

March 3, 2005

Mr. Lorenzo Suttles  
(b)(6)

Re: FOIA Appeal  
Your February 13, 2005 letter

Dear Mr. Suttles:

This is in response to your appeal under the Freedom of Information Act (FOIA) presented in your letter dated February 13, 2005. Your appeal was received in the Office of General Counsel at the National Credit Union Administration (NCUA) on February 17, 2005. You state in your appeal that the NCUA has not yet responded to your January 18, 2005, FOIA request. You state further that you sent your January 18<sup>th</sup> FOIA request to NCUA certified mail/return receipt. Enclosed with your appeal letter is a copy the postcard noting NCUA receipt of your January 18, 2005, FOIA request on January 24, 2005.

According to NCUA's FOIA regulation, generally NCUA will respond to a FOIA request within 20 working days. NCUA's FOIA records indicate that FOIA Officer Dianne Salva initially responded to your January 18, 2005 request on January 26, 2005. Unfortunately, Ms. Salva's response was incorrectly addressed and was returned to NCUA in mid-February. We corrected the address and remailed Ms. Salva's response promptly upon its return to us. We assume you have now received the remailed response. We have enclosed a copy of Ms. Salva's response along with its enclosure with this letter. Because the sole basis for your appeal was our failure to respond, and we have responded, we are denying your appeal as moot.

Pursuant to 5 U.S.C. §552(a)(4)(B), you may seek judicial review of this determination by filing suit against the NCUA. Such a suit may be filed in the United States District Court in the district where you

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reside, where your principal place of business is located, or the District of Columbia.

Sincerely,

*/s/*

Robert M. Fenner  
General Counsel

Enclosures

GC/HMU:bhs  
05-0239  
05-APP-00004