



DEPARTMENT OF THE ARMY
OFFICE OF THE INSPECTOR GENERAL
1700 ARMY PENTAGON
WASHINGTON DC 20310-1700



*date of letter
March 20, 2009
can be later
than 60
days*

REPLY TO
ATTENTION OF

Records Release Office

Ms. Paula Dinerstein
Senior Counsel, Public Employees for Environmental Responsibility (PEER)
2000 P Street, NW, Suite 240
Washington, DC 20036

Dear Ms. Dinerstein:

This responds to your Freedom of Information Act (FOIA) request, dated February 26, 2009, for a copy of DOD Hotline Case 97059/DIH 05-8278.

The Inspector General report you requested is part of an ongoing US Army Criminal Investigation Command (USACIDC) investigation and is exempt from release under the FOIA, 5 U.S.C. Section 552(b)(7)(A). Exemption (b)(7)(A) exempts from release "information compiled for law enforcement purposes...to the extent that the production of such law enforcement records or information could reasonably be expected to interfere with enforcement proceedings." As permitted by the FOIA, it is standard procedure to avoid premature release of information compiled for law enforcement purposes.

Accordingly, as the Initial Denial Authority, I am denying your request. You may appeal this denial in writing within 60 days of the date of this letter. If you decide to appeal, please send your appeal through this office to The Inspector General, ATTN: SAIG-ZXR, 2511 Jefferson Davis Highway, Arlington, Virginia 22202-3912, for forwarding to the Secretary of the Army, (ATTN: General Counsel). The Office of the General Counsel, Department of the Army has appellate authority over Army IG initial FOIA release determinations.

Please be advised that you may resubmit your request at a future date, thereby allowing some time for the USACIDC investigation to be completed. You may call us periodically to check the status of the USACIDC case before resubmitting your request. If you have any questions regarding this action, you may contact Mr. De Ocampo or me at (703) 601-1093. Please refer to FOIA Case #09-250 when you call this office.

Sincerely,

Margaret B. Baines
Deputy Legal Advisor