

June 9, 2003

Barbara Schwarz

(b)(6)

Re: Your Freedom of Information Act appeals dated May 5 & 6, 2003

Dear Ms. Schwarz:

We received your May 5 & 6, 2003, Freedom of Information Act (FOIA) appeals on May 9, 2003. Your May 5, 2003, letter appeals the decision of NCUA's Region VI Director to close the file on your April 29, 2003, FOIA request because of outstanding FOIA fees due to another federal agency. Your May 6, 2003, letter appeals the decisions on NCUA's Region I, III, IV, and V Regional Directors, and decisions of NCUA's President of AMAC and the Office of the Inspector General, each of who also closed the file on your April 29, 2003, FOIA request because of outstanding FOIA fees due to another federal agency.

This is to advise you that your appeals to all of the above-noted decisions have also been administratively closed for the same reason. See §792.26(b) of the NCUA Rules and Regulations, 12 C.F.R. §792.26(b). You are required to substantiate that you have paid the debt before this Office takes action on any new appeal you submit. The documentation submitted with your appeal does not substantiate that you have paid your debt.

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

With your appeal you submitted a request for investigation dated May 4, 2003. You requested both NCUA's General Counsel and Inspector General to investigate fraud by the U.S. Department of Veteran's Affairs regarding the controversy over FOIA fees. We forwarded a copy of your request to NCUA's Inspector General. The NCUA General Counsel does not have authority to investigate the Department of Veterans Affairs. We recommend that you contact the Department of Veterans Affairs directly, or other appropriate authority to pursue the investigation.

Sincerely,

Robert M. Fenner

General Counsel

GC/HMU:bhs

03-0519