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November 24, 1999

EXPRESS MAIL

FOIA Officer
Office of the Independent Counsel
1001 Pennsylvania Avenue, NW
Room 490-North
Washington, D.C. 20004

Re: FOIA Request Appeal

Dear FOIA Officer:

This is an appeal under the Freedom of Information Act, 5 U.S.C. § 552(a).

On November 1, 1999, you received my FOIA request, dated October 28, 1999, for a personal inspection of the original "Report of Investigation by Medical Examiner" that is identified in the OIC's report on the death of Vincent Foster as OIC Doc. No. DC-106A-1 to DC-106A-2.

Today I received a response to my request in a letter dated November 22, 1999, signed by Regina Ann McCoy. Without citing any FOIA exemptions, that response failed to grant me permission to personally inspect the requested document.

Under the FOIA I am entitled to personally inspect the document. 5 U.S.C. § 552(a)(2) says that federal agencies "shall make [certain records] available for public *inspection* and copying" and § 552(a)(3) says that with regard to records not covered by subsections (a)(1) & (a)(2), agencies "shall make the records promptly available to any person . . . in any form or format requested by the person if the record is readily reproducible by the agency in that form or format." (Emphasis added.)

I expect a final ruling on my appeal within twenty working days, the time specified in the statute.

FOIA Officer
November 24, 1999
Page 2

Thank you for consideration of this appeal.

Sincerely,

Allan J. Favish