



ARMED SERVICES BOARD OF CONTRACT APPEALS

SKYLINE 6, ROOM 703
5109 LEESBURG PIKE
FALLS CHURCH, VA 22041-3208

Telephone: (703) 681-8502

20 March 2017

VIA EMAIL

Ms. Beryl Lipton
MuckRock
DEPT MR 34893
411A Highland Ave
Somerville, MA 02144-2516
34893-20254993@requests.muckrock.com

Re: Freedom of Information Act Request, ASBCA FOIA No. 17-03

Dear Ms. Lipton:

This responds to your Freedom of Information Act (FOIA) request dated 14 March 2017 and received by the Armed Services Board of Contract Appeals (the Board) on that date. Your request seeks various documents relating to appeals of the Board's initial determinations of FOIA requests, including:

1. Any available log of appeals submitted to [the Board] or the agency tasked with processing Freedom of Information Act appeals for [the Board] . . . for the period from January 1, 2015 through December 31, 2016.
2. All appeal letters and opinion letters associated with appeals for which the determination was to reverse, in whole or in part, the decision of the [Board] . . . for appeals closed during the period from January 1, 2015 through December 31, 2016.
3. All appeal letters and opinion letters associated with appeals for which the determination was to remand the request to the [Board] . . . for appeals closed during the period from January 1, 2015 through December 31, 2016.
4. All appeal letters and opinion letters associated with appeals for which the determination was to affirm the decision of the [Board] . . . for appeals closed during the period from January 1, 2015 through December 31, 2016.
5. Any instructive or guiding materials provided to and/or utilized by [the Board]. Please include any manuals, procedural materials, reference guides, checklists, training materials, flow charts, directives, memorandums, legal decisions, presentations, or similar material used in the process of an appeal by [the Board] or the office tasked to process

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FOIA appeals for [the Board]. Any guiding materials used for the preparation of an appeal package should be considered responsive to, though not the entirety of, this element of this request.

6. The name and contact information for the appropriate appeal authority to whom appeals for [the Board] should be directed.


Respecting elements 1-4 of your request, we are unaware of any of the Board's initial FOIA determinations being appealed during the timeframe specified; accordingly, there are no responsive records. Respecting element 5 of your request, the Board does not process appeals of its initial FOIA determinations. However, the Board complies with the DoD FOIA Regulation, codified at 32 C.F.R. Part 286, and DoD Manual 5400.07, DoD FREEDOM OF INFORMATION ACT (FOIA) PROGRAM, Jan. 25, 2017. Guidance for the processing of appeals may be found at 32 C.F.R. § 286.11. Finally, respecting element 6 of your request, the appropriate appellate authority to whom appeals of the Board's initial FOIA determinations should be directed is the Office of the Secretary of Defense/Joint Staff (OSD/JS). Further contact information is provided below. This completes the Board's response to your request. Fees associated with processing your request are waived.

For further assistance and to discuss any aspect of your request, you have the right to contact the FOIA Public Liaison, Mr. Jim Hogan, at 571-372-0462. Additionally, you have the right to contact the Office of Government Information Services (OGIS) to inquire about the FOIA mediation services they offer. The contact information for OGIS is: Office of Government Information Services, National Archives and Records Administration, 8601 Adelphi Road-OGIS, College Park, MD 20740-6001; email to ogis@nara.gov; and telephone at 202-741-5770, toll free at 1-877-684-6448, or facsimile at 202-741-5769.

If you are not satisfied with this response, you have the right to appeal to Mr. Paul Jacobsmeyer, Chief, Policy, Appeals, and Litigation Branch at 1155 Defense Pentagon, Washington, DC 20301-1155; email to OSD.FOIA-APPEAL@mail.mil. Your appeal must be postmarked or electronically transmitted within 90 days of the date of this response.

Please feel free to contact me if you have any questions.

Very truly yours,


CATHERINE A. STANTON
General Counsel