



**NATIONAL GUARD BUREAU**  
111 SOUTH GEORGE MASON DRIVE  
ARLINGTON, VA 22204-1373

April 28, 2021

Tom Vanden Brook  
USA Today  
1575 Eye Street NW, Suite 350  
Washington, DC 20005

Dear Requester:

This letter is to acknowledge receipt of your Freedom of Information Act (FOIA) request dated February 26, 2021 for any and all copies of notices of the proposed resolution issued by the Chief Complaints Management Adjudication for the National Guard Bureau to State Equal Employment Opportunity (EEO) Managers from January 1, 2011 to present. Your request was received by the National Guard Bureau and it was received on February 26, 2021 and assigned case #J-21-0101.

Your request is currently at position #284 in the complex queue for processing with a preliminary estimated completion date of February 28, 2023; however, many requests are completed prior to the estimated completion date. We make every effort to provide a final response as soon as possible while processing requests on a first-in/first-out basis to the greatest extent practicable. Please be aware there may be unavoidable delays in response due to COVID-19.

In your request, you asked that we waive applicable fees for processing. We have held your request for a fee waiver in abeyance pending the outcome of the record search. If there is a need to assess fees we will make a decision on your fee waiver request at that time. As a requestor in the "media" category, you are only required to pay if the responsive records are more than 100 pages. If we locate more than 100 pages of records, we can provide those for you on a Compact Disk (CD), for which there is no charge.

In your request, you asked for expedited processing. Because individuals receiving expedited processing may receive a response before other earlier requesters, there are administrative requirements you must meet before we can expedite a request. In order for us to expedite a request, the requester must provide a statement certifying the reasons supporting their request are true and correct to the best of their knowledge.

There are four categories of requests eligible for expedited processing. We can expedite your request if you demonstrate you need the information because (1) failure to obtain the records on an expedited basis could pose an imminent threat to life or physical safety of an individual; or (2) the information is urgently needed by an individual primarily engaged in disseminating

Exhibit 2

information in order to inform the public about actual or alleged Federal Government activity; or (3) failure to obtain the records on an expedited basis could lead to an imminent loss of substantial due process rights, or (4) release would serve a humanitarian need by promoting the welfare and interests of mankind.

In the second category, “urgently needed” means the information itself has a particular value that it will lose if it is not disseminated quickly. Ordinarily, this means the information concerns a breaking news story of general public interest. Historic information, or information sought for litigation or commercial activities usually would not qualify for expedited processing in the second category. Also, the fact that a news organization has an internal broadcast or publication deadline, so long as the deadline was unrelated to the nature of the information itself (for example, the information was not a breaking news story of general public interest) would not make the information “urgently needed.”

In this case, we have determined your FOIA request will not receive expedited processing. We came to this conclusion because you have not demonstrated how the request qualifies for expedited processing based on one of the four categories explained above.

If you are not satisfied with this response you have the right to appeal to Ms. Joo Chung, Director of Oversight and Compliance, Office of the Secretary of Defense at: ODCMO Directorate for Oversight and Compliance, 4800 Mark Center Drive, ATTN: DPCLTD, FOIA Appeals, Mailbox #24, Alexandria, VA 22350-1700. An appeal may also be made on-line through the OSD FOIA request portal at <http://pal.whs.mil/palMain.aspx>, or by e-mail to [OSD.FOIA-APPEAL@mail.mil](mailto:OSD.FOIA-APPEAL@mail.mil). If you use e-mail, please have the words “FOIA Appeal” in the subject of the email. Your appeal must be postmarked or electronically transmitted within 90 days of the date of this response and should include copies of your original request and this response, as well as a discussion of the reasons supporting your appeal.

For any further assistance and to discuss any aspect of your request, you have the right to contact the NGB FOIA Public Liaison Officer, Melissa Walker, by email at [osd.foialiaison@mail.mil](mailto:osd.foialiaison@mail.mil).

Additionally, you may contact the Office of Government Information Services (OGIS) at the National Archives and Records Administration (NARA) to inquire about the FOIA mediation services they offer. The contact information for OGIS is as follows: NARA-OGIS, 8601 Adelphi Road-OGIS, College Park, MD 20740-6001, e-mail at [ogis@nara.gov](mailto:ogis@nara.gov); telephone at (202) 741-5770; toll free at (877) 684-6448 or by facsimile at (202) 741-5769.

As a result of increases in the Health Protection Condition (HPCON) level, our offices are limited to mission-essential personnel only and maximizing the use of telework for other personnel. This means that we are unable to handle requests or responses sent via traditional methods and can only respond to electronic inquiries while under elevated HPCON levels. If you have questions regarding your request, please contact my office by e-mail: [ngb.foia@mail.mil](mailto:ngb.foia@mail.mil).

Sincerely,

A handwritten signature in black ink, appearing to read 'R. T. B.', followed by a horizontal line extending to the right.

Ronnie T. Beharry  
Chief, Office of Information and Privacy  
Freedom of Information Act/Privacy Officer  
National Guard Bureau