

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF TEXAS  
SAN ANTONIO DIVISION

JOHN EAKIN,

Plaintiff,

vs.

UNITED STATES DEPARTMENT  
OF DEFENSE,

Defendant.

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Civil Action No. SA-16-CV-0972

**DECLARATION OF MONIQUE WEY GILBERT**

1. My name is Monique Wey Gilbert. I am over the age of eighteen, am competent to make this declaration, and am doing so voluntarily. This declaration is based upon my personal knowledge, or upon information I have obtained in the course and scope of my duties as the Chief of the Army Human Resources Command (AHRC) FOIA/ Privacy Act (PA) Office.

2. I have served as the Chief of the Army Human Resources Command (AHRC) FOIA/PA Office since May 2015. I work at Fort Knox, Kentucky. Before serving as Chief, I served for approximately nine years as a FOIA Action Officer, processing many types of FOIA requests to include processing requests related to living and deceased servicemen and service women.

3. I supervise eight FOIA Action Officers in this Office. We had nine FOIA Action Officers at the start of the calendar year. We currently have budgetary constraints and do not have authority to hire another FOIA Action Officer.

4. Our office is responsible for processing approximately 6,000 record requests annually. In addition to processing FOIA requests, the AHRC-FOIA/PA Office is responsible for Military Personnel Files relating to Active Duty Military, Military personnel matters, Physical Disability determinations, other military personnel administrative records, records relating to military casualty and memorialization activities, heraldic activities, voting, records relating to identification cards, naturalization, citizenship and investigations. Many of these responsibilities, including responding to FOIA requests, are subject to statutory deadlines.

5. The Defense POW/MIA Accounting Agency (DPAA) is coordinating the response to Mr. Eakin's FOIA request, and our Office as Subject Matter Experts, is assisting DPAA by reviewing approximately 280,000 plus WWII Individual Deceased Personnel Files (IDPF's).

6. This is a multi-step process. On or about November 18, 2016, our Office received three hard drives containing large amount of data including approximately 280,000 IDPFs from the DPAA. Each individual IDPF can contain one or two pages, or as many as hundreds of pages.

Because of the large amount of data contained on these hard drives, 4.2 terabytes of data, our Office was required to run security scans and build a separate drive to contain this information, which took approximately six weeks. Another one and one-half weeks were required to download all of the files to a shared drive so FOIA Action Officers could work on the request, and two weeks for the Action Officers to obtain the necessary security permissions.

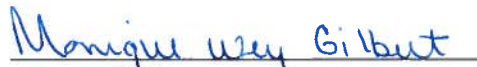
7. We have started a review of the 4.2 terabytes of data to find the approximately 280,000 IDPFs that have been requested. Pending further legal instruction, I have assigned three FOIA Action Officers to work on Mr. Eakin's request. Each FOIA Action Officer assigned is tasked with reviewing the data we have received from DPAA for one hour a day every day of the work week.

8. Since the three FOIA Action Officers have had access to the shared drive, they have processed approximately 31,585 individual IDPFs and removed 9,253 documents. The IDPFs, created decades ago, are marked for release. However, recently created materials, including recent FOIA requests, correspondence, and medical information, to include information on the DNA of related individuals, is being removed.

9. Our Office does not have the technological capability to create identifiers to scan the share drive for current Personally Identifiable Information (PII) that may have been included in the file or IDPF when DPAA scanned the record and uploaded to the hard drive that was forwarded to our office for review. My understanding is that there is not a technological solution that would allow for the accurate screening of PII without a manual file review. It has been the consistent practice of our Office to conduct a manual review of individual files. Further, it is my opinion that release of any files from our Office without a manual review would risk the possible disclosure of PII.

I declare under the penalty of perjury, pursuant to 28 U.S.C. § 1746, that the foregoing is true and correct.

Executed on this 31 day of May, 2017.

  
MONIQUE WEY GILBERT  
Chief, AHRC FOIA/PA Office