



8 March 2003

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



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SUBS: Freedom of Information Act Appeal: MCB, Camp Lejeune
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 082805 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 081947 Z April 1985 to LANTRIV (UNFACRUCCOM) and was provided to into addressee: CMC(LFL).

The April 1985 message is found in MCB data files and identified as "CLW 0000001126" which I read as "Camp Lejeune 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 LANTRIV or CMC(LFL) since those commands were addressees 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 **CLW**

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message was not identified as a "NOTAL" which would indicate that both LANTDIV and CMC(LPL) had previously received the February 082305Z message.

CG MCB, CLWC message 051847 Z April 1975 also cited, as reference (b) to that message, a LANTDIV letter of 10 May 1975 which I assumed might still be available at CLWC; however, since it originated at LANTDIV I have cited that command to furnish that document in lieu of MCB CLWC even though they held some at one point.


If CLWC 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, CLWC FOIA be directed to contact LANTDIV 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. (CW)

Encl: (1) Reference (b)

Respectfully Submitted,

 MAJOR, USMC (Retired)

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