



**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 14/114

January 22, 2015

Remington Nevin
MuckRock News
DEPT MR 13449/13521
P.O. Box 55819
Boston, MA 02205-5819

Dear Mr. Nevin:

**SUBJECT: YOUR FREEDOM OF INFORMATION ACT (FOIA) APPEAL
DON-NAVY-2015-002654**

This responds to your two letters dated December 16, 2014, received by our office on December 23, 2014, and December 24, 2014. You appeal the constructive denial of two FOIA requests submitted to Naval Hospital Camp Lejeune (NHCL) and the United States Navy Bureau of Medicine and Surgery (BUMED) on September 18, 2014, and September 21, 2014, respectively. Your FOIA request to NHCL requested documents disseminated to NHCL healthcare providers from September 2012 through the date of your request concerning training on the prescribing and dispensing of mefloquine, in particular any documents emailed to health care providers at NHCL on August 4, 2014. Your FOIA request to BUMED requested copies of BUMED's service review of mefloquine prescribing practices conducted in response to a request by the Assistant Secretary of Defense for Health Affairs.

Your appeals are requests for final determinations under the FOIA. I grant your appeal with respect to your request to BUMED for information pertaining to the service review of mefloquine prescribing practices and remand this matter to BUMED for further action. I deny your appeal with respect to your request to NHCL as moot.

After receiving your appeals, a member of my staff contacted both NHCL and BUMED to inquire into the status of your requests. This contact revealed that NHCL had received your request and determined that the records you sought originated from BUMED and Navy Medicine East (NME) and recommended they act as the release authority. As such, NHCL routed your FOIA request to BUMED and NME for response. By letter of November 24, 2014, which was emailed to you on November 25, 2014, BUMED responded to a separate FOIA request submitted by you to BUMED on August 6, 2014, and received on October 24, 2014, requesting the same material as that requested

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from NHCL. In their response, BUMED provided the training materials you requested in your FOIA requests to NHCL and BUMED. You acknowledged receipt of this material by email of November 26, 2014. In addition, by letter of January 16, 2015, NME provided you with emails responsive to your September 8, 2014, FOIA request to NHCL. Since your request to NHCL has been fulfilled by BUMED and NME, your appeal pertaining to your request to NHCL is now moot.

This contact also revealed that BUMED received your request for its service review of mefloquine prescribing practices by your email of November 26, 2014. BUMED is in the process of responding to this request. I am therefore remanding your request back to BUMED for processing and direct response to you. I will require BUMED to respond to your request within 20 working days from the date of this letter. You retain the right to appeal to this office any subsequent BUMED response to your FOIA request within 60 days of the date of BUMED's response.

As the Department of the Navy's designated adjudication official for this FOIA appeal, I am responsible for this final decision. You may seek judicial review of this decision. If you have any questions regarding this case, please contact Lieutenant Griffin Farris, JAGC, USN, who may be reached at griffin.farris@navy.mil or 202-685-5447.

Sincerely,



G. E. LATTIN
Director
General Litigation Division

Copy to:
BUMED
NHCL
DNS-36