

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF TEXAS  
SAN ANTONIO DIVISION

JOHN EAKIN,

*Plaintiff,*

v.

UNITED STATES DEPARTMENT  
OF DEFENSE,

*Defendant.*

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No. SA-16-CV-972-RCL

**STATUS REPORT**

The United States Department of Defense (DoD) respectfully submits the following Status Report regarding this matter.

**Review and Production of A-L IDPFs**

1. On January 28, 2021, the government transmitted a hard drive containing 47,400 Individual Deceased Personnel Files (IDPFs) to Plaintiff. Most of these files relate to service members with last names beginning with the letters A through L; however, approximately two dozen appear to relate to service members with last names beginning with the letter M.
2. On February 1, 2021, the government transmitted a DVD containing an additional 171 A-L IDPFs to Plaintiff.
3. Defense POW/MIA Accounting Agency (DPAA) contractors have scanned IDPFs relating to approximately 209,349 deceased World War II service members with last names beginning with the letters A through L. *See Exhibit 1*, Declaration of Kevin L. West ¶ 7.<sup>1</sup>

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<sup>1</sup> To clarify, 209,349 is the estimated number of service members with last names beginning with the letters A through L who died in World War II, *not* the total number of A-L IDPFs scanned by DPAA’s contractors. Until the scanning project is complete and the IDPFs are linked to individual case losses, DPAA is unable to determine the total number of IDPFs available for review and production, as some may have been destroyed or misfiled. *See* West Decl. ¶ 10.

4. The Army Human Resources Command (AHRC) FOIA/PA Office has completed its review of all IDPFs for World War II service members with last names beginning with A through L that were provided to it by DPAA. See *Exhibit 2*, Declaration of Colonel Daniel E. Gilbert ¶ 9.

5. As of the date of this filing, the government's records indicate that it has produced 192,037 IDPFs across 12 productions to Plaintiff:

	<b>Date</b>	<b>Size (GB)</b>	<b>File Count</b>
1st Production	10/1/2017	712	49,938
2nd Production	10/1/2017	108	9,182
3rd Production	12/1/2017	104	9,489
4th Production	5/17/2018	288	18,259
5th Production	11/26/2018	327	3,883
6th Production	5/30/2019	514	28,835
7th Production	12/1/2019	379	15,978
8th Production	5/18/2020	16	1,225
9th Production	10/26/2020	18.36	1,674
10th Production	11/30/2020	70.69	6,003
11th Production	1/28/2021	528	47,400
12th Production	2/1/2021	1.78	171
<b>Total</b>		<b>3,066.83</b>	<b>192,037</b>

6. Accordingly, the government believes it has now reviewed and produced to Plaintiff all currently available IDPFs for World War II service members with last names beginning with the letters A through L. Nevertheless, the government has also invited Plaintiff to identify any

potential gaps or deficiencies in its production, and it remains committed to working with Plaintiff to address any issues that he or the government may identify.<sup>2</sup>

### **Review and Production of M-Z IDPFs**

7. DPAA's digitization efforts for IDPFs relating to approximately 186,950 World War II service members with last names beginning with the letters M through Z are ongoing. *See* West Decl. ¶¶ 5, 7. As of the date of this filing, DPAA's contractors have digitized approximately 158,957 M-Z IDPFs and are currently scanning IDPFs of service members with last names beginning with the letter W. *See id.* ¶ 5, 9. Barring any unforeseen delays, DPAA's contractors anticipate finishing the digitization of the remaining M-Z files by the end of April 2021. *See id.*

8. AHRC took extraordinary steps to meet the February 1, 2021 deadline to complete the review of all A-L IDPFs, including temporarily reassigning 44 military and civilian personnel to the FOIA/PA Office, authorizing over 675 hours of overtime pay and nearly 150 hours of compensation time for FOIA/PA Office employees, and directing an independent accounting of remaining IDPFs by a qualified systems professional. *See* Gilbert Decl. ¶¶ 4–9. Although AHRC was able to shift its resources for a short period to meet the February 1 deadline, these actions are not sustainable going forward without significant impacts to AHRC's overall human resource mission. *See id.* ¶ 14.

9. In addition, AHRC has taken steps to attempt to identify and correct issues relating to conflicting information previously provided to the Court by the AHRC FOIA/PA Office. *See* Gilbert Decl. ¶ 10. AHRC believes that these issues were in part due to the lack of established protocols or a common understanding between DPAA and the AHRC FOIA/PA Office about how data would be transferred between the two agencies. *Id.* Going forward, AHRC intends to institute new quality assurance and quality control measures in anticipation of any future large FOIA/PA data reviews. *See id.* ¶ 11.

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<sup>2</sup> For example, Plaintiff recently asked the government to investigate the number of F, G, I, and J IDPFs produced.

10. Based on AHRC's experience reviewing the A-L IDPFs, it estimates that an average FOIA/PA analyst can review approximately 41 IDPFs reviewed every hour, or 1,640 IDPFs during a 40-hour work week. *See* Gilbert Decl. ¶ 12. If that estimate proves accurate, it would take a FOIA/PA analyst working full-time approximately 114 weeks—more than 2 years—to review 186,950 additional IDPFs.

Dated: February 3, 2021

Respectfully submitted,

GREGG N. SOFER  
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### **CERTIFICATE OF SERVICE**

I hereby certify that on February 3, 2021, I caused the foregoing to be electronically filed via the Court's CM/ECF system, which will send notification to Plaintiff.

Thomas A. Parnham, Jr.  
THOMAS A. PARNHAM, JR.  
Assistant United States Attorney