



Maher Legal Services PC

December 1, 2017

Via Electronic Mail to usaf.pentagon.saf-aa.mbx.haf-foia-workflow@mail.mil

United States Air Force
Freedom of Information Act Official

Re: Second Follow-Up to Request AF 2018-00255-F

Dear Sir/Ma'am:

On October 22, 2017, we filed a two-page Freedom of Information Act (FOIA) seeking Air Force records. On November 15, 2017, we wrote seeking a status of search and production efforts.

Given the amount of time which has elapsed, it appears that your office has not met the statutorily-required guidelines set forth in 5 U.S.C. §§ 552(a)(6)(A) & (B). Additionally, we have not received an explanation meeting the definition of "exceptional circumstances" to justify a delay of this length for relatively straightforward, uncomplicated information requests. 5 U.S.C. § 552(a)(6)(C)(ii). "Exceptional circumstances" does not include delays that result from a predictable agency workload of requests.

As you know, an agency's failure to comply with the time limits for either the initial request or the administrative appeal may be treated as a "constructive exhaustion" of administrative remedies, and a requester may immediately seek judicial review. § 552(a)(6). *See, Spannaus v. United States Department of Justice*, 824 F. 2d 52 (D.C. Cir. 1987).

The records we seek are not voluminous, relate to specifically identified personnel, and seek information within a confined timeframe.

For these reasons, we would rather not deem this delay as a constructive denial and file suit in District Court, rather, we respectfully request your assurances that you can produce the information releasable within the next 7 days. The courtesy of your reply is respectfully requested.

Sincerely,

// original signed //

JOHN N. MAHER