

U.S. Department of
Homeland Security

United States
Coast Guard



Office of the Chief Administrative
Law Judge
United States Coast Guard

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January 12, 2024

Mr. Andrew Free
MuckRock News Dept MR 129091
263 Huntington Avenue
Boston, MA 02115

RE: DHS FOIA Appeal 2023-HQAP-00017
FOIA Request 2022-HQFO-01129

Dear Mr. Free:

This letter concerns your appeal of the Department of Homeland Security's (DHS) failure to respond to your FOIA request 2022-HQFO-01129. You submitted this request on May 19, 2022. DHS did not respond, and you submitted an appeal on September 15, 2022.

Pursuant to a memorandum of agreement, the United States Coast Guard Office of the Chief Administrative Law Judge is reviewing FOIA appeals for DHS General Counsel's office. Therefore, the Office of the Chief Administrative Law Judge hereby renders the official appeal decision on behalf of DHS.

Under the FOIA, an agency must respond to a request within 20 days after receipt of same. *See* 5 U.S.C. § 552(a)(6)(A) (within 20 days, an agency must determine whether to comply with the request and immediately notify the requestor of its determination). To date, DHS has not issued a response. As such, I am **REMANDING** your request back to DHS. The agency has 30 days to conduct a search and respond to this remand. If after 30 days there is no response, the reviewing attorney will issue a letter providing final agency action so that you may enter federal court to pursue any further appeal.

Notwithstanding the above decision, as part of the 2007 FOIA amendments, the Office of Government Information Services (OGIS) was created to offer mediation services to resolve disputes between FOIA requesters and Federal agencies as a non-exclusive alternative to litigation. Using OGIS services does not affect your right to pursue litigation. If you are requesting access to your own records (which is considered a Privacy Act request), you should know that OGIS does not have the authority to handle requests made under the Privacy Act of 1974. If you wish to contact OGIS, you may email them at ogis@nara.gov or call 1-877-684-6448.

Sincerely,

A handwritten signature in blue ink that reads "Janine E. DiBerardino".

Janine E. DiBerardino
Attorney Advisor
United States Coast Guard