to Requester/Ack Date			
☐ *Expedited*	☐ *Fee Waiver*		
☐ *Adjudicated*	☐		
☐ 10-Day Extension Letter Sent			
☐ 20-Day Letter Sent			
☐ Consultation Sent to:			
☐ TY5 Tasking Sent to:			
☐ Vaughn Index Complete (If Applicable)			

Checklist	Initial	Date
☐ DD2086 Fee Assessment Completed (If Applicable)		
☐ Signature Package Reviewed (Final) (See SOP for Folder Assemble)		
☐ Signature Package Signed (Final)		
☐ Responsive Doc's Uploaded to FOIAonline		
☐ Notes/Emails Uploaded to FOIAonline		
☐ Transferred/ Reassigned to:		
☐ Split Ref#:		
☐ Referral Letter Sent		
☐ Case Closed In FOIAonline		
☐ Final Response Sent to Requester		
☐ Logged in Closed Cases Excel Tracker		
☐ (Classified) Case Closed in Excel Tracker		
☐ Case Folder Stored in File Repository (box in Office)		

Available to the Public			Initial	Date
☐ Initial Request Available to the Public	☐ Description Available to the Public	☐ Supporting Files Available to the Public		

Record Retention				Responsive Records			
☐ 2 Years	☐ 6 Years	Destroy Date:		# Responsive Documents		#Pages	Exemptions

Date	Initials	Comments	Time (Hrs)
10-28-15	(b) (6)	RECEIVED APPEAL FROM (b) (6)	
10-29-15		CALLED AND SPOKE WITH JUDY J.	
		BIZZELL @ WALTER REED NATIONAL MILITARY	
		CENTER (WRNMMC)	
10-29-15		EMAIL REF TO DHA (DEFENSE HEALTH AGENCY) TO INQUIRE INTO FOIA	
		EXPRESS. ATTN: (b) (6)	
		(b) (6) @ mail.com AND SHE	
		WILL BRING THE REQUEST TO MS.	
		BIZZELL (b) (6) (b) (6) CIV@	
		health.mil & MAIL.MIL [CHECK HER EMAIL ADDRESS]	Subtotal

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/OIA Case #: APPEAL 2015-008860

ate	Initials	Comments	Time (Hrs)
10-29-15	(b) (6) [redacted]	SPOKE TO MS. BIZZELL ABOUT REMOVING NAVY'S INFOR FROM THEIR WEBSITE. I WAS TOLD THIS WILL BE DONE BY NEXT WEEK. I WILL F/U NEXT WEEK.	
11-2-15		MTG TO DISCUSS WAY FORWARD	
11-2-15		EMAILED WRNMMC, JUDY RE FOIA REQUEST FOR CRITICAL LOW VALUE OF SODIUM STORED IN WRNMMC COMPUTERS IN DECEMBER 2011 WE WANT TO BE CLEAR IN OUR RESPONSE LTR BACK TO MR. HAMMOND.	
11-2-15		NOTE MR. HAMMOND'S LTR DTD 30 AUG 15 WAS NOT PROVIDED BY OJAG CODE 14 WITH THE REMAND	
2NOV15		Reviewed response to Appellant and referral memorandum ↳ Concur –	
2Nov15		Signed LTR to Requester & PR to W.R.	

Total

DEPARTMENT OF THE NAVY
OFFICE OF THE CHIEF OF NAVAL OPERATIONS
2000 NAVY PENTAGON
WASHINGTON, DC 20350-2000

5720
Ser DNS-36PS/15U108017
November 2, 2015

Sent via email to: (b) (6) [redacted]@aol.com

Mr. Robert Hammond
(b) (6) [redacted]

Dear Mr. Hammond:

During the processing of your Freedom of Information Act (FOIA) Appeal file Number DON-NAVY-2015-007691, the Deputy Assistant Judge Advocate General (General Litigation Division-Code 14) granted your appeal, and remanded your request to this office for further processing.

We have consulted with the FOIA coordinator at Walter Reed National Military Medical Center (WRNMMC) and have redirected your request to WRNMMC, located at 8901 Wisconsin Avenue, Bethesda, MD 20889-5600, for action and direct response.

Questions regarding the action this office has taken to redirect your request may be directed to our FOIA service center at (202) 685-0412, or DONFOIA-PA@navy.mil. For questions regarding the current status of your request, please contact a FOIA Coordinator at WRNMMC directly at (301) 400-2315.

Sincerely,

R. PATTERSON
Head, DON PA/FOIA Program Office

Copy to:
Director, General Litigation Division (Code 14)

DEPARTMENT OF THE NAVY
OFFICE OF THE CHIEF OF NAVAL OPERATIONS
2000 NAVY PENTAGON
WASHINGTON, DC 20350-2000

5720
Ser DNS-36PS/15U108018
2 Nov 2015

From: Chief of Naval Operations (DNS-36)
To: Walter Reed National Medical Center (FOIA Office)

Subj: FREEDOM OF INFORMATION ACT APPEAL DON-NAVY-008860 OF ROBERT HAMMOND

Ref: (a) PHONCON CNO (DNS-36PS) (b) (6) /WRNMMC J. Bizzell of 29 Oct 15

Encl: (1) DJAG ltr Ser 14/021 of 26 Oct 15
(2) Requester's ltr of 30 Aug 15
(3) CNO ltr Ser DNS-36PS/15U108017 of 2 Nov 15

1. As agreed during reference (a), enclosures (1) and (2) are forwarded for action as a matter under your cognizance and for direct response to the requester. Enclosure (3) is provided for your information.

2. Enclosure (1) was received by this office on 26 Oct 15. Questions concerning this action may be directed to our FOIA Service Center at (202) 685-0412 or donfoia-pa@navy.mil.

Sincerely,

R. PATTERSON
Head, DON PA/FOIA Program Office

Copy to:
Director, General Litigation Division (Code 14)

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 14/021
26 Oct 15

(b) (5)

(b) (5)

Robert Hammond
(b) (6) [redacted]
(b) (6) [redacted]@aol.com

August 30, 2015

Department of the Navy (DON) via FOIA Online, https://foiaonline.regulations.gov/ and donfoia-pa@navy.mil

Subject: Appeal of FOIA Request – Records of Hammond Fiscal Year 2013 FOIA Requests Submitted to Walter Reed National Military Medical Center (WRNMMC)

Requester Personal Reference number: FOIA DON 15-I

Enclosure: (1) My FOIA Request DON #15-I, Records of Hammond Fiscal Year 2013 FOIA Requests Submitted to Walter Reed National Military Medical Center (WRNMMC), dated July 22, 2015
(2) DON Reply Letter DON 5720, Ser DNS-36PS/ 15U107076 dated 24 Aug 15

References: (a) Joint publication of U.S. Department of Justice, Executive Office of the President and U.S. General Services Administration of July 2011, "Your Right to Federal Records"
(b) DoD 5400.11-R, May 14, 2007, Department of Defense Privacy Program
(c) DoD 5400.7-R, September 1998, DoD Freedom of Information Act (FOIA) Program
(d) DoD 6025.18-R, Jan. 24, 2003, DoD Health Information Privacy Regulation
(e) GAO Report GAO-12-828 of July 2012, subject Freedom of Information Act
(f) Department of Justice Handbook for Agency Annual Freedom of Information Act Reports
(g) Department of Navy Chief Information Officer memorandum, subject DEPARTMENT OF NAVY IMPLEMENTATION OF FOIAONLINE dated December 12, 2013

Dear Sir,

This appeal is submitted under the references above for my FOIA request with the subject as above, seeking records my FY 2013 FOIA requests submitted to WRNMMC contained in any DON system used for tracking FOIA requests. References (a) through (g) apply. Please preserve all responsive or potentially responsive records and records of your searches in your FOIA case file until the statutory date for judicial review has passed (should that be necessary) or in accordance with a NARA approved records schedule, if longer.

DON Automated Systems Used for Tracking FOIA Requests. Reference (g) mandates that, "Effective 1 February 2014, all new and open Department of the Navy (DON) Freedom of Information Act (FOIA) requests will be processed through the FOIAonline tracking and management tool." It further states, "FOIA offices currently using the Naval Sea Systems Command e-FOIA tool and commands that are employing other FOIA tools or methods will continue using their respective

system unti131 January2014." Other tools may include Microsoft Excel spreadsheets or other tools. Many of the requests submitted to WRNMMC remain open to this day and may have been migrated to FOIAonline; else the records that I am seeking would reside in the Naval Sea Systems Command e-FOIA tool or other FOIA tools referenced in the preceding sentence above. Moreover, many requests were appealed, such that records of those appeals would abe contained in DON JAG tracking systems.

My FOIA Request and DON's Non-responsive Reply Thereto.

My FOIA request is at enclosure (1). DON assigned number DON-NAVY-2015-007691, and provided a reply to my request in their letter DON 5720, Ser DNS-36PS/ 15U107076 dated 24 Aug 15 at enclosure (2), which states "Please find enclosed a copy of our response letter 5720 Ser DNS-36 - JP/150105010 dated 7 Jan 15 addressing your FOIA request.

The DON reply is non-responsive providing no records from FOIA tracking systems or tools, but rather providing a completely irrelevant letter dated 7 Jan 15. That letter is clearly not a responsive reply to my FOIA Request DON #15-I, which is the subject of this appeal. Please see below.

The DON letter of 7 Jan 2015 is an unsolicited DON letter related to Navy Bureau of Navy Medicine's BUMED) failure to provide any response for a single FOIA request seeking the WRNMMC FY2012 Annual FOIA Report submission, which is shown in the BUMED and DON FY 2012 Annual FIOA reports as having been submitted through BUMED to DON. BUMED has still not provided a reply to that unrelated FOIA request and it remains open. Moreover, DON letter 5720 Ser DNS-36 - JP/150105010 dated 7 Jan 15, signed by Ms. Patterson, DON FOIA/PA Manager, is misleading and contains factual inaccuracies. I am including my reply to that letter as enclosure (3), both to preserve that replay as a FOIA case record and to include it as background for this appeal and for judicial review, should judicial review of this appeal become necessary. In this way the full record will be available to the public .

Requirement to Forward Misdirected FOIA Requests. DON did not perform a responsive search for the records sought in locations within DON where the records would likely be located. That said, should DON conduct such a search (releasing all responsive records in it; possession), and determine that responsive records are located in WRNMMC FOIA tracking systems, DON is required to forward the incident FOIA request to WRRNMMC. DOD regulations require that its various component agencies forward misdirected FOIA requests "to the DoD Component or other Federal Agency with the responsibility for the records requested. DoD 5400.7-R.C5.2.7.

Records Sought Under the FOIA. I am seeking records my FY 2013 FOIA requests submitted to WRNMMC contained in any DON automated system used for tracking FOIA requests. It is records from DON tracking systems that are potentially used for compiling the Annual FOIA Report submission that I am seeking. The current system is https://foiaonline.regulations.gov/, but the records that I am seeking may have been contained in a predecessor system, if they were not brought forward. Note that records released under the FOIA (DON-NAVY-2015-002302) demonstrate that WRNMMC FOIA requests were included in the DON Annual FOIA Report submission. Moreover, many requests

were appealed to DON JAG and would have had to have been included in the DON JAG FY2013 Annual FOIA Report submission. Enclosure (1) is a listing of individual FOIA requests submitted to Walter Reed National Military Medical Center (WRNMMC). It is my understanding that DON/DON JAG maintains one or more automated system(s) database(s) for tracking FOIA requests and FOIA appeals and that each FOIA request that I submitted to WRNMMC and each FOIA request that I appealed should have been recorded in DON automated systems. It is my understanding that such automated tracking systems/database(s) are used in compiling the Annual FOIA Report submission and that subordinate activity requests, such as those that I submitted to WRNMMC would have been entered into such DON-wide tracking systems. The records that I am seeking should be readily available and easily located by FOIA personnel. This is a simple request.

Other agencies have freely released this information for their personnel without charge. Enclosure (1) provides an example of information released for the Defense Health Agency FOIA Officer.

Basis for Appeal.

I am appealing that the Agency Did Not

(1) conduct a search within DON where responsive records would likely be located (i.e. any DON system/tool used for tracking FOIA requests (as described in the FOIA request and above) and any DON JAG tracking system/tool)), and issue a finding as to whether there are responsive records therein.

(2) after completing the DON search for responsive records, forward the request "to the DoD Component or other Federal Agency with the responsibility for the records requested (i. e. WRNMMC) for with explicit instructions for further processing as a matter under their cognizance.. *See* DoD 5400.7-R.C5.2.7.

Appelate Authhority Action Reqeuested. I am asking that:

(1) each element of the basis of my appeal be addressed separately;

(2) each element of my appeal be sustained;

(3) my FOIA request be remanded back to for direct reply to me; and,

(4) I be granted new appellate rights following a subsequent reply.

Thank you in advance.

With my respect,

(b) (6)

Robert Hammond

Robert Hammond
(b) (6) [redacted]
(b) (6) [redacted] @aol.com

July 22, 2015

Department of the Navy via FOIA Online, https://foiaonline.regulations.gov/ and donfoia-pa@navy.mil

Subject: FOIA Request – Records of Hammond Fiscal Year 2013 FOIA Requests Submitted to Walter Reed National Military Medical Center (WRNMMC)

Requester Personal Reference number: FOIA DON 15-I

Enclosure : (1) Listing of Hammond FY 2013 FOIA Requests to WRNMMC
(2) DON JAG final determination letter dated 18 Sep 2015

References: (a) Joint publication of U.S. Department of Justice, Executive Office of the President and U.S. General Services Administration of July 2011, "Your Right to Federal Records"
(b) DoD 5400.11-R, May 14, 2007, Department of Defense Privacy Program
(c) DoD 5400.7-R, September 1998, DoD Freedom of Information Act (FOIA) Program
(d) DoD 6025.18-R, Jan. 24, 2003, DoD Health Information Privacy Regulation
(e) GAO Report GAO-12-828 of July 2012, subject Freedom of Information Act
(f) Department of Justice Handbook for Agency Annual Freedom of Information Act Reports

Dear FOIA Officer,

I am submitting this request under submitting this request under the Freedom of Information Act, U.S.C. subsection 522. If you deem that any portion of this request must be processed under the Privacy Act, please notify me in writing within the FOIA response timeframe and continue processing under that Act. If you deny all or any part of this request, please cite each specific exemption you think justifies your refusal to release the information under the applicable Act(s) and notify me of appeal procedures available under the law. Please preserve all responsive or potentially responsive records and records of your searches in your FOIA case file until the statutory date for judicial review has passed (should that be necessary) or in accordance with a NARA approved records schedule, if longer.

Records Sought Under the FOIA. I am seeking records my FY 2013 FOIA requests submitted to WRNMMC contained in any DON automated system used for tracking FOIA requests. It is records from DON tracking systems that are potentially used for compiling the Annual FOIA Report submission that I am seeking. The current system is https://foiaonline.regulations.gov/, but the records that I am seeking may have been contained in a predecessor system, if they were not brought forward. Note that records released under the FOIA (DON-NAVY-2015-002302) demonstrate that WRNMMC FOIA requests were included in the DON Annual FOIA Report submission. Moreover, many requests

were appealed to DON JAG and would have had to have been included in the DON JAG FY2013 Annual FOIA Report submission. Enclosure (1) is a listing of individual FOIA requests submitted to Walter Reed National Military Medical Center (WRNMMC). It is my understanding that DON/DON JAG maintains one or more automated system(s) database(s) for tracking FOIA requests and FOIA appeals and that each FOIA request that I submitted to WRNMMC and each FOIA request that I appealed should have been recorded in DON automated systems. It is my understanding that such automated tracking systems/database(s) are used in compiling the Annual FOIA Report submission and that subordinate activity requests, such as those that I submitted to WRNMMC would have been entered into such DON-wide tracking systems. The records that I am seeking should be readily available and easily located by FOIA personnel. This is a simple request.

Requested Format. I am requesting that documents provided as a single PDF file to include: 1) a signed and dated cover letter citing my personally assigned requester control number addressing only this FOIA request; 2) all responsive documents; 3) a copy of this request in your reply. This request letter is an agency record and providing a copy of this request is an integral part of my FOIA request. 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 your reply.

Public Interest. There is significant public interest FOIA at this time an in FOIA reporting The requested records concern "the operations or activities of the government." The disclosure is likely to contribute to an understanding of government operations or activities and contribute to an understanding of the subject by the public. This is a simple request.

Agreement to Pay Fees. I agree to pay fees for searching or copying the records up to $50. If the fees exceed this amount please advise me of the cost. I believe that the records that I am seeking contribute significantly to public understanding of the operations or activities of the Department of Defense. I do not believe that there should be any charge for providing these records, as there is public interest in government operations and procedures. I am a private individual not seeking documents for commercial use, such that the following applies: "No fees may be charged by any DoD 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 a PDF file, there should not be a per page copy fee. This is a simple request. All documents should have been consolidated into case files, assigned case tracking numbers (per governing laws, regulations and policies) and included in automated tracking systems. There should not be a fee to the requester for any failure by DON or WRNMMC to properly store all records and retain them in accordance with an approved NARA record schedule. Should you determine that that there is a charge for this request, please include the calculation of the charge and along with your determination of the costs of routine collection and processing of the fee. As there is public interest (discussed above), I am requesting a fee waiver.

Some Applicable References.

- Reference (a) states that for requests 'that will require more than ten days for the agency to process, the FOIA requires agencies to assign a tracking number to your request. Each agency must provide a telephone number or website by which a requester can use the assigned tracking number to obtain information about the status of a pending request."

- DoD 5400.11-R, May 14, 2007, paragraph C3.1.10. states: "Time Limits. "DoD Components normally shall provide access within 20 working days after receipt of the request. If access cannot be given within the 20 working day period, the requester shall be notified in an interim response." Please provide me a tracking number for this request.
- Reference (c) states, "DoD personnel are expected to comply with the FOIA, this Regulation, and DoD FOIA policy in both letter and spirit. This strict adherence is necessary to provide uniformity in the implementation of the DoD FOIA Program and to create conditions that will promote public trust."

I believe that I have adequately described the records that I am seeking. If you believe that my request is unclear, if you have any questions, or if there is anything else that you need from me to complete this request in a timely manner, please contact me in writing, so that I may perfect my request. If you deem that any portion of my request is unclear, answer the remaining portions and I will perfect a request for additional material as needed.

Thank you in advance.

With my respect,

(b) (6)

Robert Hammond

FY2013 FOIA Requests to Walter Reed National Military Medical Center

My Personal Requester CTRL #	Title/Subject	Date Submitted
	Critical Sodium Value [December 23 2011 to December 29,2011] [Never acknowledged]	2/26/2013
	DD form 2870s [Never acknowledged]	2/26/2013
	All Medical Records in WRNMC possession at the time of the FOIA request	3/29/2013
	Critical Sodium Value [December 23 2011 to December 29,2011]	3/29/2013
	Incorrect Title; **Subject was All medical records 20120101 - 20120511**	5/11/2013
	Incorrect Title; **Subject was All medical records January 1, 2012 to May 11, 2013**	5/12/2013
	Incorrect Title; **Subject was Specific Medical Records - out patient records from January 1, 1997 to November 1,2004;** • **laboratory reports from January 1, 1997 to November 6, 2001;** • **colonoscopy records on or about 2007;** • **emergency room records of December 24,2011 with accompanying consultations and results of treatment/tests.**	5/21/2013
	CAPT Henry Medical Record Notes	6/22/2013
	DD Forms 2870	6/22/2013
	Critical Sodium Value WRNMC [current value]	6/23/2013
NNMC #13-01	**Pager Numbers LT** (b) (6) **Pages - # paged, text and who paged**	6/23/2013
NNMC #13-02	**Access to laboratory values**	6/23/2013
NNMC #13-03	**1:1 Sitter** -name(s) and other identifying information	6/23/2013
WRNMC #13-04	**Outpatient Records from December 26,2011 to January 30, 2012;** (b) (6)	6/24/2013
WRNMC #13-05	**Medical Records May 15,2012 to June 19,2012; Virtual Colonoscopy**	6/29/2013
WRNMC #13-06	**Medical Records June 20 - July 5, 2013**	6/29/2013
WRNMC #13-07	**Medical Records March 1,2012 to May 14,2012;** (b) (6)	6/29/2013
WRNMC #13-08	**Medical Records from March 1, 2007 to May 30,2007; Virtual colonoscopy**	6/29/2013
WRNMC #13-09	**Outpatient Records from January 1, 1997 to November 1, 2004**	6/29/2013
WRNMC #13-10	**Laboratory Records from January 1, 1997 to December 31, 2000**	6/29/2013
WRNMC #13-11	**Records from January 1, 2013 to February 1, 2013**	6/29/2013
WRNMC #13-12	**Archived Outpatient Records from January 1, 1997 to June 29, 2013**	6/29/2013
WRNMC #13-13	**Archived Inpatient Records from January 1, 1997 to June 29, 2013**	6/29/2013
WRNMC #13-14	**Disclosure of Inpatient Records from June 28, 2007 to June 29, 2013**	6/29/2013
WRNMC #13-15	**Disclosure of Outpatient Records from June 28, 2007 to June, 29, 2013**	6/29/2013

FY2013 FOIA Requests to Walter Reed National Military Medical Center

WRNMC #13-16	**Retrieval of Archived Inpatient Records from January 1, 1997 to June 29, 2013**	6/29/2013
WRNMC #13-17	**Retrieval of Archived Outpatient Records from January 1, 1997 to June 29,2013**	6/29/2013
WRNMC #13-18	**HIPPA Medical Records Letters Including Corrections Tracking and Status Records to Date**	6/29/2013
WRNMC #13-19	**Medical Records; Copy of DVD Containing PDF files of records received as of May 14, 2012**	6/29/2013
WRNMC #13-20	HIPPA Medical Records Corrections Tracking and Status [Withdrawn 2012 12 02; duplicate]	6/29/2013
WRNMC #13-21	(b) (6) **2LT 6087 Transfer Duty Assignment** -no personally identifiable information	7/9/2013
WRNMC #13-22	**FOIA Request Tracking and Status** -all information related to my requests, including but not limited to your assigned case numbers, dates received, persons to whom the requests were directed, reviews, status.	7/22/2013
WRNMC #13-23	**All DD Forms 2870 between 1 January 2012 and 30 15 may 2012**	7/22/2013
WRNMC #13-24	**Serum Sodium Reference Ranges and Critical High and Low Values**	7/22/2013
WRNMC #13-25	**Transcript of Voice Mail;** (b) (6) **13 June 2012**	7/28/2013
WRNMC #13-26	**Hyponatremia Acquired During Hospitalization**	7/29/2013
WRNMC #13-27	**Patient Involuntary Restraint**	7/29/7/29
WRNMC #13- 28	(b) (6) **Unavailability**	8/18/2013
WRNMC #13- 29	(b) (6) **2LT 6087 Unavailability**	8/18/2013

DEPARTMENT OF THE NAVY
OFFICE OF THE CHIEF OF NAVAL OPERATIONS
2000 NAVY PENTAGON
WASHINGTON, DC 20350-2000

5720
Ser DNS-36PS/15U107076
24 Aug 15

Sent via email to: (b) (6) [redacted] aol.com

Mr. Robert Hammond
(b) (6) [redacted]

Dear Mr. Hammond:

This is in reference to your Freedom of Information Act (FOIA) request dated July 22, 2015 for "Records of Hammond Fiscal Year 2013 FOIA Requests Submitted to Walter Reed National Military Center (WRNMMC); Personal Reference number FOIA DON 15-I". Your request was received in our office the same day and assigned Case Tracking Number DON-NAVY-2015-007691.

Please find enclosed a copy of our response letter 5720 Ser DNS-36-JP/15U105010 dated 7 Jan 15 addressing your FOIA request.

Questions regarding this response may be directed to our FOIA Service Center at (202) 685-0412 or by email at donfoia-pa@navy.mil.

Sincerely,

FOR ROBIN PATTERSON
Head, DON PA/FOIA Program Office

Enclosure

Copy to:

Office of Government Information Services
Defense Freedom of Information Policy Office
Defense Health Agency Freedom of Information Service Center
Department of the Navy Chief Information Officer
Walter Reed National Military Medical Center Freedom of Information Act Office
Bureau of Medicine and Surgery Freedom of Information Act Office

DEPARTMENT OF THE NAVY
OFFICE OF THE CHIEF OF NAVAL OPERATIONS
2000 NAVY PENTAGON
WASHINGTON, DC 20350-2000

5720
Ser DNS-36JP/15U105010
7 Jan 15

Sent via email to: (b) (6) [redacted]@aol.com

Robert Hammond
(b) (6) [redacted]

Dear Mr. Hammond:

SUBJECT: YOUR FREEDOM OF INFORMATION ACT REQUESTS

This is in reference to a series of Freedom of Information Act (FOIA) requests submitted to Walter Reed National Military Medical Center (WRNMMC) and to the Bureau of Medicine and Surgery (BUMED). You have been in contact with these offices, as well as several offices along their respective chains of command, as well as an attempt to resolve this matter through mediation by the Office of Government Information Services (OGIS).

It is our understanding that your primary concern is the following: you submitted two (or more) FOIA requests to WNRMMC, which were (improperly) closed due to fee considerations. You appealed the response, and the ultimate result was that the fees were waived and your requests were processed. You are concerned not with the processing of those requests, but with the reporting of the disposition of the requests in the FOIA Annual Report. On this understanding, we are exclusively attempting to address your concern about the accuracy of the Annual Report.

Please be advised that the "raw data" you are seeking with regard to the Annual Report submissions, insofar as it addresses your direct concern, would be maintained solely by WNRMMC. Across DON, Annual Report Data is collected and compiled using DD FORM 2564. A blank copy of a DD FORM 2564 is attached. Please note that this form only tracks aggregate numbers, with no ability to infer the disposition of any specific request.

We contacted BUMED on this matter. BUMED advised that, due to unavoidable personnel management considerations, the BUMED FOIA office has been understaffed, which has delayed response to your multiple inquiries. We apologize for this delay. BUMED further advised that your requests had been directed to WRNMMC and that you were advised of this referral. Additionally, BUMED indicated that their offices have no record of a FOIA Annual Report submission from WRNMMC since Fiscal Year 2009.

With regard to WRNMMC, please be advised that recent reorganizations and redesignations have made it extremely difficult to determine which offices had administrative control over WRNMMC at which time, and that the specific matter of FOIA authority has been similarly unclear. The FOIA page for the WRNMMC website indicates that WRNMMC FOIA falls under the authority of DON. This is not correct. As of October 1, 2013, WRNMMC FOIA falls under the authority of the Defense Health Agency (DHA). If you have concerns about the service you are receiving from the WRNMMC Requester Service Center, please contact the DHA FOIA Liaison Officer at Defense Freedom of Information Policy Office, ATTN: Ms. Linda S. Thomas, Chief, Freedom of Information Service Center, Defense Health Agency, 7700 Arlington Boulevard, Suite 5101, Falls Church, VA 22042-5101, by phone at (703) 681-7500, or by email at FOIARequests@tma.osd.mil.

As an additional note, it is important to refer to the Department of Justice Office of Information Policy guidance regarding accurate completion of the Annual Report (copy attached). If your request was closed for a fee-related reason, appealed, remanded, and then processed to completion, it would be proper to report both the closure for the fee-related reason as well as the final disposition following remand ("For reporting purposes, a remanded request should be treated as a new request by the agency and the time spent processing the request should be included in the agency's Annual FOIA Report just as is done for all FOIA requests.")

In conclusion, please be advised that DON has no further involvement in this matter - WRNMMC no longer falls under DON for FOIA purposes, and BUMED properly responded to your requests for WRNMMC Annual Report data by referring those requests to WRNMMC. As noted above, if you have concerns about the service you are receiving from the WRNMMC Requester Service Center, please contact the DHA FOIA Liaison Officer.

We apologize for the difficulty you have had in the processing of your requests. Questions regarding this response may be directed to Mr. (b) (6) [redacted] at (b) (6) [redacted] or by email at (b) (6) [redacted]@navy.mil.

Sincerely,

ROBIN PATTERSON
Head, DON PA/FOIA Program Office

Copy to:

Office of Government Information Services
Defense Freedom of Information Policy Office
Defense Health Agency Freedom of Information Service Center
Department of the Navy Chief Information Officer
Walter Reed National Military Medical Center Freedom of Information Act Office
Bureau of Medicine and Surgery Freedom of Information Act Office

DEPARTMENT OF THE NAVY
OFFICE OF THE CHIEF OF NAVAL OPERATIONS
2000 NAVY PENTAGON
WASHINGTON, DC 20350-2000

5720
Ser DNS-36PS/15U108017
November 2, 2015

Sent via email to: (b) (6) [redacted]@aol.com

Mr. Robert Hammond
(b) (6) [redacted]

Dear Mr. Hammond:

During the processing of your Freedom of Information Act (FOIA) Appeal file Number DON-NAVY-2015-007691, the Deputy Assistant Judge Advocate General (General Litigation Division-Code 14) granted your appeal, and remanded your request to this office for further processing.

We have consulted with the FOIA coordinator at Walter Reed National Military Medical Center (WRNMMC) and have redirected your request to WRNMMC, located at 8901 Wisconsin Avenue, Bethesda, MD 20889-5600, for action and direct response.

Questions regarding the action this office has taken to redirect your request may be directed to our FOIA service center at (202) 685-0412, or DONFOIA-PA@navy.mil. For questions regarding the current status of your request, please contact a FOIA Coordinator at WRNMMC directly at (301) 400-2315.

Sincerely,

R. PATTERSON
Head, DON PA/FOIA Program Office

Copy to:
Director, General Litigation Division (Code 14)