

EXHIBIT 5



**DEPARTMENT OF THE ARMY AND THE AIR FORCE
MICHIGAN NATIONAL GUARD JOINT FORCE HEADQUARTERS
3411 MARTIN LUTHER KING BOULEVARD
LANSING, MI 48906**

28 March 2019

Foster Swift Collins & Smith PC
David R. Russell
313 S. Washington Square
Lansing, MI 48933

Dear Mr. Russell:

This letter is to acknowledge receipt of your Freedom of Information Act request dated 25 March 2019 for records on LTC Jeffrey Laing. Your request was received by the federally-recognized Michigan Army National Guard on 25 March 2019 and assigned case #FA-19-0004.

The FOIA provides for the collection of fees based on the costs of processing a FOIA request and your fee category. Based on the information in your request, we have placed you in the All Other requester category. As a result, you are required to pay document search, review, and duplication costs over \$25.00.

In order for our office to proceed with processing your request, we must obtain a fee agreement from your office citing a willingness to pay fees. You may leave this agreement open ended, or state a cap on the amount of fees you are willing to pay for processing your request. I will be working with our information technology department in order to provide you with an estimate of costs to extract and process the requested documents.

The FOIA provides for the collection of fees based on the costs of processing a FOIA request and your fee category. Based on the information in your request, we have placed you in the "all other" fee category. As a result, you will receive the first 2 hours of search time and first 100 pages of reprographics at no cost. Because we have no fee agreement in place, we will cease a search for records after the first 2 hours have been exhausted and will provide only records located within that search timeframe.

If you wish to create a fee agreement with our agency to allow for greater search time, please respond by indicating the amount of fees you are willing to pay for processing, or indicate that you are willing to pay all processing costs for the record search. You may leave this agreement open ended, or state a cap on the amount of fees you are willing to pay for processing your request. Again, after discussing associated costs with our information technology department, I will inform you of the fee estimate to give you an idea of projected costs upfront. Additionally, please let our office know if you require hard copies or electronic copies of the requested documents as electronic files will be less expensive to produce.

If you consider this response to be an adverse action, you may appeal this determination to the Secretary of the Army within 60 days from the date of this letter. Your appeal should include a copy of your original request and this response, as well as a discussion of the reasons supporting your appeal. The envelope should be plainly marked to indicate that it contains a FOIA appeal. If you decide to appeal, please send your appeal to:

Office of the Staff Judge Advocate
3411 N. MLK Jr. Blvd.
Lansing, MI 48906

If you have any questions regarding your request please contact the FOIA Office at 517-481-8100 or by e-mail ng.mi.miarng.mbx.jag-foia@mail.mil

Sincerely,

DELANO.AUSTIN
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Date: 2019.03.28 08:37:11
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AUSTIN M. DELANO
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