

EXHIBIT 9



MAY 08 2017

Mr. Seth Watkins
ADDUCI, MASTRIANI & SCHAUMBERG, LLP
1133 Connecticut Avenue, NW
Washington D.C. 20036

Re: Freedom of Information Act Appeal NGC17-044A

Dear Mr. Watkins:

This is in response to your Freedom of Information Act (FOIA) correspondence dated March 21, 2017, in which you appeal the denial by Mr. Joseph Scanlon, Chief FOIA Officer, National Archives and Records Administration (NARA), of expedition of your FOIAOnline request number NARA-NGC-2017-000417 and NARA's Tracking Number NGC17-288. Your appeal was received in this office by e-mail on April 4, 2017, and assigned tracking number NGC16-044A.

As you are aware, NARA processes FOIA requests on an expedited basis if it is determined that the request meets one or more of the following criteria:

- (1) A reasonable expectation of an imminent threat to an individual's life or physical safety;
- (2) A reasonable expectation of an imminent loss of a substantial due process right;
- (3) An urgent need to inform the public about an actual or alleged Federal Government activity (this criterion applies only to those requests made by a person primarily engaged in disseminating information to the public); or
- (4) A matter of widespread and exceptional media interest in which there exist possible questions that affect public confidence in the Government's integrity.

See 36 C.F.R. § 1250.28.

After carefully reviewing your initial request for expedition as well as your appeal, I have determined that expedited treatment of your request is warranted under the first criteria listed above. You seek information in the custody or control of NARA concerning the "Filipino Veterans Equity Compensation Fund (FVECF) interagency Working Group (IWG) and that reference, refer to, or relate to the report U.S. Army Recognition Program of Philippine Guerrillas, dated circa 1949." I believe you have successfully demonstrated a "reasonable expectation of an imminent loss of a substantial due process right." You stated that Ms. Reyes is of advanced years and that she is arguing in an appeal to the U.S. Court of Appeals for Veterans Claims (CAVC), that the denial of the FVECF benefit to her violates the equal protection component of the due process clause of the Fifth Amendment.

NATIONAL ARCHIVES *and*
RECORDS ADMINISTRATION

8601 ADELPHI ROAD
COLLEGE PARK, MD 20740-6001

www.archives.gov

Your appeal also requested expedition based on the fourth criteria in NARA's regulations, "a matter of widespread and exceptional media interest in which there exist possible questions that affect public confidence in the Government's integrity." Because I have determined that your request should be granted expedition on the first criteria, there is no need to make a determination with respect to whether your request should be granted expedition under the fourth criteria.

Accordingly, your appeal is granted. Your FOIA request will be processed on an expedited basis. Your request is currently number six in our expedited queue.

For your information, the Office of Government Information Services (OGIS), the Federal FOIA Ombudsman's office, offers mediation services to help 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. You may contact OGIS in any of the following ways:

Office of Government Information Services
National Archives and Records Administration
8601 Adelphi Road – OGIS
College Park, MD 20740-6001
ogis@nara.gov
ogis.archives.gov
202-741-5770
1-877-684-6448

If you are dissatisfied with my action on your appeal, the FOIA permits you to file a lawsuit in federal district court in accordance with 5 U.S.C. § 552(a)(4)(B). You may seek judicial review in the District of Columbia, the judicial district in which you reside or do business, or where the records are located – in this instance the Northern District Columbia.

Sincerely,

A handwritten signature in cursive script that reads "Debra Steidel Wall".

DEBRA STEIDEL WALL
Deputy Archivist of the United States