



Office of the Chief
Records Officer for the
U.S. Government

Sent Via Email. No Hard Copy to Follow.

October 29, 2021

Mr. Maurice King
Department of the Defense
Department of the Navy
1000 Navy Pentagon, 5E170
Washington, DC 22350
maurice.king@navy.mil

Dear Mr. King:

The National Archives and Records Administration (NARA) has been notified of a potential unauthorized destruction of records at the Department of the Navy. A member of the public has alleged that the Navy's Office of Judge Advocate General has destroyed or will imminently destroy FOIA records of 67 moot appellate determinations cited in Navy's Annual FOIA report and sought in FOIA request FOIA DON 21-A (Agency Case # DON-NAVY-2021-006765).

NARA requests that the Navy investigate this matter to determine if all applicable FOIA records were provided at the time of the request and whether responsive records were, or will be, destroyed in accordance with the appropriate records disposition schedules. Please note that per 36 CFR 1230.14, if records have been destroyed without NARA's proper authorization, the agency must report these incidents promptly to NARA.

NARA requests that you provide NARA with a response within 30 days in accordance with 36 CFR 1230.16. Your report should include a description of the records; the records schedule disposition citation that covers the files; details regarding the records destruction incident and recovery efforts; and a statement of the safeguards that have been or will be implemented to prevent future unauthorized disposals of such records. If you have any questions, please contact me at laurence.brewer@nara.gov. Thank you for your attention to this matter.

Sincerely,

A handwritten signature in blue ink that reads "Laurence V. Brewer". The signature is written in a cursive style with a large initial 'L' and a distinct 'V'.

LAURENCE BREWER
Chief Records Officer
for the U.S. Government



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April 11, 2024

Tonya Price
Department of Defense
Department of the Navy
1000 Navy Pentagon
Washington, DC 22350

Dear Tonya Price,

The National Archives and Records Administration (NARA) acknowledges receipt of the Department of the Navy's report regarding an allegation that staff at the Department of Navy has or will imminently destroy, Freedom of Information Act (FOIA) records of 67 moot appellate determinations cited in Navy's Annual FOIA report and sought in FOIA request FOIA DON 21-A (Agency Case # DON-NAVY-2021-006765).

According to the report, the Agency Records Officer (ARO) and Navy Judge Advocate General (JAG) investigated the matter and determined that the records had not been improperly withheld or destroyed. We understand that the Navy FOIA office is aware of the allegation and is closely monitoring the progress of the FOIA case.

Thank you for your attention to this matter. Based on this information, NARA considers this allegation of unauthorized disposition closed. If you have any questions, please contact me at laurence.brewer@nara.gov.

Sincerely,

LAURENCE BREWER
Chief Records Officer
for the U.S. Government