

UNITED STATES ARMY COURT OF CRIMINAL APPEALS

Office of the Clerk of Court
9275 Gunston Road
Fort Belvoir, VA 22060-5546

FREEDOM OF INFORMATION ACT REQUEST FORM

The Office of the Clerk of Court is the custodian for all general courts-martial records and those special courts-martial records in which a bad conduct discharge was part of the approved sentence for Army trials convened since 1939. The following information is necessary in order to file a Freedom of Information Act request. Failure to provide the necessary information may delay your request.

Your full name: _____

Your current mailing address:

Email address: _____

Daytime telephone number: _____

Fax number: _____

You must include the full name of the accused and the approximate date of the court-martial. Describe the court-martial record(s) you seek as specifically as possible (transcript, judgment and sentence, certified conviction packet, etc.).

Note: The Freedom of Information Act is not an investigative tool, nor can it be used to compel answers to requester's questions. The FOIA only provides a right to request existing Federal Government records from specific documents, records and files of the Federal Government. The documents requested must already be in existence and will not be created to satisfy a request or answer a question posed by a requester.

STATUS. Select one of the following that best describes your status for the assessment of fees:

_____ **Commercial.** Requesters must indicate a willingness to pay all search, duplication, and review costs.

_____ **Educational or Noncommercial Scientific Institution or News Media.** Requesters must indicate a willingness to pay duplication costs in excess of 100 pages if more than 100 pages of records are desired.

_____ **All Others.** Requesters must indicate a willingness to pay assessable search and duplication costs if more than two hours of search effort or 100 pages of records are desired.

FEES. FOIA requesters must be willing to pay reasonable fees associated with their requests. Fees include costs for searching, duplicating and reviewing records. By Army regulation, the first two hours of search time and the first 100 pages of duplication are provided free of charge. When assessable costs for a FOIA request total \$15.00 or less, fees are waived automatically for all requesters. Fees for copying are \$.15/page. Decisions to waive or reduce fees that exceed the automatic waiver threshold shall be made on a case-by-case basis based on the following factors:

(1) Disclosure of the information "is in the public interest because it is likely to contribute significantly to public understanding of the operations or activities of the government." The key element is whether disclosure will inform or have the potential to inform the public, rather than simply the individual requester or a small segment of interested persons.

(2) Disclosure of the information "is not primarily in the commercial interest of the requester."

You must indicate your willingness to pay all fees, or those up to a specified amount, or provide a justification to support a fee waiver.

_____ I am willing to pay reasonable fees associated with this request, or fees up to \$ _____. I understand that you will contact me with an estimate if the fees will exceed duplication costs for 100 pages or more than two hours of staff time.

If you request a fee waiver, submit your justification for a fee waiver here:

Signature _____ Date _____