



HOT

DOD MASSIVE FALSE REPORTING PART II
+
NAVY STILL INTERESTED ABUSE
+
COVER-UP?

PUBLIC COMMENT
June 17, 2022
Updated July 27, 2022

by Robert Hammond

foiacompliance@gmail.com

Update July 27, 2022

This presentation is updated to add seven additional improper still interested letters from Department of Navy's Office of the Judge Advocate General (DON JAG) regarding open administrative appeals.

I originally reported that ten of sixteen open FOIA requests were not reported at all in Navy's FY 2019 FOIA Raw Data.

Of the DON JAG's seven additional appeals still interest letters cited herein three appeals were not reported at all while the remaining four were reported without receipt dates.

Moreover, Navy's letters cite two different request numbers associated with Appeal DON-NAVY-2019-002305 and cite the same request number (DON-NAVY-2018-003737) as associated with two different appeals.

Then, one appeal (DON-NAVY-2019-002131) does not have a request number associated with it indicating further false FOIA reporting.

- **Navy has no idea whatsoever of what they are doing**
- **Still interested inquiries are improper**
- **Navy's annual FOIA report and DOJ's FOIA.gov data are massively false**
- **DOJ OIP and OGIS have failed miserably in their compliance oversight**

Appeals still interested Tracking Numbers	2019 Report Raw Data	Applicable Request
DON-NAVY-2019-002114	No date received	DON-NAVY-2018-010276
DON-NAVY-2019-002131	No date received	No tracking number
DON-NAVY-2019-002282	Not Reported	DON-NAVY-2018-010276
DON-NAVY-2019-002305	No date received	DON-NAVY-2018-010416
DON-NAVY-2019-002305	No date received	DON-NAVY-2018-003737
DON-NAVY-2019-002333	Not Reported	DON-NAVY-2018-003737
DON-NAVY-2019-002402	No date received	DON-NAVY-2018-011804
DON-NAVY-2019-002416	Not Reported	DON-NAVY-2018-010014

Hyperlinked Outline

1. [Preface – Why this matters!](#)

- Posting FOIA Logs
- Estimated Completion Dates
- Improper Still interested inquiries
- Massive False FOIA Reporting
- Department of Justice Office of Information Policy (DOJ OIP) Compliance Inquiries (requiring ten minutes to validate)

2. [Email: Preemptive Reply to DOD/Navy FW: Still interested letters + DOD/Navy Massive False FOIA Reporting](#)

3. [Email: DOJ OIP Compliance Inquiry 22-C, FY 2021 False Reporting. DON-NAVY-2018-002619 \[one of ten submitted\]](#)

PREFACE – Why this matters!

BREAKING NEWS, hot off the press today, Navy Malfeasance??

This presentation addresses the FOIA Advisory Tech Committee Recommendation #2 requiring proactive posting of FOIA Logs, Office of Government Information Services Advisory Opinion No. 2020-01: Agencies Must Provide Estimated Dates of Completion Upon Request. [[archives.gov/ogis/advisory-opinions/2020-01-agencies-must-provide-edcs](https://www.archives.gov/ogis/advisory-opinions/2020-01-agencies-must-provide-edcs)] and DOJ's procedures for "Still Interested" inquiries.

Many of my FOIA requests and appeals seek records relating to False FOIA reporting and potential malfeasance in the FOIA process.

Within DOD, I followed the chain of command from the FOIA Officer through the Agency/Department FOIA Public Liaison (FPL), to DOD's Chief FOIA Officer, to agency/department senior leadership, to service/agency secretariats, to the Secretary of Defense. I also submitted numerous DOJ OIP compliance inquiries and requests for mediation/compliance determinations to NARA's Office of Government Services (OGIS) which has statutory mandates for mediation and compliance oversight.

When I sought from DOD status and estimated completion dates for my outstanding appeals and FOIA requests, rather than provide such information, Department of Navy's Judge Advocate General (DON JAG) General Litigation Division Nathan A. Bosiak sent me seven "Still Interested" inquiries within an hour and a half.

This is despite my FOIA requests containing still interests preemptive replies and my eleven still interested emails stating that my interest in my FOIA requests is enduring:

STILL-INTERESTED PREEMPTIVE REPLY.

This is a preemptive reply to the Justice Department guidelines procedure known as a "still interested" inquiry, through which a FOIA officer can confirm that the requester has not lost interest in obtaining the documents.

My interest in all FOIA requests submitted to your office is enduring, meaning that my interest in seeking replies to all past and future

FOIA requests remains in effect until each request has been answered fully and the time for judicial review has passed. Please do not initiate any "still interested" inquiries. This serves as my notice of enduring interest and automatic reply to any future questions of interest by your office. There are no reasonable grounds to ever conclude in the future that I am not interested in this request.

ANY referral or transfer of any of my FOIA requests/appeals must include my still interested preemptive reply.

MASSIVE FALSE FOIA REPORTING.

See my public comment, "DOD Massive False FOIA Reporting. Part 1. Letters to SECDEF, Complaint to DOJ OIG;" *see also* "Failure - FOIA Compliance Oversight & Funding. Part 2. No Joking Matter."

Out of **SIXTEEN** open FOIA requests cited in DON JAG's letter 5720 Ser 14/245 of June 16, 2022 seeking still interested replies **TEN** are not cited in DOD's Navy FY 2021 FOIA Raw Data, **indicating known False FOIA reporting**. DON JAG (likely Bosiak) submits its own quarterly and annual FOIA reports through DONFOIA-PA to DOD. [A prior director admitted that during his tenure they were inaccurate.]

DOJ OIP COMPLIANCE INQUIRIES.

While I still have open DOJ OIP FOIA compliance inquiries dating back to 2013, I nevertheless submitted ten new DOJ OIP compliance inquiries citing the TEN open FOIA requests as not being reported in DOD's FY 2021 annual FOIA Report Raw Data.

It took me less than ten minutes to check each of the SIXTEEN open FOIA request against DOD's FY 2021 FOIA Raw Data (<https://open.defense.gov/Transparency/FOIA/DoD-Annual-Reports-to-AG/>) and ascertain that the TEN below are not reported:

DON-NAVY-2019-000004
DON-NAVY-2018-011918
DON-NAVY-2018-002619
DON-NAVY-2018-002156
DON-NAVY-2018-002630

DON-NAVY-2018-002663

DON-NAVY-2018-001684

DON-NAVY-2018-002615

DON-NAVY-2018-011318

DON-NAVY-2018-011904

2. Email: Preemptive Reply to DOD/Navy

FW: Still interested letters + DOD/Navy

Massive False FOIA Reporting

From: perseverance2013@aol.com
To: "donfoia-pa@navy.mil"; "robin.patterson@navy.mil"; "christopher.a.julka@navy.mil"; "wendy.winston@navy.mil"; "nathaniel.a.bosiak.mil@us.navy.mil"; "DHA.FOIA@mail.mil"; "joo.y.chung2.civ@mail.mil"; "OIP.ComplianceInquiry@usdoj.gov"; "bobak.Talebian@usdoj.gov"; "DHA.FOIA@mail.mil"; "dha.ncr.pci.mbx.foia-requests@mail.mil"; "dha.bethesa.ncr.medical.mbx.wrrm-hipaa-mail@mail.mil"; "ambler.jackson@aecom.com"; "judy.i.bizzell.civ@mail.mil"; "joseph.e.davidge.civ@mail.mil"; "donfoia-pa@navy.mil"; "grant.lattin@navy.mil"; "james.mckeeon@navy.mil"; "Marye, Charles C CIV WHS ESD (USA)"; "ambler.jackson@aecom.com"; "brenda.squires@navy.mil"; "della.garcia@med.navy.mil"; "susan.reyes@navy.mil"; "heather.partridge@med.navy.mil"; "DONFOIA-PA@navy.mil"; "Christopher.a.julka@navy.mil"; "joshua.portner.ctr@navy.mil"; "mary.p.shaw@navy.mil"; "montant.johnson.ctr@navy.mil"; "Raymond.Hartwick.ctr@navy.mil"; "richard.r.strong@navy.mil"; "robin.patterson@navy.mil"; "thomas.b.Modly.civ@mail.mil"; "raquel.c.bono.mil@mail.mil"; "wendy.winston@navy.mil"; "grant.lattin@navy.mil"; "emilee.k.baldini@navy.mil"; "kirk.foster@navy.mil"; "adam.inch@navy.mil"; "adam.yost@navy.mil"; "soto.alaric@mail.mil"; "paul.richelmi@navy.mil"; "eva.lose@navy.mil"; "james.mckeeon@navy.mil"; "Meredith.werner@navy.mil"; "matthew.roush@navy.mil"; "Felecia.M.Ford@navy.mil"; "griffin.farris@navy.mil"; "andrew.m.barr.mil@mail.mil"; "dod.foia.pa@gmail.com"; "usarmy.jbsa.medcom.list.medcom-foia-users@mail.mil"; "usarmy.belvoir.hqda-oaa-ahs.mbx.rmda-foia-public-liaison@mail.mil"; "osd.mc-alex.odcmo.mbx.foia-liaison@mail.mil"
Cc: "John.P.Peterson.civ@mail.mil"; "Paul.D.Kercher.civ@mail.mil"; "Emily.D.Hall5.civ@mail.mil"; "Elizabeth.N.Arzola.civ@mail.mil"; "usarmy.belvoir.hqda-oaa-ahs.mbx.rmda-foia-public-liaison@mail.mil"; "usarmy.belvoir.hqda-oaa-ahs.mbx.rmda-foia-public-liaison@mail.mil"; "jefrey.w.timby.mil@mail.mil"; "timothy.s.sloan.mil@mail.mil"; "Antonio.R.Blount.civ@mail.mil"; "Patti.e.myers.civ@mail.mil"; "Abuoh.e.neuville.mil@mail.mil"; "usarmy.tripler.medcom-tamc.mbx.customer-relations-office@mail.mil"; "FOIA"; "melvinv@gao.gov"; "mctiquej@gao.gov"; "alina.semo@nara.gov"; "ogis@nara.gov"
Bcc: REDACTED
Subject: Preemptive Reply to DOD/Navy FW: Still interested letters + DOD/Navy Massive False FOIA Reporting
Date: Friday, June 17, 2022 12:58:00 PM
Attachments: [Hammond Ser 14-245 signed.pdf](#)
[DOJ FOIA REQUESTS AND APPEALS. STILL-INTERESTED PREEMPTIVE REPLY. .msg](#)
[Hammond FOIAs - Still Interested is enduring for my requests.msg](#)
[FW FOIA - Still Interested is enduring for my requests.msg](#)
[FW FOIA - Still Interested is enduring for my requests.msg](#)
[FW FOIA - Still Interested is enduring for my requests.msg](#)
[FW FOIA - Still Interested is enduring for my requests.msg](#)
[FW FOIA - Still Interested is enduring for my requests.msg](#)
[RE FOIA - Still Interested is enduring for my requests.msg](#)
[FW FOIA - Still Interested is enduring for my requests.msg](#)
[FW FOIA - Still Interested is enduring for my requests.msg](#)
[Fwd FOIA - Still Interested is enduring for my requests.msg](#)
Importance: High

Joo Chung (DOD Chief FOIA Officer), Mr. Julka (Navy FOIA Public Liaison), DONFOIA-PA, Robin Patterson, Joe Davidge, (DHA FOIA Public Liaison), Bobby Talebian (DOJ), Ms. Semo NARA OGIS), et al:

This responds to Navy's letter Ser 14-245 and five emails citing multiple FOIA requests and appeals regarding still interested inquiries of certain FOIA requests and appeals dating back to 2018.

DOD MASSIVE FALSE FOIA REPORTING. As I spot checked a few of the FOIA request tracking numbers cited in Navy's letter Ser 14-245, which Navy cites as open and for which is seeking still interested replies, none [10 of 16] are listed in DOD's FY 2021 FOIA raw data.

<https://open.defense.gov/Transparency/FOIA/DoD-Annual-Reports-to-AG/> . This may be a blatant attempt to cover-up false FOIA reporting, in my view. It will not stand. There may also be ethical and performance standards issues.

IMPROPER STILL INTERESTED INQUIRY

First, there is no provision for a still interested inquiry to an appeal.

Nevertheless, I am reiterating, as cited in the 11 attached still interested preemptive replies:

STILL-INTERESTED PREEMPTIVE REPLY. This is a preemptive reply to the Justice Department guidelines the procedure known as a “still interested” inquiry, through which a FOIA officer can confirm that the requester has not lost interest in obtaining the documents.

My interest in all FOIA requests and appeals submitted to your office is enduring, meaning that my interest in seeking replies to all past and future FOIA requests and appeals remains in effect until each request has been answered fully and the time for judicial review has passed. Please do not initiate any "still interested" inquiries. This serves as my notice of enduring interest and automatic reply to any future questions of interest by your office. There are no reasonable grounds to ever conclude in the future that I am not interested in this request.

ANY referral or transfer of any of my FOIA requests/appeals must include my still interested preemptive reply.

ACTION FOA ALL ADDRESSEES.

1. **All.** Append this preemptive still interested reply to all requests and appeals received from me, Robert Hammond, perseverance2013@aol.com.
2. **DOD Chief FOIA Officer.** review and amend your FOIA raw data dating back to 2013 where there are massive numbers of FOIA requests and appeals still open that are not being reported as such. Initiate administrative reviews.
3. **DOJ** conduct independent audits of all DOD annual FOIA reports to raw data and electronic FOIA portals (e.g., FOIAonline) against raw data from 2013 forward or get GAO to do it for you. DOD’s FOIA reporting is massively false. Please address at the June 29, 2022 FOIA Open Meeting your efforts to date to address massive FALSE FOIA Reporting. Please address the case numbers cited herein.
4. **NARA Office of Government Information Services,** at the upcoming June 29, 2022 FOIA Open Meeting, OGIS will be addressing it’s Freedom of Information Act Ombudsman 2022 Report for Fiscal Year 2021. “The Freedom of Information Act (FOIA) mandates that the Office of Government Information Services (OGIS) review agency FOIA policies, procedures and **compliance**, 5 U.S.C. §§ 552 (h)(2)(A) and 552 (h)(2)(B).” I have provided OGIS countless examples of massive False FOAI Reporting, including DOD and NARA. Please discuss at the meeting your efforts to date (if any) to address this.

With my deep respect,

Robert Hammond
Whistleblower

From: no-reply@foiaonline.gov <no-reply@foiaonline.gov>
Sent: Friday, June 17, 2022 7:53 AM
To: perseverance2013@aol.com
Subject: Still interested letter

Still interested letter

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 14/245

June 16, 2022

SENT VIA FOIA ONLINE, DOD SAFE, AND U.S. MAIL

Mr. Robert Hammond

REDACTED

E-mail: perseverance2013@aol.com

SUBJECT: FREEDOM OF INFORMATION ACT (FOIA) REQUESTS DON-NAVY-2019-000004, DON-NAVY-2018-011918, DON-NAVY-2018-002619, DON-NAVY-2018-002156, DON-NAVY-2018-002630, DON-NAVY-2018-002663, DON-NAVY-2018-001684, DON-NAVY-2018-002615, DON-NAVY-2019-002108, DON-NAVY-2019-002293, DON-NAVY-2019-002310, DON-NAVY-2019-002335, DON-NAVY-2018-011318, DON-NAVY-2019-002401, DON-NAVY-2018-011904, DON-NAVY-2021-000407; FOIA APPEALS DON-NAVY-2019-000581, DON-NAVY-2019-006137, DON-NAVY-2019-001380, DON-NAVY-2019-001389, DON-NAVY-2019-001391, DON-NAVY-2019-001392, DON-NAVY-2019-001515, DON-NAVY-2019-001518, DON-NAVY-2019-002112, DON-NAVY-2019-002294, DON-NAVY-2019-002311, DON-NAVY-2019-002336, DON-NAVY-2019-002341, DON-NAVY-2019-002402, DON-NAVY-2019-002977, DON-NAVY-2022-001294

This letter responds to your FOIA appeals submitted between November 1, 2018 and November 4, 2021, which were assigned tracking numbers referenced in the above subject line.

Your underlying requests, referenced in the above subject line, were submitted to the Secretary of the Navy/Chief of Naval Operations FOIA Office (DNS-36), the initial denial authority in fiscal years 2018-2021.

As of today, your appeals are still pending. I write to inquire as to whether you are still interested in your appeals being adjudicated by the Office of the Judge Advocate General, General Litigation Division (Code 14). If you are still interested, please inform Code 14 within 30 business days from the date of this letter by mail or via FOIA Online. If you choose to contact Code 14 by mail, please address your correspondence as follows:

Office of the Judge Advocate General – General Litigation Division

ATTN: FOIA APPEALS
1322 Patterson Ave., Suite 3000
Washington Navy Yard, D.C. 20374-5066

If Code 14 does not receive any response from you within 30 business days of the date of this letter, your appeal will be administratively closed with no further action taken.

Sincerely,

N. A. BOSIAK
FOIA Appeals Branch Chief
General Litigation Division

3. DOJ OIP Compliance Inquiry 22-J, FY 2021

False Reporting. DON-NAVY-2018-011904.

[one of ten submitted]

From: perseverance2013@aol.com
To: ["DOJ.OIP.FOIA \(SMO\)"; "OIP.ComplianceInquiry@usdoj.gov"; "bobak.Talebian@usdoj.gov"; "LINDSAY.Steel@doj.gov"](#)
Cc: ["Vanita.Gupta19@usdoj.gov"](mailto:Vanita.Gupta19@usdoj.gov)
Subject: DOJ OIP Compliance Inquiry 22-J, FY 2021 False Reporting. DON-NAVY-2018-011904.
Date: Friday, June 17, 2022 4:44:00 PM

Mr. Talebian,

For many years I have been complaining about massive false FOIA reporting, which falls under DOJ OIP's area of responsibility. DOJ OIP has not done anything whatsoever.

Please promptly provide me the individualized DOJ OIP compliance inquiry case number for this matter. I am seeking a prompt yes or no answer in a reply letter in PDF format provided to me via return email. DO NOT COMBINE INDIVIDUAL COMPLIANCE INQUIRIES. EACH IS A SEPARATE ALLEGATION.

Please also cite my personal DOJ OIP tracking number and return a copy of my complaint with your closure letter.

I am also seeking that you provide a copy of such closure letter to:

1. DOD's Chief FOIA Officer, Joo Chung, 'joo.y.chung2.civ@mail.mil'
2. Mr. Aaron Weis
SECNAV DON CIO
1000 Navy Pentagon
Washington, DC 20350-1000
3. DONFOIA-PA@navy.mil
4. Robin Patterson, Head, DONFOIA-PA robin.patterson@navy.mil
5. Nathan Bosiak, Department of Navy Judge Advocate General (DON JAG), General Litigation Division nathaniel.a.bosiak.mil@us.navy.mil
6. Navy FOIA Public Liaison Christopher.a.julka@navy.mil

ALLEGATION, DOJ OIP Compliance Inquiry 22-J, FY 2021 False Reporting. DON-NAVY-2018-011904.

Department of the Navy has engaged false FOIA reporting by failing to report in its FY 2021 FOIA report and raw data the FOIA request **DON-NAVY-2018-011904**. This is the extent of this single DOJ OIP FOIA compliance inquiry requiring a yes or no response. The FOIA request is not listed in DOD's FY 2021 FOIA raw data.

<https://open.defense.gov/Transparency/FOIA/DoD-Annual-Reports-to-AG/> .

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BACKGRLOUD.

Nathan Bosiak, knowing that this FOIA request is open in FOIA online and purportedly being responsible for DON JAG annual FOIA reporting through the chain of command to DONFOIA -PA to DOD, improperly sent me a "still interested" inquiry, notwithstanding my multiple preemptive replies to still inquiries stating:

STILL-INTERESTED PREEMPTIVE REPLY. This is a preemptive reply to the Justice Department guidelines the procedure known as a "still interested" inquiry, through which a FOIA officer can confirm that the requester has not lost interest in obtaining the documents.

My interest in all FOIA requests submitted to your office is enduring, meaning that my interest in seeking replies to all past and future FOIA requests remains in effect until each request has been answered fully and the time for judicial review has passed. Please do not initiate any "still interested" inquiries. This serves as my notice of enduring interest and automatic reply to any future questions of interest by your office. There are no reasonable grounds to ever conclude in the future that I am not interested in this request.

ANY referral or transfer of any of my FOIA requests/appeals must include my still interested preemptive reply.

Please provide a response prior to the upcoming June 29, 2022 FOIA Open Meeting where this matter will be addressed. I am prepared to ultimately introduce more than 1,000 FOIA compliance inquiries documenting instances of known false FOIA reporting and other violations of law, regulations, and policy.

With my deep respect,

Robert Hammond