

## **Expedited Appeal of FOIA Request NGC24-115. Muckrock**

### **BASIS FOR APPEAL**

1. False Official Statement and False FOIA Reporting – Request receipt date.
  - a. NARA’s January 4, 2024 request acknowledgement falsely states that “Your FOIA request, dated January 2, 2024, was received by the National Archives and Records Administration’s Office of General Counsel on the same date, via foia@nara.gov.
  - b. NARA’s January 8, 2024 denial of my request for expedited processing states that same thing.
  - c. However, my subject FOIA request was dated and delivered to NARA on Wednesday, December 27, 2023, which was not a federal holiday.
  - d. NARA’s false official statement will distort FOIA processing times and create a materially false record in any subsequent proceedings, including litigation.
2. Failure to address all elements of my request for expedited processing.
  - a. In its January 8, 2023 denial of my request for expedited processing, NARA failed to address all elements and sub-elements of my request, instead truncating it in their denial letter to create a materially inaccurate record for further proceedings, including litigation.
  - b. I cited four bases for expedited processing. NARA truncated my justification in the middle of basis #2 and did not address at all my basis.
  - c. NARA did not address at all my basis regarding eminent substantial loss of due process rights for example.
  - d. NARA must now expedite this appeal.
3. Failure to respond to my FOIA request within twenty working days after denying expedited processing.
4. Failure to acknowledge my January 9, 2024 request for FOIA Public Liaison (FPL) dispute resolution with NARA’s FPL Gary Stern.
5. Failure to engage in FPL dispute resolution as mandated by The Freedom of Information Act, 5 U.S.C. § 552:

“FOIA Public Liaisons shall be responsible for assisting in reducing delays, increasing transparency and understanding of the status of requests, and assisting in the resolution of disputes.”

Note that my appeal of this FOIA request does not nullify my request for FPL dispute resolution, which is an independent, non-exclusive right.

## **Freedom of Information Act Request NGC24-115. Muckrock. Correspondence**

From: Robert Hammond

[12/27/2023](#)

From: National Archives and Records Administration

[01/04/2024](#)

Subject: RE: Freedom of Information Act Request NGC24-115

Email

Sent via Email <[requests@muckrock.com](mailto:requests@muckrock.com)>

January 4, 2024

Robert Hammond

MuckRock News  
DEPT MR 156358  
263 Huntington Ave  
Boston, MA 02115

RE: Freedom of Information Act Request NGC24-115

Dear Requester:

Your FOIA request, dated January 2, 2024, was received by the National Archives and Records Administration's Office of General Counsel on the same date, via [foia@nara.gov](mailto:foia@nara.gov). We assigned your request tracking number NGC24-115. Please provide this number in any future correspondence about your case.

Sincerely,

NGC FOIA Team

Office of General Counsel

National Archives and Records Administration

[foia@nara.gov](mailto:foia@nara.gov)

301-837-3642

From: National Archives and Records Administration

[01/08/2024](#)

Subject: RE: Freedom of Information Act Request NGC24-115

Email

Sent via Email <[requests@muckrock.com](mailto:requests@muckrock.com)>

January 8, 2024

Robert Hammond

MuckRock News

DEPT MR 156358

263 Huntington Ave

Boston, MA 02115

RE: Freedom of Information Act Request NGC24-115

Dear Mr. Hammond:

This is in response to your request for expedited processing of Freedom of Information Act (FOIA) request assigned internal tracking number NGC24-115. Your request, dated January 2, 2024, was received by the Office of General Counsel (NGC) on the same date, via [foia@nara.gov](mailto:foia@nara.gov).

Our response to your request is attached to this email. Thank you for contacting the National Archives and Records Administration.

Sincerely,

NGC FOIA Team

Office of General Counsel

National Archives and Records Administration

[foia@nara.gov](mailto:foia@nara.gov)

301-837-3642



01.08.2024 Expedited Processing NGC24-115.docx

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From: Robert Hammond

[01/09/2024](#)

Subject: RE: Freedom of Information Act Request #NGC24-115

Email

Gary Stern (NARA FOIA Officer and FOIA Public Liaison (FPL) ;

I am seeking immediate written FPL dispute resolution of NARA's denial of my request for expedited processing. I want NARA to respond in detail to every element of my request in totality. This is required and it will preclude NARA from changing its basis for denial later.

From: Robert Hammond

[01/10/2024](#)

Subject: RE: Freedom of Information Act Request #NGC24-115

Email

From: [perseverance2013@aol.com](mailto:perseverance2013@aol.com) <[perseverance2013@aol.com](mailto:perseverance2013@aol.com)>

Sent: Wednesday, January 10, 2024 7:38 PM

To: '[OIP.ComplianceInquiry@usdoj.gov](mailto:OIP.ComplianceInquiry@usdoj.gov)' <[OIP.ComplianceInquiry@usdoj.gov](mailto:OIP.ComplianceInquiry@usdoj.gov)>; '[bobak.Talebian@usdoj.gov](mailto:bobak.Talebian@usdoj.gov)' <[bobak.Talebian@usdoj.gov](mailto:bobak.Talebian@usdoj.gov)>; '[Lindsay.Steel@usdoj.gov](mailto:Lindsay.Steel@usdoj.gov)' <[Lindsay.Steel@usdoj.gov](mailto:Lindsay.Steel@usdoj.gov)>; '[Vanita.Gupta19@usdoj.gov](mailto:Vanita.Gupta19@usdoj.gov)' <[Vanita.Gupta19@usdoj.gov](mailto:Vanita.Gupta19@usdoj.gov)>

Cc: '[archivistoftheunitedstates@nara.gov](mailto:archivistoftheunitedstates@nara.gov)' <[archivistoftheunitedstates@nara.gov](mailto:archivistoftheunitedstates@nara.gov)>; '[william.bosanko@nara.gov](mailto:william.bosanko@nara.gov)' <[william.bosanko@nara.gov](mailto:william.bosanko@nara.gov)>; '[micah.cheatham@nara.gov](mailto:micah.cheatham@nara.gov)' <[micah.cheatham@nara.gov](mailto:micah.cheatham@nara.gov)>; '[garym.stern@nara.gov](mailto:garym.stern@nara.gov)' <[garym.stern@nara.gov](mailto:garym.stern@nara.gov)>; '[pamela.wright@nara.gov](mailto:pamela.wright@nara.gov)' <[pamela.wright@nara.gov](mailto:pamela.wright@nara.gov)>; '[erica.pearson@nara.gov](mailto:erica.pearson@nara.gov)' <[erica.pearson@nara.gov](mailto:erica.pearson@nara.gov)>; '[valorie.findlater@nara.gov](mailto:valorie.findlater@nara.gov)' <[valorie.findlater@nara.gov](mailto:valorie.findlater@nara.gov)>; '[Colleen.Murphy@nara.gov](mailto:Colleen.Murphy@nara.gov)' <[Colleen.Murphy@nara.gov](mailto:Colleen.Murphy@nara.gov)>; 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'FOIA' <[foia@nara.gov](mailto:foia@nara.gov)>; '[ngc.foia.liaison@nara.gov](mailto:ngc.foia.liaison@nara.gov)' <[ngc.foia.liaison@nara.gov](mailto:ngc.foia.liaison@nara.gov)>;  
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'[execsec@nara.gov](mailto:execsec@nara.gov)' <[execsec@nara.gov](mailto:execsec@nara.gov)>; '[Duffey.Dylan@epa.gov](mailto:Duffey.Dylan@epa.gov)'  
<[Duffey.Dylan@epa.gov](mailto:Duffey.Dylan@epa.gov)>; '[perseverance2013@aol.com](mailto:perseverance2013@aol.com)' <[perseverance2013@aol.com](mailto:perseverance2013@aol.com)>  
Subject: DOJ OIP Compliance Inquiry NARA NGC24-115. My FOIA Request NARA 23 -I.  
Muckrock. Unauthorized Dispositions Excel Spreadsheet

Robert Hammond  
[Perseverance2013@aol.com](mailto:Perseverance2013@aol.com)

January 10, 2024

Office of Information Policy (OIP)  
U.S. Department of Justice  
6th Floor  
441 G St. NW  
Washington DC 20530

[OIP.ComplianceInquiry@usdoj.gov](mailto:OIP.ComplianceInquiry@usdoj.gov); [bobak.Talebian@usdoj.gov](mailto:bobak.Talebian@usdoj.gov); [Lindsay.Steel@usdoj.gov](mailto:Lindsay.Steel@usdoj.gov)

Subject: DOJ OIP Compliance Inquiry NARA NGC24-115

Mr. Talebian, Ms. Steel DOJ OIP Compliance Inquiry Staff,  
Please provide me with the individualized DOJ OIP compliance Inquiry tracking number for this complaint. Please address all complaints and sub-paragraphs alleging violations of the FOIA statute, DOJ FOIA policy, and multiple federal statutes and policies, which are not exempt from FOIA.

Notwithstanding my January 9, 2024 request for FPL dispute resolution, and/or any subsequent request for OGIS mediation and/or appeal or NARA responses thereto, my compliance inquiry is a separate, non-exclusive right under the FOIA.

Please provide your closure letter affirming these violations to Ms. Colleen Shogan, Archivist of the United States ([archivistoftheunitedstates@nara.gov](mailto:archivistoftheunitedstates@nara.gov)).

Notice to DOJ OIP.

A copy of this DOJ OIP compliance inquiry will be placed into the public domain at <https://www.muckrock.com/foi/united-states-of-america-10/nara-23-i-muckrock-unauthorized-dispositions-excel-spreadsheet-156358/>. All records are located there. I will also post any follow-up emails regarding this compliance inquiry and any DOJ OIP compliance inquiry response. DOJ OIP routinely fails to address compliance inquiries. In any subsequent litigation of matters addressed herein where DOJ fails to timely and accurately address them, DOJ may be a named party for violations of the Administrative

Procedures Act.

RECORDS SOUGHT [NARA NGC24-115]

Expedited FOIA Request NARA 23 -I. Muckrock. Unauthorized Dispositions Excel Spreadsheet See PDF.

1. A copy of the NARA Unauthorized Disposition of Federal Records case tracking document for open cases or cases closed from October 1, 2016 to present as it exists at the time of my FOIA request and as cited on the NARA

website <https://www.archives.gov/records-mgmt/resources/unauthorizeddispositionoffederalrecords>

a. NARA posts a similar document in downloadable “spreadsheet” format for cases closed prior to October 1, 2016 on that same website but does not offer this for open cases or cases closed after October 1, 2016.

b. I am seeking all metadata associated with the spreadsheet as is the case for the posted spreadsheet of cases closed prior to October 1, 2016. That spreadsheet was last modified on 5/22/2018 by Karyn Skevakis for example.

c. The spreadsheet must be unlocked and allow for recovery of previous version. (version history)

2. Government misconduct is alleged. There can be no redaction of the “spreadsheet info.”

3. The Agency copy of this FOIA Request this FOIA request itself is an agency record, “received by an agency of the United States Government under Federal law or in connection with the transaction of public business” 44 U.S.C. § 3301 (emphasis supplied).

The definition of “records” includes:

“[A]ll books, papers, maps, photographs, machine readable materials, or other documentary materials, regardless of physical form or characteristics, made or received by an agency of the United States Government under Federal law or in connection with the transaction of public business and preserved or appropriate for preservation by that agency or its legitimate successor as evidence of the organization, functions, policies, decisions, procedures, operations, or other activities of the Government or because of the informational value of data in them.” 44 U.S.C. § 3301 (emphasis supplied).

#### ALLEGATIONS - VIOLATIONS OF LAW AND FOIA POLICY

1. False Official Statement and False FOIA Reporting – Request receipt date.

a. NARA’s January 4, 2024 request acknowledgement falsely states that “Your FOIA request, dated January 2, 2024, was received by the National Archives and Records Administration’s Office of General Counsel on the same date, via [foia@nara.gov](mailto:foia@nara.gov).

b. NARA’s January 8, 2024 denial of my request for expedited processing states that same

thing.

c. However, my subject FOIA request was dated and delivered to NARA on Wednesday, December 27, 2023, which was not a federal holiday.

d. NARA's false official statement will distort FOIA processing times and create a materially false record in any subsequent proceedings, including litigation.

2. Failure to address all elements of my request for expedited processing.

a. In its January 8, 2023 denial of my request for expedited processing, NARA failed to address all elements and sub-elements of my request, instead truncating it in their denial letter to create a materially inaccurate record for further proceedings, including litigation.

b. I cited four bases for expedited processing. NARA truncated my justification in the middle of basis #2 and did not address at all my basis.

c. NARA did not address at all my basis regarding eminent substantial loss of due process rights for example.

3. Failure to acknowledge my January 9, 2024 request for FPL dispute resolution with NARA's FPL Gary Stern.

Thank you.

With my deep respect,

Robert (Bob) Hammond  
Private Citizen FOIA Advocate



DOJ\_OIG\_Compliance\_Inquiry\_NARA\_NGC24-115.pdf

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Upload to DocumentCloud

From: Robert Hammond

[01/10/2024](#)

Subject: RE: Freedom of Information Act Request #NGC24-115

Email

From: [perseverance2013@aol.com](mailto:perseverance2013@aol.com) <[perseverance2013@aol.com](mailto:perseverance2013@aol.com)>

Sent: Wednesday, January 10, 2024 7:38 PM

To: '[OIP.ComplianceInquiry@usdoj.gov](mailto:OIP.ComplianceInquiry@usdoj.gov)' <[OIP.ComplianceInquiry@usdoj.gov](mailto:OIP.ComplianceInquiry@usdoj.gov)>; '[bobak.Talebian@usdoj.gov](mailto:bobak.Talebian@usdoj.gov)' <[bobak.Talebian@usdoj.gov](mailto:bobak.Talebian@usdoj.gov)>; '[Lindsay.Steel@usdoj.gov](mailto:Lindsay.Steel@usdoj.gov)' <[Lindsay.Steel@usdoj.gov](mailto:Lindsay.Steel@usdoj.gov)>; '[Vanita.Gupta19@usdoj.gov](mailto:Vanita.Gupta19@usdoj.gov)' <[Vanita.Gupta19@usdoj.gov](mailto:Vanita.Gupta19@usdoj.gov)>

Cc: '[archivistoftheunitedstates@nara.gov](mailto:archivistoftheunitedstates@nara.gov)' <[archivistoftheunitedstates@nara.gov](mailto:archivistoftheunitedstates@nara.gov)>; '[william.bosanko@nara.gov](mailto:william.bosanko@nara.gov)' <[william.bosanko@nara.gov](mailto:william.bosanko@nara.gov)>; '[micah.cheatham@nara.gov](mailto:micah.cheatham@nara.gov)' <[micah.cheatham@nara.gov](mailto:micah.cheatham@nara.gov)>; '[garym.stern@nara.gov](mailto:garym.stern@nara.gov)' <[garym.stern@nara.gov](mailto:garym.stern@nara.gov)>; '[pamela.wright@nara.gov](mailto:pamela.wright@nara.gov)' <[pamela.wright@nara.gov](mailto:pamela.wright@nara.gov)>; '[erica.pearson@nara.gov](mailto:erica.pearson@nara.gov)' <[erica.pearson@nara.gov](mailto:erica.pearson@nara.gov)>; '[valorie.findlater@nara.gov](mailto:valorie.findlater@nara.gov)' <[valorie.findlater@nara.gov](mailto:valorie.findlater@nara.gov)>; '[Colleen.Murphy@nara.gov](mailto:Colleen.Murphy@nara.gov)' <[Colleen.Murphy@nara.gov](mailto:Colleen.Murphy@nara.gov)>; '[sheena.burrell@nara.gov](mailto:sheena.burrell@nara.gov)' <[sheena.burrell@nara.gov](mailto:sheena.burrell@nara.gov)>; '[john.hamilton@nara.gov](mailto:john.hamilton@nara.gov)' <[john.hamilton@nara.gov](mailto:john.hamilton@nara.gov)>; '[jay.trainer@nara.gov](mailto:jay.trainer@nara.gov)' <[jay.trainer@nara.gov](mailto:jay.trainer@nara.gov)>; '[susan.donius@nara.gov](mailto:susan.donius@nara.gov)' <[susan.donius@nara.gov](mailto:susan.donius@nara.gov)>; '[chris.naylor@nara.gov](mailto:chris.naylor@nara.gov)' <[chris.naylor@nara.gov](mailto:chris.naylor@nara.gov)>; '[mark.smith@nara.gov](mailto:mark.smith@nara.gov)' <[mark.smith@nara.gov](mailto:mark.smith@nara.gov)>; '[oliver.potts@nara.gov](mailto:oliver.potts@nara.gov)' <[oliver.potts@nara.gov](mailto:oliver.potts@nara.gov)>; '[amon.nevils@nara.gov](mailto:amon.nevils@nara.gov)' <[amon.nevils@nara.gov](mailto:amon.nevils@nara.gov)>; '[laurence.brewer@nara.gov](mailto:laurence.brewer@nara.gov)' <[laurence.brewer@nara.gov](mailto:laurence.brewer@nara.gov)>; '[john.valceanu@nara.gov](mailto:john.valceanu@nara.gov)' <[john.valceanu@nara.gov](mailto:john.valceanu@nara.gov)>; '[tasha.ford@nara.gov](mailto:tasha.ford@nara.gov)' <[tasha.ford@nara.gov](mailto:tasha.ford@nara.gov)>; '[brett.baker@nara.gov](mailto:brett.baker@nara.gov)' <[brett.baker@nara.gov](mailto:brett.baker@nara.gov)>; '[meg.phillips@nara.gov](mailto:meg.phillips@nara.gov)' <[meg.phillips@nara.gov](mailto:meg.phillips@nara.gov)>; '[christopher.eck@nara.gov](mailto:christopher.eck@nara.gov)' <[christopher.eck@nara.gov](mailto:christopher.eck@nara.gov)>; '[mark.bradley@nara.gov](mailto:mark.bradley@nara.gov)' <[mark.bradley@nara.gov](mailto:mark.bradley@nara.gov)>; '[alina.semo@nara.gov](mailto:alina.semo@nara.gov)' <[alina.semo@nara.gov](mailto:alina.semo@nara.gov)>; '[christopher.pinkney@nara.gov](mailto:christopher.pinkney@nara.gov)' <[christopher.pinkney@nara.gov](mailto:christopher.pinkney@nara.gov)>; '[william.fischer@nara.gov](mailto:william.fischer@nara.gov)' <[william.fischer@nara.gov](mailto:william.fischer@nara.gov)>; '[scott.levins@nara.gov](mailto:scott.levins@nara.gov)' <[scott.levins@nara.gov](mailto:scott.levins@nara.gov)>; '[allison.olson@nara.gov](mailto:allison.olson@nara.gov)' <[allison.olson@nara.gov](mailto:allison.olson@nara.gov)>; '[richard.hunt@nara.gov](mailto:richard.hunt@nara.gov)' <[richard.hunt@nara.gov](mailto:richard.hunt@nara.gov)>;

'kara.blond@nara.gov' <kara.blond@nara.gov>; 'stephanie.bogan@nara.gov' <stephanie.bogan@nara.gov>; 'john.simms@nara.gov' <john.simms@nara.gov>; 'john.valceanu@nara.gov' <john.valceanu@nara.gov>; 'ovnelle.millwood@nara.gov' <ovnelle.millwood@nara.gov>; 'ellis.brachman@nara.gov' <ellis.brachman@nara.gov>; 'martha.murphy@nara.gov' <martha.murphy@nara.gov>; 'sheela.portonovo@nara.gov' <sheela.portonovo@nara.gov>; 'carrie.mcguire@nara.gov' <carrie.mcguire@nara.gov>; 'kirsten.mitchell@nara.gov' <kirsten.mitchell@nara.gov>; 'teresa.brady@nara.gov' <teresa.brady@nara.gov>; 'dwaine.bacon@nara.gov' <dwaine.bacon@nara.gov>; 'jessica.hartman@nara.gov' <jessica.hartman@nara.gov>; 'daniel.levenson@nara.gov' <daniel.levenson@nara.gov>; 'kimberlee.ried@nara.gov' <kimberlee.ried@nara.gov>; 'FOIA' <foia@nara.gov>; 'ngc.foia.liaison@nara.gov' <ngc.foia.liaison@nara.gov>; 'ogis@nara.gov' <ogis@nara.gov>; 'alina.semo@nara.gov' <alina.semo@nara.gov>; 'execsec@nara.gov' <execsec@nara.gov>; 'Duffey.Dylan@epa.gov' <Duffey.Dylan@epa.gov>; 'perseverance2013@aol.com' <perseverance2013@aol.com>  
Subject: DOJ OIP Compliance Inquiry NARA NGC24-115. My FOIA Request NARA 23 -I. Muckrock. Unauthorized Dispositions Excel Spreadsheet

Robert Hammond

[Perseverance2013@aol.com](mailto:Perseverance2013@aol.com)

January 11, 2024

Office of Information Policy (OIP)

U.S. Department of Justice

6th Floor

441 G St. NW

Washington DC 20530

[OIP.ComplianceInquiry@usdoj.gov](mailto:OIP.ComplianceInquiry@usdoj.gov); [bobak.Talebian@usdoj.gov](mailto:bobak.Talebian@usdoj.gov); [Lindsay.Steel@usdoj.gov](mailto:Lindsay.Steel@usdoj.gov)

Subject: DOJ OIP Compliance Inquiry NARA NGC24-115

Mr. Talebian, Ms. Steel DOJ OIP Compliance Inquiry Staff,

Please provide me with the individualized DOJ OIP compliance Inquiry tracking number for this complaint. Please address all complaints and sub-paragraphs alleging violations of the FOIA statute, DOJ FOIA policy, and multiple federal statutes and policies, which are not exempt from FOIA.

Notwithstanding my January 9, 2024 request for FPL dispute resolution, and/or any subsequent request for OGIS mediation and/or appeal or NARA responses thereto, my compliance inquiry is a separate, non-exclusive right under the FOIA.

Please provide your closure letter affirming these violations to Ms. Colleen Shogan,

Archivist of the United States ([archivistoftheunitedstates@nara.gov](mailto:archivistoftheunitedstates@nara.gov)).

Notice to DOJ OIP.

A copy of this DOJ OIP compliance inquiry will be placed into the public domain at <https://www.muckrock.com/foi/united-states-of-america-10/nara-23-i-muckrock-unauthorized-dispositions-excel-spreadsheet-156358/>. All records are located there. I will also post any follow-up emails regarding this compliance inquiry and any DOJ OIP compliance inquiry response. DOJ OIP routinely fails to address compliance inquiries. In any subsequent litigation of matters addressed herein where DOJ fails to timely and accurately address them, DOJ may be a named party for violations of the Administrative Procedures Act.

RECORDS SOUGHT [NARA NGC24-115]

Expedited FOIA Request NARA 23 -I. Muckrock. Unauthorized Dispositions Excel Spreadsheet See PDF.

1. A copy of the NARA Unauthorized Disposition of Federal Records case tracking document for open cases or cases closed from October 1, 2016 to present as it exists at the time of my FOIA request and as cited on the NARA website <https://www.archives.gov/records-mgmt/resources/unauthorizeddispositionoffederalrecords>
  - a. NARA posts a similar document in downloadable “spreadsheet” format for cases closed prior to October 1, 2016 on that same website but does not offer this for open cases or cases closed after October 1, 2016.
  - b. I am seeking all metadata associated with the spreadsheet as is the case for the posted spreadsheet of cases closed prior to October 1, 2016. That spreadsheet was last modified on 5/22/2018 by Karyn Skevakis for example.
  - c. The spreadsheet must be unlocked and allow for recovery of previous version. (version history)
2. Government misconduct is alleged. There can be no redaction of the “spreadsheet info.”
3. The Agency copy of this FOIA Request this FOIA request itself is an agency record, “received by an agency of the United States Government under Federal law or in connection with the transaction of public business” 44 U.S.C. § 3301 (emphasis supplied).

The definition of “records” includes:

“[A]ll books, papers, maps, photographs, machine readable materials, or other documentary materials, regardless of physical form or characteristics, made or received by an agency of the United States Government under Federal law or in connection with the transaction of public business and preserved or appropriate for preservation by that agency

or its legitimate successor as evidence of the organization, functions, policies, decisions, procedures, operations, or other activities of the Government or because of the informational value of data in them.” 44 U.S.C. § 3301 (emphasis supplied).

#### ALLEGATIONS - VIOLATIONS OF LAW AND FOIA POLICY

1. False Official Statement and False FOIA Reporting – Request receipt date.
  - a. NARA’s January 4, 2024 request acknowledgement falsely states that “Your FOIA request, dated January 2, 2024, was received by the National Archives and Records Administration’s Office of General Counsel on the same date, via [foia@nara.gov](mailto:foia@nara.gov).”
  - b. NARA’s January 8, 2024 denial of my request for expedited processing states that same thing.
  - c. However, my subject FOIA request was dated and delivered to NARA on Wednesday, December 27, 2023, which was not a federal holiday.
  - d. NARA’s false official statement will distort FOIA processing times and create a materially false record in any subsequent proceedings, including litigation.
2. Failure to address all elements of my request for expedited processing.
  - a. In its January 8, 2023 denial of my request for expedited processing, NARA failed to address all elements and sub-elements of my request, instead truncating it in their denial letter to create a materially inaccurate record for further proceedings, including litigation.
  - b. I cited four bases for expedited processing. NARA truncated my justification in the middle of basis #2 and did not address at all my basis.
  - c. NARA did not address at all my basis regarding eminent substantial loss of due process rights for example.
3. Failure to acknowledge my January 9, 2024 request for FPL dispute resolution with NARA’s FPL Gary Stern.

Thank you.

With my deep respect,

Robert (Bob) Hammond  
Private Citizen FOIA Advocate



•  
DOJ\_OIP\_Compliance\_Inquiry\_NARA\_NGC24-115.\_My\_FOIA\_Request\_NARA\_23\_-  
I.\_Muckrock.\_Unauthorized\_Di.pdf

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- 

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From: Robert Hammond

[01/10/2024](#)

Subject: RE: Freedom of Information Act Request #NGC24-115

Email

Below and attached is one of countless Unauthorized Disposition Complaints that NARA has neither posted nor investigated.

NARA Unauthorized Disposition (UD) Complaint ICO June 8, 2023 FOIA Advisory Committee Meeting

From: [perseverance2013@aol.com](mailto:perseverance2013@aol.com) <[perseverance2013@aol.com](mailto:perseverance2013@aol.com)>

Sent: Monday, December 11, 2023 12:37 PM

To: [unauthorizeddisposition@nara.gov](mailto:unauthorizeddisposition@nara.gov); [archivistoftheunitedstates@nara.gov](mailto:archivistoftheunitedstates@nara.gov); [colleen.shogan@nara.gov](mailto:colleen.shogan@nara.gov); [william.bosanko@nara.gov](mailto:william.bosanko@nara.gov); [john.valceanu@nara.gov](mailto:john.valceanu@nara.gov); [laurence.brewer@nara.gov](mailto:laurence.brewer@nara.gov); [andrew.denham@nara.gov](mailto:andrew.denham@nara.gov)

Cc: [jay.trainer@nara.gov](mailto:jay.trainer@nara.gov); [brett.baker@nara.gov](mailto:brett.baker@nara.gov); [FOIAcompliance@gmail.com](mailto:FOIAcompliance@gmail.com); [perseverance2013@aol.com](mailto:perseverance2013@aol.com)

Subject: NARA Unauthorized Disposition (UD) Complaint ICO June 8, 2023 FOIA Advisory Committee Meeting

Importance: High

[Best viewed as HTML. See PDF for full complaint, submitted upon information, belief, and records available to me.]

December 11, 2023

Subject: NARA Unauthorized Disposition (UD) Complaint ICO June 8, 2023 FOIA Advisory Committee Meeting

## I. ALLEGATION.

“A member of the public (Robert Hammond) alleges that the Archivist of the United States and the NARA Director of Government Information Services may have destroyed FOIA Advisory Committee records of a June 8, 2023 FOIA Advisory Committee meeting, which it is mandated to have preserved under the Federal Advisory Committee Act and other laws regulations and policies :

“all panelist” chat comments as well as any direct comments to any member participating in the meeting, including OGIS support personnel and the conference moderator. This includes Committee members present at the virtual meeting. Others present or participating in the virtual meeting, including all registered participants”

Else records are at risk of actual, impending, or threatened damage, alienation, or unauthorized destruction.”

I sought the above records via FOIA to NARA (NCG23- 504) on the third day following the meeting. In its FOIA response two months later, NARA admits that they destroyed the records:

“No records were found responsive to part 1 of your request.”

See Attachment A and Attachment B

## II. ACTION SOUGHT.

1. Notify NARA within 5 business days as required by 36 CFR 1230.16.a.
2. Provide me with a point of contact by return email to discuss this matter.
3. Permit me to discuss the Agency's reply prior to deciding on this complaint to preclude the likely provision of misinformation, as has been done in the past.
4. If the records have not been destroyed, seek that the Agency provide them to you as individual records.
5. Immediately post this UD complaint to the NARA website. In violation of law NARA has refused to post UD complaints against NARA. See Attachment E.

### III. UD COMPLAINT IN PUBLIC DOMAIN.

In violation of 36 CFR 1230 and the Administrative Procedures Act, NARA refuses to post and properly investigate prior complaints relating to NARA including an October 7, 2022 allegation that NARA destroyed records related to potential Hatch Act violations by the then Acting Archivist of the United States (Debra Wall) sought under FOIA (and others). NARA must demand the production to NARA of any records the agency claims it did not destroy.

This uneven application of law is particularly important given that NARA's Unauthorized Records Disposition Unit is at the center of two criminal investigations regarding unauthorized removal/retention of Presidential records by our current and former presidents.

Therefore, I will be distributing this UD complaint widely. I may address past UD complaints where NARA has utterly failed in its responsibilities. NARA's unauthorized records dispositions are overseen by Chief Records Officer Laurence Brewer [laurence.brewer@nara.gov](mailto:laurence.brewer@nara.gov)

### IV. NARA GRS 4.2 Item 20

020 Access and disclosure request files. Case files created in response to requests for information under the Freedom of Information Act (FOIA), Mandatory Declassification Review (MDR) process, Privacy Act (PA), Classification Challenge, and similar access programs, and completed by: • granting the request in full • granting the request in part • denying the request for any reason including: o inability to fulfill request because records do not exist o inability to fulfill request because request inadequately describes records o inability to fulfill request because search or reproduction fees are not paid Temporary. Destroy 6 years after final agency action or 3 years after final adjudication by the courts, whichever is later, but longer retention is authorized if required for business use. DAA-GRS-2016-0002-0001

## V. 32 CFR PART 286—DOD FREEDOM OF INFORMATION ACT (FOIA) PROGRAM

### 32 CFR §286.6 Preservation of records.

Each DoD Component shall preserve all correspondence pertaining to the requests that it receives under this part, as well as copies of all requested records, until disposition or destruction is authorized pursuant to title 44 of the United States Code or the General Records Schedule 4.2 of the National Archives and Records Administration (NARA). Records shall not be disposed of or destroyed while they are the subject of a pending request, appeal, or lawsuit under the FOIA.

## VI. 36 CFR § 1230. UNLAWFUL OR ACCIDENTAL REMOVAL, DEFACING, ALTERATION, OR DESTRUCTION OF RECORDS

### §1230.3

Unlawful or accidental destruction (also called unauthorized destruction) means disposal of an unscheduled or permanent record; disposal prior to the end of the NARA-approved retention period of a temporary record (other than court-ordered disposal under § 1226.14(d) of this subchapter); and disposal of a record subject to a FOIA request, litigation hold, or any other hold requirement to retain the records.

## VII. 44 U.S. CODE § 3106 - UNLAWFUL REMOVAL, DESTRUCTION OF RECORDS

### (a) FEDERAL AGENCY NOTIFICATION.—

The head of each Federal agency shall notify the Archivist of any actual, impending, or threatened unlawful removal, defacing, alteration, corruption, deletion, erasure, or other destruction of records in the custody of the agency, and with the assistance of the Archivist shall initiate action through the Attorney General for the recovery of records the head of the Federal agency knows or has reason to believe have been unlawfully removed from that agency, or from another Federal agency whose records have been transferred to the legal custody of that Federal agency.

### (b) ARCHIVIST NOTIFICATION.—

In any case in which the head of a Federal agency does not initiate an action for such recovery or other redress within a reasonable period of time after being notified of any such unlawful action described in subsection (a), or is participating in, or believed to be participating in any such unlawful action, the Archivist shall request the Attorney General to initiate such an action, and shall notify the Congress when such a request has been made.

(Pub. L. 90–620, Oct. 22, 1968, 82 Stat. 1298; Pub. L. 98–497, title I, § 107(b)(21), title II, § 203(b), Oct. 19, 1984, 98 Stat. 2290, 2294; Pub. L. 113–187, § 4, Nov. 26, 2014, 128 Stat. 2009.)

VIII. 18 U.S. Code § 1519 - Destruction, alteration, or falsification of records. (Added Pub. L. 107–204, title VIII, §802(a), July 30, 2002, 116 Stat. 800.)



Whoever knowingly alters, destroys, mutilates, conceals, covers up, falsifies, or makes a false entry in any record, document, or tangible object with the intent to impede, obstruct, or influence the investigation or proper administration of any matter within the jurisdiction of any department or agency of the United States or any case filed under title 11, or in relation to or contemplation of any such matter or case, shall be fined under this title, imprisoned not more than 20 years, or both.

IX. 18 U.S.C. 641 and 2071. The penalties for the unlawful or accidental removal, defacing, alteration, or destruction of Federal records or the attempt to do so, include a fine, imprisonment, or both (18 U.S.C. 641 and 2071).

This is submitted upon information, belief, and records available to me.

With my respect,

/s/

Robert Hammond

Whistleblower

Attachments

A. NARA FOIA Response to NGC23-540

B. Hammond FOIA Request NGC23-540

C. October 7, 2022 UD Complaint ICO Acting Archivist of the US. Hatch Act Violation Records

D. NARA UD Complaint ICO NARA's OGIS Unlawful Deletion, Destruction of Chief FOIA Council Records

E. Unauthorized Dispositions of Federal Records \_National Archives – NARA TAB

**From:** [REDACTED]  
**To:** [REDACTED]  
**CC:** [REDACTED]  
**Subject:** [REDACTED]  
**Date:** [REDACTED]  
**Attachments:** [REDACTED]

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[This e-mail is UNCLASSIFIED. See FOIA for full complaint, submitted open information, redacted, and records available to us.]

December 11, 2023

**Subject:** NARA IT Unauthorized Disposition (UD) Complaint ICO June 8, 2023 FOIA Advisory Committee Meeting

**I. ALLEGATIONS**

"A member of the public (Robert Hammond) alleges that the Archivist of the United States and the NARA Director of Government Information Services may have destroyed FOIA Advisory Committee records of a June 8, 2023 FOIA Advisory Committee meeting, which it is mandated to have preserved under the Federal Advisory Committee Act and other laws, regulations and policies:

"all records<sup>1</sup> that concern or will be used in any direct comments to any member participating in the meeting, including OIGIG support personnel and the conference moderator. This includes Committee members present at the virtual meeting, OIGIG present or participating in the virtual meeting, including all registered participants"

These records are at risk of actual, impending, or threatened damage, alteration, or unauthorized destruction."

I sought the above records via FOIA to NARA (PHOENIX, OH) on the third day following the meeting. In its FOIA response (two months later), NARA admits that they destroyed the records:

"No records were found responsive to part I of your request."

See Attachment A and Attachment B

**II. ACTION REQUEST:**

1. Notify NARA within 1 business day as required by 36CFR.1276.20(a)
2. Provide me with a point of contact by return email to discuss this matter.
3. Permit me to discuss the Agency's reply prior to deciding on this complaint to provide the timely provision of information, as has been done in the past.
4. If the records have not been destroyed, seek that the Agency provide them to you as individual records.
5. Immediately post this UD-complaint to the NARA website in violation of law NARA.

•  
NARA\_Unauthorized\_Disposition\_UD\_Complaint\_ICO\_June\_8\_2023\_FOIA\_Advisory\_Committee\_Meeting.pdf

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### Independent Agencies

Search

Agency	Fiscal Year Start Date	Fiscal Year End Date	Fiscal Year	Records	Status	View Options
Federal Trade Commission	10/01/2023	09/30/2024	10/01/2023-09/30/2024	Open under agency for the Fiscal Year(s) 1 (selected) (Records created for the FY(s) shown otherwise related to the agency's implementation of a new rule that may include records relating to the rule.	Finalized	<a href="#">View</a> <a href="#">Download</a>
General Services Administration	10/01/2023	09/30/2024	10/01/2023-09/30/2024	Adaptation of 17 personal email accounts of 100 and 1000 employees (selected) to work under selected records relating government records.	Finalized	<a href="#">View</a> <a href="#">Download</a>
Federal Communications and Energy Administration	10/01/2023	09/30/2024	10/01/2023-09/30/2024	100 requests (selected) for records for 1000 (selected) Open High Volume Request (HVR) along with new High Volume Request (HVR) tracking.	Finalized	<a href="#">View</a> <a href="#">Download</a>
Federal Communications and Energy Administration	10/01/2023		10/01/2023-09/30/2024	Delivery of records of Request employees in the other State records.	Pending records for review	<a href="#">View</a> <a href="#">Download</a>

UD\_Complaints\_Independent\_Agencies\_Posted\_as\_of\_2024\_01\_10.pdf

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o

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From: Robert Hammond

[01/10/2024](#)

Subject: RE: Freedom of Information Act Request #NGC24-115

Email

Below and attached is an email to the Archivist of the United States noting abject failure of NARA's Unauthorized Disposition Unit.

From: [perseverance2013@aol.com](mailto:perseverance2013@aol.com) <[perseverance2013@aol.com](mailto:perseverance2013@aol.com)>

Sent: Wednesday, October 11, 2023 12:12 PM

To: [unauthorizeddisposition@nara.gov](mailto:unauthorizeddisposition@nara.gov); [archivistoftheunitedstates@nara.gov](mailto:archivistoftheunitedstates@nara.gov); [brett.baker@nara.gov](mailto:brett.baker@nara.gov)

Cc: [paul.t.cygnarowicz.civ@mail.mil](mailto:paul.t.cygnarowicz.civ@mail.mil); [joo.y.chung2.civ@mail.mil](mailto:joo.y.chung2.civ@mail.mil); [luz.d.ortiz.civ@mail.mil](mailto:luz.d.ortiz.civ@mail.mil); [john.smith.civ@mail.mil](mailto:john.smith.civ@mail.mil); [joseph.e.davidge.civ@mail.mil](mailto:joseph.e.davidge.civ@mail.mil); [dha.foiapublicliaison@health.mil](mailto:dha.foiapublicliaison@health.mil); [dha.foiaappeals@health.mil](mailto:dha.foiaappeals@health.mil); [dha.foia@mail.mil](mailto:dha.foia@mail.mil); [doj.oip.foia@usdoj.gov](mailto:doj.oip.foia@usdoj.gov); [perseverance@aol.com](mailto:perseverance@aol.com); [dod.foia.pa@gmail.com](mailto:dod.foia.pa@gmail.com); [foia.advocate.usa@gmail.com](mailto:foia.advocate.usa@gmail.com); [foiacomplaine@gmail.com](mailto:foiacomplaine@gmail.com); [judy.j.bizzell.civ@mail.mil](mailto:judy.j.bizzell.civ@mail.mil); [michael.malanoski.civ@mail.mil](mailto:michael.malanoski.civ@mail.mil); [donfoia-pa@navy.mil](mailto:donfoia-pa@navy.mil); [patterson.robin.w.civ@us.navy.mil](mailto:patterson.robin.w.civ@us.navy.mil); [toni.fuentes.civ@mail.mil](mailto:toni.fuentes.civ@mail.mil); [debra.wall@nara.gov](mailto:debra.wall@nara.gov); Laurence Brewer <[laurence.brewer@nara.gov](mailto:laurence.brewer@nara.gov)>

Subject: Re: Unauthorized Records Disposition Cases (UD) + FOIA. Ms. Shogan, pls reply.

Resending due to 554 6.6.0 Error sending message for delivery

On Wednesday, October 11, 2023 at 12:05:00 PM EDT, <[perseverance2013@aol.com](mailto:perseverance2013@aol.com)> wrote:

[View as HTML]

Dear Ms. Shogan,

Response requested.

Please preserve records for judicial review IAW the FOIA in each UD case file that I submitted.

This is to advise you that NARA may be a party to any litigation (FOIA or otherwise) where I

have submitted Unauthorized Disposition UUD) complaints involving those records.

I may also soon begin placing my correspondence with NARA into the public domain for all to judge. Most of my UD cases involve FOIA, which is actionable in federal court.

In each case that I submitted, I advised NARA that the agency must produce the alleged destroyed/unaltered records and I stated that I should be given the opportunity to review any draft case closure letter to advise you of seemingly materially false statements in official proceedings by the Agency involved. NARA did not do either. Where NARA has improperly closed cases (and sent me case closure letters), I provided NARA with supplemental information documenting NARA's errors/malfeasance.

NARA refuses to post (and investigate?) UD cases involving NARA.

I do not consider NARA UD closure letters as final actions.

Additionally, NARA has refused to respond to my simple FOIA requests seeking records related to my UD cases.

All the above implicate potential NARA violations of laws, regulations, and policy, including the Administrative Procedures Act. There may be NARA funding deficiencies contributing to poor performance as well. NARA must fund its statutory missions before embarking on pet rock excursions, no matter who wants them.

--/

Mr. Baker, NARA OIG.

I have sent you past correspondence seeking OIG audits and or investigations in certain cases.

At a minimum, a NARA OIG audit is required, which should include all my UD cases.

--/

GAO (bcc).

I may reach out to you and members of Congress regarding these UD cases which are of

heightened public interest now because allegations of unauthorized removal and/or disposition of federal records by our current president and former president and vice president. There should not be a lack of trust in NARA's UD unit, but redacted records produced pursuant to my FOIA requests seeking records of potential Hatch Act violations are alarming. At some point those case records may go into the public domain as well and be subject to FOIA litigation.

With my deep respect,

Robert (Bob) Hammond  
Private Citizen FOIA Advocate

Name: robert.hammond@icloud.com - robert.hammond@icloud.com  
Email addresses: robert.hammond@icloud.com  
The sender's email address is robert.hammond@icloud.com. Visit: robert.hammond@icloud.com  
The sender's email address is robert.hammond@icloud.com. Visit: robert.hammond@icloud.com  
The sender's email address is robert.hammond@icloud.com. Visit: robert.hammond@icloud.com  
The sender's email address is robert.hammond@icloud.com. Visit: robert.hammond@icloud.com  
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The sender's email address is robert.hammond@icloud.com. Visit: robert.hammond@icloud.com  
The sender's email address is robert.hammond@icloud.com. Visit: robert.hammond@icloud.com  
The sender's email address is robert.hammond@icloud.com. Visit: robert.hammond@icloud.com  
The sender's email address is robert.hammond@icloud.com. Visit: robert.hammond@icloud.com  
Subject: Re: Unauthorized Records Disposition Cases (UD) - FOIA, Ms. Shogan, pl's reply.

Resending due to the U.S.A. error sending message for delivery  
On Wednesday, October 11, 2024 at 12:08:00 PM EDT, robert.hammond@icloud.com wrote:

[View as HTML]

**Dear Ms. Shogan,**

Response requested.

Please preserve records for judicial review (UD) the FOIA in each UD case file that I submitted.  
This is to advise you that NARA may be a party to any litigation (FOIA or otherwise) where I have submitted a nonconfidential Disposition (UD) complaint involving those records.  
I urge you not begin placing any correspondence with NARA, into the public domain for all in public. What if the UD case involving FOIA, which is currently in federal court.  
In each case that I submitted I advised NARA that the agency must produce the alleged unauthorized removal records and I stated that I should be given the opportunity to review any draft case closure letter or other part of nonpublic materials. This constitutes a critical oversight by the Agency involved. NARA did not do either. When NARA has completely closed cases, I will send the case closure letters, I provided NARA with supplemental statements documenting NARA's errors/mistakes.

NARA refers to your case involving UD cases involving NARA.  
I do not consider NARA UD closure letters as final actions.  
Additionally, NARA has refused to respond to my simple FOIA requests seeking records related to my UD cases.

Unauthorized\_Records\_Disposition\_Cases\_UD\_\_FOIA.\_Ms.\_Shogan\_pls\_reply.pdf

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Upload to DocumentCloud

From: Robert Hammond

[01/10/2024](#)

Subject: RE: Freedom of Information Act Request #NGC24-115

Email

Below and attached is an example email to NARA's OIG regarding NARA's failure to post and investigate my UD complaints:

\* October 7, 2022 UD Complaint ICO Acting Archivist of the US. Hatch Act Violation Record  
\* August 3, 2022 UD Complaint NARA OGIS Unlawful Destruction of Chief FOIA Council Records. Corrected.

From: [perseverance2013@aol.com](mailto:perseverance2013@aol.com) <[perseverance2013@aol.com](mailto:perseverance2013@aol.com)>

Sent: Tuesday, December 13, 2022 5:00 PM

To: 'Brett Baker' <[brett.baker@nara.gov](mailto:brett.baker@nara.gov)>

Cc: [laurence.brewer@nara.gov](mailto:laurence.brewer@nara.gov); [perseverance2013@aol.com](mailto:perseverance2013@aol.com)

Subject: FW: NARA Unauthorized Disposition (UD) Complaint ICO Acting Archivist of the US. Hatch Act Violation Records.

Importance: High

Sensitivity: Confidential

Sir,

In violation of 36 CFR 1230.16 and the Administrative Procedures Act, NARA has not posted the attached October 7, 2022 UD Complaint ICO Acting Archivist of the US. Hatch Act Violation Record, nor has NARA posted the attached August 3, 2022 UD Complaint NARA OGIS Unlawful Destruction of Chief FOIA Council Records. Corrected.

Even if NARA ultimately determines that one or both complaints is unfounded, NARA must post them to the web.

Please consider this a formal OIG complaint.

With my deep respect,

Robert Hammond

From: [perseverance2013@aol.com](mailto:perseverance2013@aol.com) <[perseverance2013@aol.com](mailto:perseverance2013@aol.com)>

Sent: Friday, October 7, 2022 9:17 PM

To: [UnauthorizedDisposition@nara.gov](mailto:UnauthorizedDisposition@nara.gov); [laurence.brewer@nara.gov](mailto:laurence.brewer@nara.gov)

Cc: [perseverance2013@aol.com](mailto:perseverance2013@aol.com); [brett.baker@nara.gov](mailto:brett.baker@nara.gov); [Donald.Rosen@nara.gov](mailto:Donald.Rosen@nara.gov)

Subject: RE: NARA Unauthorized Disposition (UD) Complaint ICO Acting Archivist of the US. Hatch Act Violation Records.

[Best viewed as HTML]

October 7, 2022

Subject: NARA Unauthorized Disposition (UD) Complaint ICO Acting Archivist of the US.  
Hatch Act Violation Records

#### I. ALLEGATION.

“A member of the public (Robert Hammond) alleges that the Acting Archivist of the United States may have destroyed email and text FOIA records related to her involvement in potential Hatch Act violations in the 2020 federal election. Else records are at risk of actual, impending, or threatened damage, alienation, or unauthorized destruction.”

#### II. ACTION SOUGHT.

1. Notify NARA within 5 business days as required by 36 CFR 1230.16.a.
2. Provide me a point of contact by return email to discuss this matter.
3. Permit me to discuss the Agency’s reply prior to deciding on this complaint to preclude the likely provision of misinformation, as has been done in the past.
4. If the records have not been destroyed, seek that the Agency provide them to you as individual records.
5. A consolidated PDF file will not distinguish the individual moot determination letters and may again contain irrelevant material.
6. Should NARA fail to timely and accurately post this complaint and promptly, properly adjudicate it I may place records into the public domain.

#### III. IDENTIFICATION OF RECORDS.

1. Records responsive to FOIA requests NGC22-105 (my NARA 22-P.I), NGC22-106 (my NARA 22-Q.I.) and NGC22-235 (my NARA 22-P.I.A) pertain directly to Ms. Wall and she received copies of these FOIA requests.

#### IV. APPLICABLE RETENTION SCHEDULE, NARA GRS 4.2 Item 20

020 Access and disclosure request files. Case files created in response to requests for information under the Freedom of Information Act (FOIA), Mandatory Declassification Review (MDR) process, Privacy Act (PA), Classification Challenge, and similar access



programs, and completed by: • granting the request in full • granting the request in part • denying the request for any reason including: o inability to fulfill request because records do not exist o inability to fulfill request because request inadequately describes records o inability to fulfill request because search or reproduction fees are not paid Temporary. Destroy 6 years after final agency action or 3 years after final adjudication by the courts, whichever is later, but longer retention is authorized if required for business use. DAA-GRS-2016-0002-0001

## V. 32 CFR PART 286—DOD FREEDOM OF INFORMATION ACT (FOIA) PROGRAM

### 32 CFR §286.6 Preservation of records.

Each DoD Component shall preserve all correspondence pertaining to the requests that it receives under this part, as well as copies of all requested records, until disposition or destruction is authorized pursuant to title 44 of the United States Code or the General Records Schedule 4.2 of the National Archives and Records Administration (NARA). Records shall not be disposed of or destroyed while they are the subject of a pending request, appeal, or lawsuit under the FOIA.

## VI. 36 CFR § 1230. UNLAWFUL OR ACCIDENTAL REMOVAL, DEFACING, ALTERATION, OR DESTRUCTION OF RECORDS

### §1230.3

Unlawful or accidental destruction (also called unauthorized destruction) means disposal of an unscheduled or permanent record; disposal prior to the end of the NARA-approved retention period of a temporary record (other than court-ordered disposal under § 1226.14(d) of this subchapter); and disposal of a record subject to a FOIA request, litigation hold, or any other hold requirement to retain the records.

## VII. 44 U.S. CODE § 3106 - UNLAWFUL REMOVAL, DESTRUCTION OF RECORDS

### (a) Federal Agency Notification.—

The head of each Federal agency shall notify the Archivist of any actual, impending, or threatened unlawful removal, defacing, alteration, corruption, deletion, erasure, or other destruction of records in the custody of the agency, and with the assistance of the Archivist shall initiate action through the Attorney General for the recovery of records the head of the Federal agency knows or has reason to believe have been unlawfully removed from that agency, or from another Federal agency whose records have been transferred to the legal custody of that Federal agency.

### (b) Archivist Notification.—

In any case in which the head of a Federal agency does not initiate an action for such recovery or other redress within a reasonable period of time after being notified of any such unlawful action described in subsection (a), or is participating in, or believed to be participating in any such unlawful action, the Archivist shall request the Attorney General

to initiate such an action, and shall notify the Congress when such a request has been made.

(Pub. L. 90-620, Oct. 22, 1968, 82 Stat. 1298; Pub. L. 98-497, title I, § 107(b)(21), title II, § 203(b), Oct. 19, 1984, 98 Stat. 2290, 2294; Pub. L. 113-187, § 4, Nov. 26, 2014, 128 Stat. 2009.)

VIII. 18 U.S. Code § 1519 - Destruction, alteration, or falsification of records. (Added Pub. L. 107-204, title VIII, §802(a), July 30, 2002, 116 Stat. 800.)

Whoever knowingly alters, destroys, mutilates, conceals, covers up, falsifies, or makes a false entry in any record, document, or tangible object with the intent to impede, obstruct, or influence the investigation or proper administration of any matter within the jurisdiction of any department or agency of the United States or any case filed under title 11, or in relation to or contemplation of any such matter or case, shall be fined under this title, imprisoned not more than 20 years, or both.

IX. 18 U.S.C. 641 and 2071. The penalties for the unlawful or accidental removal, defacing, alteration, or destruction of Federal records or the attempt to do so, include a fine, imprisonment, or both (18 U.S.C. 641 and 2071).

This is submitted upon information, belief, and records available to me.

With my respect,

/s/

Robert Hammond

From: [robert.hammond@ice.dhs.gov](mailto:robert.hammond@ice.dhs.gov)  
To: [robert.hammond@ice.dhs.gov](mailto:robert.hammond@ice.dhs.gov)  
Subject: [robert.hammond@ice.dhs.gov](mailto:robert.hammond@ice.dhs.gov)

In violation of 50 CFR 228.18 and the Administrative Procedure Act, NARA has not posted the attached October 5, 2012 FOIA complaint FOIA log, including all the U.S. Marshals and Violation Records, nor has NARA posted the attached August 5, 2012 FOIA complaint NARA FOIA Violation Disposition and FOIA Complaint Records, if correct.

Even if NARA ultimately determines that one or both complaints is unfounded, NARA must post them to the web.

Please consider this a formal FOIA complaint.

With my deep respect,

Robert Hammond

From: [robert.hammond@ice.dhs.gov](mailto:robert.hammond@ice.dhs.gov)  
Date: Friday, October 5, 2012 10:17 AM  
To: [robert.hammond@ice.dhs.gov](mailto:robert.hammond@ice.dhs.gov)  
Subject: RE: NARA Unlawful Disposition of FOIA Complaint FOIA log, including all the U.S. Marshals and Violation Records.

(This e-mail is HTML.)  
October 5, 2012

Subject: NARA Unlawful Disposition of FOIA Complaint FOIA log, including all the U.S. Marshals and Violation Records

**1. ALLEGATIONS.**  
A number of the public (Robert Hammond) alleges that the Acting Archivist of the United States may have destroyed email and web FOIA records related to his involvement in potential Marshals and Violation Records in the 2012 federal election. The records are at risk of actual, impending, or threatened damage, alteration, or unauthorized disclosure.

**II. ACTION REQUEST.**

FW\_\_NARA\_Unauthorized\_Disposition\_UD\_Complaint\_ICO\_Acting\_Archivist\_of\_the\_US.\_  
Hatch\_Act\_Viola.pdf

- [View](#)
- Embed
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- 

Upload to DocumentCloud

From: Robert Hammond

[01/10/2024](#)

Subject: RE: Freedom of Information Act Request #NGC24-115

Email

Below and attached is an email to NARA's OIG noting NARA's UD Unit failure to post or investigate Unlawful Deletion/Destruction of Chief FOIA Council Records.

--/

From: [perseverance2013@aol.com](mailto:perseverance2013@aol.com) <[perseverance2013@aol.com](mailto:perseverance2013@aol.com)>

Sent: Tuesday, October 25, 2022 4:22 PM

To: 'Brett Baker'

<[brett.baker@nara.gov](mailto:brett.baker@nara.gov)>; [david.ferriero@nara.gov](mailto:david.ferriero@nara.gov); [UnauthorizedDisposition@nara.gov](mailto:UnauthorizedDisposition@nara.gov); [laurance.brewer@nara.gov](mailto:laurance.brewer@nara.gov)

Cc: [debra.wall@nara.gov](mailto:debra.wall@nara.gov)

Subject: OIG INVESTIGATAION. FW: NARA Unauthorized Disposition Complaint ICO NARA OGIS Unlawful Deletion/Destruction of Chief FOIA Council Records

Dr. Brett Baker

Please add to my original OIG complaint of this matter “abuse, or mismanagement of NARA activity” by NARA’s Unauthorized disposition unit in the disparate and unlawful handling of this case.

While I have unanswered cases more than a year old, NARA's unauthorized disposition unit under Mr. Brewer closed this case within hours without even opening it or posting it to NARA's unauthorized disposition web page in violation of not only standard practice/procedures but also 36 CFR 1230. NARA is required to open the case, investigate it and post all correspondence to the Web.

Please also address NARA's failure to respond to my FOIA request

Please address all of my OIG matters accurately and straight up. Any failure to do so will intensify my interest into NARA operations.

To the extent that NARA leadership quickly resolves matters, I may withdraw complaints, FOIA requests, etc.

--/

Mr. Brewer,

OGIS unsubstantiated claim that it has preserved records (if true) does not end the matter, My claim is that OGIS improperly deleted portions of my public comments (submitted under Leona Hammond) while keeping only positive comments. NARA deleted comments about the November 17, 2021 Chief FOIA Officers Council Meeting being unlawfully held and not properly advertised (once again) in the Federal Register. There is no legal distinction between the positive comments kept praising leadership and those deleted, nor is there any basis for deleting them.

Additionally, my unanswered EXPEDITED FOIA request not only requires OGIS to produce the unedited comments, but to restore them to the You Tube Top Chat. The FOIA mandated that records be released in the manner stipulated by my FOIA request (the E-FOIA Amendments of 1996, Section 5) which among other things requires the unedited comments to be restored to You Tube Top Chat as part of the release:

Note that in addition to providing chat transcripts, I am seeking that the video owner de-select the setting to "Disable comments," or any other impediment to allowing full public access by anyone viewing the You Tube Video.

So my complaint is that portions of my chat comments were improperly deleted from the You Tube video Top Chat. "DOJ OIP & OGIS unlawfully deleted/destroyed portions of my public comments from You Tube Top Chat if the November 17, 2021 Chief FOIA Officers Council meeting while keeping only my positive comments. There is no legal distinction

between the comments that DOJ OIP & OGIS retained praising leadership and those capriciously and arbitrarily deleted (e.g., comments that the meeting was unlawfully held.”

That is incontrovertible and must be affirmed.

Additionally per my complaint, Public Law No: 114-185 requires that records or other documents “that were made available to or prepared for or by the Council shall be made publicly available.”

NARA must;

1. Open a case and post it to the web.
2. Affirm the improper/unlawful deletion of chat comments from You Tube.
3. Keep this case open until the unedited chat comments are restored to You Tube.
4. Post all correspondence to NARA and the final closure letter to the web.

Further, in any correspondence to me, including closure letters, please include my incoming complaint to ensure that you have adequately addressed matters. I have asked to review any closure letters before they are finalized to preclude materially inaccurate closure letters. Every single closure letter has been grossly inaccurate. NARA’s actions are creating more work for everyone and may spur further action on my part.

--/

Mr. Ferriero & Ms. Wall,

These actions, taken under delegated authority of the Archivist of the United States are worthy of your personal attention. While I have offered countless times to work cooperatively with NARA, this is just another example of NARA acting improperly. This intensifies my interest in NARA’s operations. Let’s et on the same team and do great things for our nation.

Ms. Wall and Mr. Brewer, I am seeking opportunities to talk with you - completely non-attribution, not recorded or referenced in any future venue – about how we can improve cooperation going forward.

Again, to the extent that NARA leadership quickly resolves matters, I may withdraw complaints, FOIA requests, etc.

Thank you.

With my deep respect,

Robert Hammond

From: [UnauthorizedDisposition@nara.gov](mailto:UnauthorizedDisposition@nara.gov)  
Sent: Monday, December 13, 2021 12:00 PM  
Subject: RE: Freedom of Information Act Request #NGC24-115

To: Scott Baker

Please add to my original FOIA complaint of the matter "when an investigation of NARA activity" by NARA's Unauthorized Disposition unit in the dispute and action for handling of this case.

Which I have mentioned since more than a year ago, NARA's unauthorized Disposition unit under Mr. Brewer closed this case without having even opening it or putting it to NARA's constitutional Disposition unit page in violation of its only mandated procedure procedures but also the EOP. If/when NARA is required to open the case, investigate it and post all correspondence in the File.

Please also address NARA's failure to respond to my FOIA request.

Please address all of my FOIA matters accurately and straight up. Any failure to do so will intensify my interest into NARA's operations.

To the extent that NARA's leadership quickly resolves matters, I may withdraw complaints, FOIA requests, etc.

cc -

Mr. Brewer,

CRISJ announced claims that it has personal records of email that not only the matter, but also that CRISJ improperly deleted portions of my public comments and/or deleted and/or removed records while leaving only positive comments. NARA deleted comments about the November 11, 2021 Chief FOIA Officer Council Meeting being unlawfully held and not properly advertised/announced in the Federal Register. There is no legal distinction between the public comments that were deleted and those that were not in these any basis for deleting them.

Additionally, my unprocessed COMMENTS/FOIA request not only require CRISJ to produce the withheld comments, but to restore them to the File Table Top (T) that the FOIA mandated that records be returned to the requester upon the request's response to all records, notwithstanding any factors to which among other things require the withheld comments to be returned to the File Table Top that is part of the release.

Note that in addition to providing that transcripts, I am seeking that the records contain the writing to "Whistleblowers," or any other impediment to allowing full public.

OIG\_INVESTIGATAION.\_FW\_\_NARA\_Unauthorized\_Disposition\_Complaint\_ICO\_NARA\_OG  
IS\_Unlawful\_Deletion\_.pdf

- [View](#)
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- 

Upload to DocumentCloud

From: Robert Hammond

[01/10/2024](#)

Subject: RE: Freedom of Information Act Request #NGC24-115

Email

Submitted on presumption and believe based on records available to me.

From: [perseverance2013@aol.com](mailto:perseverance2013@aol.com) <[perseverance2013@aol.com](mailto:perseverance2013@aol.com)>

Sent: Sunday, December 12, 2021 2:44 PM

To: [UnauthorizedDisposition@nara.gov](mailto:UnauthorizedDisposition@nara.gov); [laurence.brewer@nara.gov](mailto:laurence.brewer@nara.gov)

Subject: Unauthorized Disposition Complaint ICO NARA Expedite Processing Records of  
FOIA NARA-NGC-2022-000028

Importance: High

December 12, 2021

NARA Unauthorized Disposition Complaint ICO NARA Expedite Processing Records of FOIA  
NARA-NGC-2022-000028

## I. ALLEGATIONS.

I am alleging that National Archives Administration (NARA) either unlawfully destroyed records of its expedited processing denial of FOIA NARA-NGC-2022-000028 subject to preservation in their own right and also sought under expedited FOIA request NARA-NGC-2022-000165 or made a false official statement in stating (in response to my FOIA Request NARA-NGC-2022-000165) that there are no records of said expedited processing denial of FOIA NARA-NGC-2022-000028 and unlawfully withheld records responsive to NARA-NGC-2022-000165. (ATTACHMENT A. Final Disposition Notice 2021-12-01 063020 Letter. & Attachment B. FOIA NARA 22-M Expedited Processing NARA-NGC-2022-000028)

It is impossible to issue an expedited processing denial without creating any records.

Susan Gillett issued the expedited processing denial to NARA-NGC-2022-000028. Process flow and other records related to her actions are located within [FOIAonline.gov](https://www.foiaonline.gov). (Attachment A - FOIAonline Correspondence..NARA-NGC-2022-000028, Attachment C - Susan Gillet and Attachment D - FOIAonline\_Agency\_User\_Guide).

Jodi Foor processed FOIA Request NARA-NGC-2022-000165, and she stated that there were no records. Process flow and other records related to her actions are located within [FOIAonline.gov](https://www.foiaonline.gov). (FOIAonline Correspondence.NARA-NGC-2022-000165, Jodi Foor)

If NARA claims that records exist and have not been destroyed, NARA has made a false official statement in response to my FOIA Request NARA-NGC-2022-000165 that there are no records of said expedited processing denial of FOIA NARA-NGC-2022-000028 and NARA's Unauthorized Disposition staff must make a ... referral to OIG regarding the false official statement and unlawful withholding of FOIA records.

Further, if NARA claims that records exist and have not been destroyed, this must be proven by NARA releasing the records pursuant to my FOIA request NARA-NGC-2022-000165, which NARA unlawfully withheld.

Any potentially recoverable records are in imminent danger of the Agency destroying them.

## II. ACTION SOUGHT.

1. Notify the Agency within 5 working days.
2. Provide me a point of contact by return email to discuss this matter.
3. Permit me to discuss the Agency's reply prior to deciding on this complaint to preclude

the likely provision of misinformation, as has been done in the past.

4. If records have not been destroyed, seek that the Agency provide them to you as individual PDF files and the results of searches Note that all records sought in my FOIA request are FOIA case processing records that are required to be retained for 6+ years after the final action.

5. If NARA claims that records exist and have not been destroyed, NARA has made a false official statement in response to my FOIA Request NARA-NGC-2022-000165 that there are no records of said expedited processing denial of FOIA NARA-NGC-2022-000028 and NARA's Unauthorized Disposition staff must make a ... referral to OIG regarding the false official statement and unlawful withholding of FOIA records.

### III. IDENTIFICATION OF RECORDS.

(NARA) either unlawfully destroyed records of its expedited processing denial of FOIA NARA-NGC-2022-000028 subject to preservation in their own right and also sought under expedited FOIA request NARA-NGC-2022-000165 or made a false official statement in stating (in response to my FOIA Request NARA-NGC-2022-000165 that there are no records of said expedited processing denial of FOIA NARA-NGC-2022-000028.

RECORDS SOUGHT VIA FOIA Request NARA-NGC-2022-000165:

FOIA Request NARA 22-M Expedited Processing NARA-NGC-2022-000028.

See PDF.

I am respectfully seeking:

1. Records from 7 October 2021 to 15 October 2021 related to the NARA decision to deny expedited processing for this subject case, FOIAonline NARA-NGC-2022-000028. Records would include, but not be limited to:

- a. Unredacted emails and other correspondence within the NARA FOIA Office.
- b. Unredacted emails and other correspondence within the NARA Media or Public Affairs Office or similar office by any other name.
- c. Unredacted emails and other correspondence between the NARA FOAI Office with any other office, including NARA's Media or Public Affairs Office or similar office by any other name.
- d. Records of reviews conducted of the subject matter of the request for expedited processing and the decision to deny expedited processing

NARA-NGC-2022-000165 Processing Records. Records of actions taken, process flow, etc., are located within [FOIAonline.gov](https://www.foiaonline.gov). The processor for this FOIA request was:

Jodi Foor

Deputy FOIA Officer



Office of General Counsel  
National Archives and Records Administration  
[foia@nara.gov](mailto:foia@nara.gov)

NARA-NGC-2022-000028. Processing Records. Records of actions taken, process flow, etc., are located within [FOIAonline.gov](https://www.foiaonline.gov). The processor for this FOIA request expedited processing denial was:

SUSAN GILLETT  
GOVERNMENT INFORMATION SPECIALIST  
OFFICE OF GENERAL COUNSEL  
NATIONAL ARCHIVES AND RECORDS ADMINISTRATION  
[FOIA@NARA.GOV](mailto:FOIA@NARA.GOV)

#### V. APPLICABLE RETENTION SCHEDULE, NARA GRS 4.2 Item 20

020 Access and disclosure request files. Case files created in response to requests for information under the Freedom of Information Act (FOIA), Mandatory Declassification Review (MDR) process, Privacy Act (PA), Classification Challenge, and similar access programs, and completed by: • granting the request in full • granting the request in part • denying the request for any reason including: o inability to fulfill request because records do not exist o inability to fulfill request because request inadequately describes records o inability to fulfill request because search or reproduction fees are not paid Temporary. Destroy 6 years after final agency action or 3 years after final adjudication by the courts, whichever is later, but longer retention is authorized if required for business use. DAA-GRS-2016-0002-0001

#### VI. 32 CFR PART 286—DOD FREEDOM OF INFORMATION ACT (FOIA) PROGRAM

##### 32 CFR §286.6 Preservation of records.

Each DoD Component shall preserve all correspondence pertaining to the requests that it receives under this part, as well as copies of all requested records, until disposition or destruction is authorized pursuant to title 44 of the United States Code or the General Records Schedule 4.2 of the National Archives and Records Administration (NARA). Records shall not be disposed of or destroyed while they are the subject of a pending request, appeal, or lawsuit under the FOIA.

##### VII. 36 CFR § 1230.3

Unlawful or accidental destruction (also called unauthorized destruction) means disposal of an unscheduled or permanent record; disposal prior to the end of the NARA-approved retention period of a temporary record (other than court-ordered disposal under § 1226.14(d) of this subchapter); and disposal of a record subject to a FOIA request, litigation

hold, or any other hold requirement to retain the records.

#### VIII. 44 U.S. CODE § 3106 – UNLAWFUL REMOVAL, DESTRUCTION OF RECORDS

##### (a) FEDERAL AGENCY NOTIFICATION.—

The head of each Federal agency shall notify the Archivist of any actual, impending, or threatened unlawful removal, defacing, alteration, corruption, deletion, erasure, or other destruction of records in the custody of the agency, and with the assistance of the Archivist shall initiate action through the Attorney General for the recovery of records the head of the Federal agency knows or has reason to believe have been unlawfully removed from that agency, or from another Federal agency whose records have been transferred to the legal custody of that Federal agency.

##### (b) ARCHIVIST NOTIFICATION.—

In any case in which the head of a Federal agency does not initiate an action for such recovery or other redress within a reasonable period of time after being notified of any such unlawful action described in subsection (a), or is participating in, or believed to be participating in any such unlawful action, the Archivist shall request the Attorney General to initiate such an action, and shall notify the Congress when such a request has been made.

(Pub. L. 90–620, Oct. 22, 1968, 82 Stat. 1298; Pub. L. 98–497, title I, § 107(b)(21), title II, § 203(b), Oct. 19, 1984, 98 Stat. 2290, 2294; Pub. L. 113–187, § 4, Nov. 26, 2014, 128 Stat. 2009.)

#### X. IMPROPERLY WITHHOLDING RECORDS

Pursuant to FOIA:

“Whenever the court orders the production of any agency records improperly withheld from the complainant and assesses against the United States reasonable attorney fees and other litigation costs, and the court additionally issues a written finding that the circumstances surrounding the withholding raise questions whether agency personnel acted arbitrarily or capriciously with respect to the withholding, the Special Counsel shall promptly initiate a proceeding to determine whether disciplinary action is warranted against the officer or employee who was primarily responsible for the withholding. The Special Counsel, after investigation and consideration of the evidence submitted, shall submit his findings and recommendations to the administrative authority of the agency concerned and shall send copies of the findings and recommendations to the officer or employee or his representative. The administrative authority shall take the corrective action that the Special Counsel recommends.” 5 U.S.C. § 552(a)(4)(F)(i).

#### XI. PERJURY

Whoever-

(1) having taken an oath before a competent tribunal, officer, or person, in any case in which a law of the United States authorizes an oath to be administered, that he will testify, declare, depose, or certify truly, or that any written testimony, declaration, deposition, or certificate by him subscribed, is true, willfully and contrary to such oath states or subscribes any material matter which he does not believe to be true; or

(2) in any declaration, certificate, verification, or statement under penalty of perjury as permitted under section 1746 of title 28, United States Code, willfully subscribes as true any material matter which he does not believe to be true;

is guilty of perjury and shall, except as otherwise expressly provided by law, be fined under this title or imprisoned not more than five years, or both. This section is applicable whether the statement or subscription is made within or without the United States.

18 U.S. C. § 1621 – Perjury generally (June 25, 1948, ch. 645, 62 Stat. 773; Pub. L. 88–619, §1, Oct. 3, 1964, 78 Stat. 995 ; Pub. L. 94–550, §2, Oct. 18, 1976, 90 Stat. 2534 ; Pub. L. 103–322, title XXXIII, §330016(1)(I), Sept. 13, 1994, 108 Stat. 2147.

## XII. SUBORDINATION OF PERJURY

The term subornation of perjury further describes the circumstance wherein an attorney at law causes a client to lie under oath or allows another party to lie under oath

Title 18 U.S.C. § 1622 provides:

Whoever procures another to commit any perjury is guilty of subornation of perjury, and shall be fined under this title or imprisoned not more than five years, or both.

## XIII. FALSE OFFICIAL STATEMENTS.

18 U.S.C. § 1001. Statements or entries generally:

a. Except as otherwise provided in this section, whoever, in any matter within the jurisdiction of the executive, legislative, or judicial branch of the Government of the United States, knowingly and willfully –

1. falsifies, conceals, or covers up by any trick, scheme, or device a material fact;
2. makes any materially false, fictitious, or fraudulent statement or representation; or
3. makes or uses any false writing or document knowing the same to contain any materially false, fictitious, or fraudulent statement or entry; shall be fined under this title or imprisoned not more than 5 years, or both.

10 U.S. Code § 907. Art. 107. False official statements; false swearing:

(a) FALSE OFFICIAL STATEMENTS. Any person subject to this chapter who, with intent to deceive—

(1) signs any false record, return, regulation, order, or other official document, knowing it to be false; or

(2) makes any other false official statement knowing it to be false;

shall be punished as a court-martial may direct.”

This is submitted upon information, belief and records available to me.

With my respect,

/s/

Robert Hammond

Whistleblower

Attachments:

- A. Final Disposition Notice 2021-12-01 063020 Letter
- B. FOIA NARA 22-M Expedited Processing NARA-NGC-2022-000028
- C. FOIAonline Correspondence..NARA-NGC-2022-000028, Susan Gillet
- D. FOIAonline\_Agency\_User\_Guide
- E. FOIAonline Correspondence.NARA-NGC-2022-000165, Jodi Foor

December 12, 2021

**NARA Expedited Processing Completed 2021 NARA Expedite Processing Records of FOIA NARA-NGC-2022-000028**

**8. ALLEGATIONS**

I am alleging that National Archives Administration (NARA) either willfully destroyed records of its expedited processing denied to NARA-NGC-2022-000028 records or (2022-000028) or made a false official statement in stating its response to my FOIA Request NARA-NGC-2022-000028 that there are no records of said expedited processing denied to NARA-NGC-2022-000028 and willfully withheld records responsive to NARA-NGC-2022-000028. (17 USC 552(a)(1), Final Disposition Notice 2021-12-01 063020 Letter A, Attachment B FOIA NARA 22-M Expedited Processing NARA-NGC-2022-000028)

File, such records are in imminent danger of being destroyed.

It is impossible to issue an expedited processing denial without creating any records.

Source Gillet issued the expedited processing denial to NARA-NGC-2022-000028. Process flow and other records related to her actions are located within FOIAonline.gov - Unsubmitted A - FOIAonline Correspondence NARA-NGC-2022-000028, Attachment C - Source Gillet and Attachment D - FOIAonline Agency User Guide.

Jodi Foor processed FOIA Request NARA-NGC-2022-000165, and she stated that there were no records. Process flow and other records related to her actions are located within FOIAonline.gov - FOIAonline Correspondence NARA-NGC-2022-000165, Jodi Foor.

If NARA claims that records exist and have not been destroyed, NARA has made a false official statement in response to my FOIA Request NARA-NGC-2022-000028 that there are no records of said expedited processing denied to NARA-NGC-2022-000028 and NARA's Unsubmitted Disposition will state under a - referred to (B) regarding the false official statement and willfully withholding of FOIA records.

Further, if NARA claims that records exist and have not been destroyed, this must be proven by NARA releasing the records pursuant to my FOIA request NARA-NGC-2022-000028, which NARA willfully withheld.

Any potentially recoverable records are in imminent danger of the Agency destroying them.

**9. RECORDS SECURITY**

1. Notify the Agency within 1 working day.
2. Provide me a point of contact by return email to discuss this matter.

Page 8 of 8

UD\_ICO\_NARA\_Expedite\_Processing\_Records\_of\_FOIA\_NARA-NGC-2022-000028\_w.\_attach\_.pdf

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From: National Archives and Records Administration

[01/31/2024](#)

Subject: RE: Freedom of Information Act Request NGC24-115

Email

Sent via Email <[requests@muckrock.com](mailto:requests@muckrock.com)>

January 31, 2024

Robert Hammond

MuckRock News  
DEPT MR 156358  
263 Huntington Ave  
Boston, MA 02115

RE: Freedom of Information Act Request NGC24-115

Dear Mr. Hammond:

On January 2, 2024, we received your Freedom of Information Act (FOIA) request that was assigned tracking number \*NGC24-115\*. Your request falls within one of the “unusual circumstances” categories contemplated by the FOIA, 5 U.S.C. §552(a)(6)(B)(iii) (I), (II) and (III), and we need additional time to respond to your request beyond the twenty business days provided by the FOIA statute. Specifically, we need to search for and collect potentially responsive records from an office separate from our office which is processing the request. To enable us to respond more quickly to you, you may wish to reformulate your request to narrow the scope of the request or to arrange an alternative time frame for the processing of this request.

We regret the necessity of this delay but assure you that your request will be processed as soon as possible. Please feel free to contact me if you have any questions. You may also contact our FOIA Public Liaison, Gary M. Stern for assistance at 8601 Adelphi Road, College Park, MD 20740-6002, 301-837-1750, [ngc.foia.liaison@nara.gov](mailto:ngc.foia.liaison@nara.gov) <[Garym.Stern@nara.gov](mailto:Garym.Stern@nara.gov)>.

You are also free to seek the assistance of the Office of Government Information Services (OGIS), the Federal FOIA Ombudsman’s office that

offers mediation services to help resolve disputes between FOIA requesters and Federal agencies. The contact information for OGIS is noted below:

Office of Government Information Services

National Archives and Records Administration

8601 Adelphi Road–OGIS

College Park, MD 20740-6001

Email: [ogis@nara.gov](mailto:ogis@nara.gov) Website: [ogis.archives.gov](http://ogis.archives.gov)

Tel: 202-741-5770 or 1-877-684-6448

Sincerely,

NGC FOIA Team

Office of General Counsel

National Archives and Records Administration

[foia@nara.gov](mailto:foia@nara.gov)

301-837-3642

From: Robert Hammond

[02/15/2024](#)

Subject: RE: Freedom of Information Act Request #NGC24-115

Email

NARA FOIA Public Liaison (FPL) Dispute Resolution. NARA 23 -I. MuckRock. Unauthorized Dispositions Excel Spreadsheet. NGC24-115

From: [perseverance2013@aol.com](mailto:perseverance2013@aol.com) <[perseverance2013@aol.com](mailto:perseverance2013@aol.com)>

Sent: Thursday, February 15, 2024 12:22 PM

To: '[ngc.foia.liaison@nara.gov](mailto:ngc.foia.liaison@nara.gov)' <[ngc.foia.liaison@nara.gov](mailto:ngc.foia.liaison@nara.gov)>; '[Garym.Stern@nara.gov](mailto:Garym.Stern@nara.gov)' <[Garym.Stern@nara.gov](mailto:Garym.Stern@nara.gov)>; '[laurence.brewer@nara.gov](mailto:laurence.brewer@nara.gov)' <[laurence.brewer@nara.gov](mailto:laurence.brewer@nara.gov)>; '[william.bosanko@nara.gov](mailto:william.bosanko@nara.gov)' <[william.bosanko@nara.gov](mailto:william.bosanko@nara.gov)>; '[bobak.Talebian@usdoj.gov](mailto:bobak.Talebian@usdoj.gov)' <[bobak.Talebian@usdoj.gov](mailto:bobak.Talebian@usdoj.gov)>

Cc: '[execsec@nara.gov](mailto:execsec@nara.gov)' <[execsec@nara.gov](mailto:execsec@nara.gov)>; '[perseverance2013@aol.com](mailto:perseverance2013@aol.com)' <[perseverance2013@aol.com](mailto:perseverance2013@aol.com)>; 'FOIA' <[foia@nara.gov](mailto:foia@nara.gov)>;

'[OIP.ComplianceInquiry@usdoj.gov](mailto:OIP.ComplianceInquiry@usdoj.gov)' <[OIP.ComplianceInquiry@usdoj.gov](mailto:OIP.ComplianceInquiry@usdoj.gov)>;

'[Vanita.Gupta19@usdoj.gov](mailto:Vanita.Gupta19@usdoj.gov)' <[Vanita.Gupta19@usdoj.gov](mailto:Vanita.Gupta19@usdoj.gov)>; 'MuckRock'

<[info@muckrock.com](mailto:info@muckrock.com)>

Subject: NARA FOIA Public Liaison (FPL) Dispute Resolution. NARA 23 -I. MuckRock. Unauthorized Dispositions Excel Spreadsheet. NGC24-115

Mr. Stern (NARA FPL) and Mr. Brewer (NARA Chief Records Officer):

This is in furtherance to my January 9, 2024 request for FPL dispute resolution of my December 27, 2023 FOIA request NARA 23 -I. MuckRock. Unauthorized Dispositions Excel Spreadsheet, NGC24-115, which is in the public domain at NARA 23 -I. Muckrock.

Unauthorized Dispositions Excel Spreadsheet •

MuckRock <https://www.muckrock.com/foi/united-states-of-america-10/nara-23-i-muckrock-unauthorized-dispositions-excel-spreadsheet-156358/> .

RECORDS SOUGHT VIA FOIA.

Expedited FOIA Request NARA 23 -I. Muckrock. Unauthorized Dispositions Excel Spreadsheet See PDF.

1. A copy of the NARA Unauthorized Disposition of Federal Records case tracking document for open cases or cases closed from October 1, 2016 to present as it exists at the time of my FOIA request and as cited on the NARA website <https://www.archives.gov/records-mgmt/resources/unauthorizeddispositionoffederalrecords>

a. NARA posts a similar document in downloadable “spreadsheet” format for cases closed prior to October 1, 2016 on that same website but does not offer this for open cases or cases closed after October 1, 2016.

b. I am seeking all metadata associated with the spreadsheet as is the case for the posted spreadsheet of cases closed prior to October 1, 2016. That spreadsheet was last modified on 5/22/2018 by Karyn Skevakis for example.

c. The spreadsheet must be unlocked and allow for recovery of previous version. (version history)

2. Government misconduct is alleged. There can be no redaction of the “spreadsheet info.”

3. The Agency copy of this FOIA Request this FOIA request itself is an agency record, “received by an agency of the United States Government under Federal law or in connection with the transaction of public business” 44 U.S.C. § 3301 (emphasis supplied).

The definition of “records” includes:

“[A]ll books, papers, maps, photographs, machine readable materials, or other documentary materials, regardless of physical form or characteristics, made or received by an agency of the United States Government under Federal law or in connection with the transaction of public business and preserved or appropriate for preservation by that agency or its legitimate successor as evidence of the organization, functions, policies, decisions,

procedures, operations, or other activities of the Government or because of the informational value of data in them.” 44 U.S.C. § 3301 (emphasis supplied).

#### FPL DISPUTE RESOLUTION ISSUES.

1. Participation in FPL. dispute resolution is mandatory, and Mr. Stern has never engaged in any of my requests for FPL dispute resolution of any of my FOIA requests or appeals (including this one), which is a violation of the FOIA statute and governing regulations and policies.

2. Request Receipt Date. In my January 9, 2024 request for FPL dispute resolution, I challenged NARA’s false official statement that NARA received my FOIA request on January 2, 2024 when NARA incontrovertibly received it electronically on December 27, 2023. My subject FOIA request was dated and delivered to NARA on Wednesday, December 27, 2023, which was not a federal holiday.

3. Expedited Processing. In my January 9, 2024 request for FPL dispute resolution I challenged NARA’s denial of my request for expedited processing and NARA’s failure to address all elements of my request for expedited processing.

a. In its January 8, 2023 denial of my request for expedited processing, NARA failed to address all elements and sub-elements of my request, instead truncating it in their denial letter to create a materially inaccurate record for further proceedings, including litigation. I cited four bases for expedited processing. NARA truncated my justification in the middle of basis #2 and did not address at all my basis. NARA did not address at all my basis regarding eminent substantial loss of due process rights for example.

4. Unusual Circumstances. Having already exceeded the statutory time for processing my FOIA request, NARA is claiming “unusual circumstances” based upon a “need to search for and collect potentially responsive records from an office separate from our office which is processing the request.

a. NARA claims unusual circumstances to virtually if not every FOIA request.

b. Unless responsive records are physically located in NARA’s FOIA Office, NARA asserts that it must “collect potentially responsive records from an office separate from our office which is processing the request.” This is nonsense and flies in the face of the clear intent of the statute.

c. Notwithstanding NARA’s ridiculous claim of unusual circumstances, NARA would have only been entitled to an additional ten days to process my FOIA request, which NARA has already exceeded. This FOIA request is now ripe for litigation.

d. NARA’s January 31, 2024 claim of unusual circumstances is deficient in that it fails to note that NARA is only entitled to ten additional days, and being deficient in that respect, the claim of unusual circumstances is also deficient and void.



e. NARA's January 31, 2024 claim of unusual circumstances is deficient in that it fails to provide an estimated completion date, and being deficient in that respect, the claim of unusual circumstances is also deficient and void.

5 U.S.C. §552(a)(6)(B)(i):

In unusual circumstances as specified in this subparagraph, the time limits prescribed in either clause (i) or clause (ii) of subparagraph (A) may be extended by written notice to the person making such request setting forth the unusual circumstances for such extension and the date on which a determination is expected to be dispatched. No such notice shall specify a date that would result in an extension for more than ten working days, except as provided in clause (ii) of this subparagraph.

f. I have included Mr. Brewer in this correspondence who maintains the contemporaneous NARA Unauthorized Disposition of Federal Records case tracking document (or log) that I am seeking.

Mr. Brewer:

Responsive records. Immediately – today – provide the responsive records to Mr. Stern and the NARA FOIA Office 'FOIA' [foia@nara.gov](mailto:foia@nara.gov).

Mr. Talebian:

DOJ OIP Compliance Inquiry. Please promptly respond to my DOJ OIP compliance inquiry of Wednesday, January 10, 2024 7:38 PM. Include this most recent matter regarding NARA's unlawful claim of unusual circumstances. Your response will be placed in the public domain, so please be timely and accurate.

[MuckRock.com](https://muckrock.com).

MuckRock Foundation is a nonprofit, collaborative news site and public resource that brings together journalists, researchers, activists and regular citizens to request, analyze and share government documents, making politics more transparent and democracies more informed.

MuckRock provides a repository of hundreds of thousands of pages of original government materials, information on how to file requests and tools to make the requesting process easier. MuckRock is committed to supporting engaging, transparent journalism through projects like DocumentCloud, which thousands of newsrooms use to analyze, annotate and publish primary source documents and a browser utility that makes transcribing audio files easier. Our Accounts service allows external projects like Big Local and Agenda Watch to make their tools available to newsrooms and journalists, without duplicating our account verification infrastructure.

With my respect,

Robert (Bob) Hammond  
Private Citizen FOIA Advocate

December 17, 2023

FOIA Officer  
National Archives and Records Administration 8000 Arlington Road, Room 3100  
College Park, MD 20740 By Fax: (301) 837-6200  
By E-mail: foia@nara.gov  
Via Muckrock.com

Copy to: info@narafoiaadvocate.com

Subject: Expedited FOIA Request NARA ID # Muckrock, Unauthorized Dispositions Excel Spreadsheet

\*\*\*\*This Request will be ready for Judicial Review to be ready working done\*\*\*\*

I am submitting this request under the Freedom of Information Act (FOIA), 5 U.S.C. § 552 et seq., as amended. If you deny all or any part of this request, please cite each specific exemption you think applies, your decision and a citation to the information and exactly any of appeal procedures available under the law. References cited before apply.

**REGULATIONS UNDER 5 U.S.C. 552**

Expedited FOIA Request NARA ID # Muckrock, Unauthorized Dispositions Excel Spreadsheet See PDF

5. A copy of the NARA's Unauthorized Dispositions of Federal Records case tracking document for open cases or cases closed from October 1, 2018 to present as it exists at the time of any FOIA request and is filed on the NARA website.  
<https://www.archives.gov/foia/records>

- NARA grants a similar document to be available "immediately" from the date closed prior to October 1, 2018 so that some earlier bad actors are able to file open cases or cases closed after October 1, 2018.
- From October 1, 2018 to present, all dispositions are filed on the case file for the specific disposition as it exists closed prior to October 1, 2018. This disposition was not available on 1/12/2019. Request for records for this disposition.
- The disposition number is linked to the records for records of government activities (internal history).
- Government records are alleged. There can be an indication of the "immediately" date.

Page 2 of 14

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NARA\_23\_-I.\_Muckrock.\_Unauthorized\_Dispositions\_Excel\_Spreadsheet\_\_.pdf

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From: Robert Hammond

[02/15/2024](#)

Subject: RE: Freedom of Information Act Request #NGC24-115

Email

NARA and DOJ OIP,

The attached listing of my written public comments supports my claim of expedited processing. They also document massive NARA false FOIA reporting. If NARA now submits

a knowingly false FY 2023 annual FOIA report that will be a serious matter. If DOJ OIP accepts a knowingly false NARA FY 2023 annual FOIA report that would also be a very serious matter.

Hammond Public Comments, Document Cloud Alphabetical (28 per page on web, not alphabetical) <a href="https://www.documentcloud.org/documents/1581666-hammond-1088807428">https://www.documentcloud.org/documents/1581666-hammond-1088807428</a>	#
Draft Proposal/Model Agency Determination Letter Comment #2	1
Sample FOIA Template to Combat Agency Misconduct-10220416	1
Forecastable Harm Standard (Initially Cited) - Proposed BE Model Letter	1
DOJ's (FBI & OIG) (Info) Contrary to Law	4
DOJ OIP FOIA Reference Made is Contrary to Law	1
Expedited FOIA Processing Malfeasance - NARA FY 2020 & FY2021	1
Forecastable Harm Standard (DOJ OIP Misinformation - Navy Misconduct and More)	1
Agency FY 2022 Admissions of Error to FY 2021 FOIA Reports	1
DOJ: (Respects FOIA Requesters, 2022 04 25) Oral FOIA Officers Meeting	1
NARA FY 2022 FOIA Fraud	11
Oral FOIA Officers (Council April 25, 2022 Meeting) - Hammond Oral Comments	11
FOIA Advisory Committee Meeting March 2, 2022 Hammond Comments	11
Centrally Funded FOIA Portal and Case Management Platform for all Federal Agencies	11
Containing Appeals Across FY - NARA Misuse/FOIA Fraud	11
DOJ OIP Unlawful Standard (Stoner Response with Implied (b)(7) & (b)(7)(F))	11
Navy FY 2018 Appeals Disappeared	11

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Hammond\_Public\_Comments\_as\_of\_November\_30\_2023.pdf

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From: Muckrock Staff

[03/18/2024](#)

From: Muckrock Staff

[04/17/2024](#)

From: National Archives and Records Administration

[05/07/2024](#)

Subject: RE: Freedom of Information Act Request NGC24-115

Email

Sent via Email <[requests@muckrock.com](mailto:requests@muckrock.com)>

May 7, 2024

Robert Hammond  
MuckRock News  
DEPT MR 156358  
263 Huntington Ave  
Boston, MA 02115

RE: Freedom of Information Act Request NGC24-115

Dear Mr. Hammond:

This is in response to your email dated April 17, 2024 asking for a status update for FOIA request NGC24-115. Currently, NGC24-115 is #505 in our complex FOIA queue. Our estimated time to completion is 42 months from today. This is a conservative estimate, and cases may move more quickly through the queue. If you do not receive a response within this estimated completion time, please contact us again for a status update.

In future correspondence, please cite tracking number NGC24-115.

Sincerely,

NGC FOIA Team  
NARA Operational FOIA Division  
National Archives and Records Administration

[foia@nara.gov](mailto:foia@nara.gov)

301-837-3642

From: National Archives and Records Administration

[06/18/2024](#)

Subject: RE: Freedom of Information Act Request NGC24-115

Email

Sent via Email <[requests@muckrock.com](mailto:requests@muckrock.com)>

June 18, 2024

Robert Hammond

MuckRock News

DEPT MR 156358

263 Huntington Ave

Boston, MA 02115

RE: Freedom of Information Act Request NGC24-115

Dear Mr. Hammond:

This is in response to your Freedom of Information Act (FOIA) request to the National Archives and Records Administration (NARA), dated January 2, 2024, which we received in our office on the same date, via the [foia@nara.gov](mailto:foia@nara.gov) inbox.

Our response to this request is attached to this email. Thank you for contacting the National Archives and Records Administration.

Sincerely,

Ashley Bryan

Government Information Specialist

Operational FOIA and Access Division  
National Archives and Records Administration  
8601 Adelphi Road  
College Park, Maryland, 20740-6001  
301-837-3642



06.18.2024 Fin Ltr NGC24-115

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NGC-24-115\_2024-01-02\_UD Cases Data Set

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