



OFFICE of GOVERNMENT INFORMATION SERVICES

March 2, 2013 — Sent via e-mail

[REDACTED]

NATIONAL
ARCHIVES
and RECORDS
ADMINISTRATION

In Re: Case No. 201300150
MN: CZ

8601 ADELPHI ROAD

OGIS
COLLEGE PARK, MD
20740 6001

web: www.ogis.archives.gov
e-mail: ogis@nara.gov
phone: 202-741-5770
toll-free: 1-877-684-6448
fax: 202-741-5769

Dear [REDACTED]:

This is in further response to your November 23, 2012 request for assistance to the Office of Government Information Services (OGIS) regarding your Freedom of Information Act (FOIA) request and appeals to the Department of Labor's Division of Energy Employees Occupational Illness Compensation (DEEOIC). You requested OGIS assistance with three delayed appeals and also asked generally about application of an exemption to certain records.

As you may know, Congress created OGIS under the OPEN Government Act of 2007 to resolve FOIA disputes with the goal of avoiding litigation. Since opening our doors in September 2009, OGIS has received more than 1,200 cases and has successfully resolved most of them by facilitating discussions between FOIA requesters and Federal agencies. We offer mediation services as a non-binding alternative to litigation. Participation in OGIS's mediation services is voluntary and the office has no binding authority. We cannot order an agency to release records.

In your case, you have three appeals pending with the DEEOIC related to fee waiver denials. OGIS spoke with Ray Mitten, a FOIA professional in that office, and learned that your appeals are currently number 60 in the queue of about 150 appeals. He said it would take approximately six months to process those appeals.

As you discussed with OGIS attorney advisor Corinna Zarek, Mr. Mitten suggested that you may wish to contact him to discuss any options to move the appeals to the "fast track" which could involve narrowing the time frame of the records requested, the subject matter(s) of the records or the issues involved on appeal. You may wish to at least have a discussion. As Ms. Zarek explained, you would not be obligated to agree to anything or at all and it would give you an opportunity to consider the issues the agency is working with as it processes appeals. You may contact Mr. Mitten directly to either discuss the possibility of narrowing your request or for status updates in the future at (202) 693-[REDACTED]

Finally, you shared that the DEEOIC has asserted Exemption 5 to withhold certain information in FOIA responses to your colleagues. You shared that you presently have a request for the same or similar information pending with the agency. Ms. Zarek indicated that OGIS would not be in a position to review that issue until the



March 2, 2013

Page 2 of 2

DEEOIC had an opportunity to respond to you directly. You agreed to wait until you received a response on this issue and determine at that time whether OGIS may be able to assist.

I hope this information has been helpful to you. We appreciate your bringing this matter to OGIS for assistance and will close your case at this time.

Sincerely,



Miriam Nisbet, Director
Office of Government Information Services

cc: Mr. Thomas Hicks, Department of Labor FOIA Public Liaison

We appreciate your feedback. Please visit <https://www.surveymonkey.com/s/OGIS> to take a brief anonymous survey on the service you received from OGIS.