



September 11, 2020

Edward Hasbrouck
1130 Treat Avenue
San Francisco, CA 94110
Via email to edward@hasbrouck.org

Dear Mr. Hasbrouck:

The National Commission on Military, National, and Public Service (the Commission) received your appeal dated September 7, 2020, related to Freedom of Information Act (FOIA) request 2020-SP-33. As explained herein, the Commission denies your appeal.

First, having reviewed the file for 2020-SP-33, I concur with the reasons for denying your FOIA request as set forth in the Chief FOIA Officer's letter to you, dated September 4, 2020. Your request does not comport with the Commission's FOIA regulations and is overly broad and unreasonably burdensome.

Second, although your letter asserts that you "appeal, in its entirety and with respect to each adverse decision with respect to all or any portion of my request, the Commission's denial of my FOIA request," you provided no response to the concerns expressed in the denial letter and no cognizable basis for an appeal. You did not refute the Commission's statement in its response letter that your initial request was overly broad and therefore did not meet the requirements for a FOIA request, or that it would be overly burdensome for the Commission staff to respond.

In addition, your assertion of an entitlement to submit additional arguments in support of this appeal at any time within the 90 days of the initial denial with a corresponding requirement that the Commission retain all related records during that time is not recognized under FOIA or in the Commission's FOIA regulations.

As you are aware, the Commission's permanent records will be transferred to the National Archives Records Administration (NARA), and many of the Commission's temporary records are subject to destruction under its published records schedule at the end of the Commission's existence. Out of an abundance of caution, NARA intends to retain these temporary records until December 7, 2020—90 days from the date of your appeal of our denial of your FOIA request—for the purpose of allowing you to address any further legal rights related to this specific FOIA request. Questions about this matter may be addressed to NARA's FOIA Public Liaison Gary M. Stern, at garym.stern@nara.gov.

If you have any questions about this response or the FOIA process in general, until September 11, 2020, please contact our FOIA Public Liaison, Peter Morgan, at peter.n.morgan@inspire2serve.gov. After that date, all inquiries should be made to NARA.

You have the right to seek judicial review by filing a lawsuit in the district court of the United States in the district in which you reside, your principal place of business, the Eastern District of Virginia, or in the District of Columbia. You may also seek dispute resolution services, which are offered by the Office of Government Information Services (OGIS) at NARA. You can learn more about these services at <https://www.archives.gov/ogis/mediation-program> or by contacting OGIS at:

Address: 8601 Adelphi Road – OGIS, College Park, MD 20740

Email: ogis@nara.gov

Telephone: (202) 741-5770

Facsimile: (202) 741-5769

Toll free telephone: (877) 684-6448

Thank you for your interest in the Commission.

Sincerely,

A handwritten signature in blue ink, appearing to read "Joseph Heck", written over a light blue horizontal line.

Joseph Heck
Chairman