

8 March 2003

General Counsel at the Navy
720 Kennon Street S.E., Room 214
Washington Navy Yard 20374-5012

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SUBJ: Freedom of Information Act Appeal: MCB, Comp Leave
File No. 207-03

Ref: (a) My FOIA request to MCB, CLWC of 3 January 2003
(b) MCB, CLWC ltr 5720 over FOIA/207 dtd 25 February 2003

Reference (a) requests MCB, CLWC to provide a copy of CG MCB, CLWC msg 082305 Z Feb 85 under FOIA provisions. Reference (a) also advised that the requested message had ~~been~~ been cited as reference (a) in a later CG, MCB message 031947 Z April 1985 to LANTRDIV (UNWFACEUSCOM) and was granted to info addressee: CMC(LFL).

The April 1985 message is found in MCB data files and identified as "CLW 0000001126" which I read as "Comp Leave Water" related.

Reference (b) indicated that after "extensive manual and electronic search" no documents responsive to my request were located and noted my right to appeal.

I do not concur that an adequate search was made since no discernible effort was made by CLWC FOIA to query either LANTRDIV or CMC(LFL) since those commands were addressee on the April 85 message from MCB, CLWC and presumably may have the requested document available. The requested Feb 85 message when used as a reference in a later ~~APR~~ CLW

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message was not identified as a "NOTAL" which would indicate that both LAUTDIV and CMC (LPL) had previously received the February 082505 Z message.

CG MCB, CLUC message 051847 Z April 1986 also cited, as reference (b) to that message, a LAUTDIV letter of 10 May 1983 which I assumed might still be available at CLUC; however, since it originated at LAUTDIV I have asked that command to furnish that document in lieu of MCB CLUC even though they held some at one point.

If CLUC FOIA cannot find a message generated by that command and cited as a reference in a later message from that same command I think it appropriate that they query their address, either active or info, to recover the requested document if possible rather than declaring an inability to find the requested document in their own archives.

Accordingly I would request that CG MCB, CLUC FOIA be directed to contact LAUTDIV and CMC (LPL) to search their respective manual and electronic files for the requested message and provide same to the undersigned officer if located.

If a viable search is made with negative results at both locations I will accept that finding.

CC: DON FOIA/PA Br. (CLW)

Respectfully Submitted,

Encl: (1) Reference (b)

VAASOR, USMC (Retired)

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