



**DEPARTMENT OF DEFENSE
FREEDOM OF INFORMATION DIVISION
1155 DEFENSE PENTAGON
WASHINGTON, DC 20301-1155**

Ref: 21-F-0833
April 23, 2021

Mr. John Eakin
9865 Tower View
Helotes, TX 78023

Dear Mr. Eakin:

This is a final response to your April 12, 2021 Freedom of Information Act (FOIA) request, a copy of which is enclosed. We received your request on April 13, 2021, and assigned it FOIA case number 21-F-0833. We ask that you use this number when referring to your request.

Upon coordination with the Army Human Resources Command (AHRC) and the Defense POW/MIA Accounting Agency (DPAA), it was determined that the request is under the cognizance of the National Personnel Records Center (NPRC). Enclosed is the Memorandum of Agreement between NPRC, AHRC, and DPAA for your reference. As such, we have referred your FOIA request to NPRC for direct response to you. For your convenience, the contact information for the NPRC FOIA Office is provided below:

National Personnel Records Center
1 Archives Drive
St. Louis, Missouri 63138

This action closes your request with this office, and there are no assessable fees associated with this response. If you have any questions or concerns about the foregoing or about the processing of your request, please do not hesitate to contact the Action Officer assigned to your request, Mr. Charles Marye, at charles.c.marye.civ@mail.mil or (571) 372-0407.

Sincerely,

for Pamela Andrews
Stephanie L. Carr
Chief

Enclosures:
As stated

Submit New Request

Requester Details

To modify request details please update your requester profile or contact the our office for assistance.

John J. Eakin

9865 Tower View
 Helotes, TX 78023
 Phone 210-695-2204
 jeakin@airsafety.com

Requester Default Category: Other

Custom Fields

Requester Control # :
 Previous Address 2 :

General Information

Request Type	FOIA
Requester Category	Other

Shipping Address

Street1	9865 Tower View
Street2	
City	Helotes
State	Texas
State (Other)	
Country	United States
Zip Code	78023

Request Information

Description	WWII era Individual Deceased Personnel Files (IDPF) not previously produced. See attached letter.
Date Range for Record Search:From	
Date Range for Record Search:To	
Description Document Consent Proof of Identity	FOIArequestNo4.pdf

Fee Information

Willing Amount	\$500
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Billing Address

State (Other)

Other Information

State (Other)

Custom Fields

Requester #

John J. Eakin

9865 Tower View

Helotes, Texas 78023

Telephone 210-695-2204 - Fax 210-695-2301

Email - jeakin@airsafety.com

April 12, 2021

OSD/JS FOIA Requester Service Center
Office of Freedom of Information
1155 Defense Pentagon
Washington, DC 20301-1155

RE: Freedom of Information Request

Dear Sir or Madam;

The following request is submitted under the provisions of the Freedom of Information Act, 5 U.S. Code § 552.

I have previously filed FOIA requests number 16-F-0955, May 10, 2016; 16-F-0958, May 11, 2016; and 20-F-0416, Dec 18, 2019 requesting the following records:

1. All contracts, contract amendments/modifications, and similar documents pertaining to contracts for digital scanning of U.S. Army Individual Deceased Personnel Files (IDPFs) previously stored at National Archives and Records Administration (NARA) and which were funded by the Defense Personnel Accounting Agency (f/k/a Defense POW/MIA Accounting Office) or other agency on behalf of the DPAA.
2. All documents that identify users/agencies having electronic access to the above described digitally scanned Individual Deceased Personnel Files (IDPFs).
3. Electronic (digital) copies of all World War II era Individual Deceased Personnel Files (IDPF's) a/k/a 293 files and/or "X-files" which exist in any digital or electronic format. Included in this request are any indices, data dictionaries, databases or other documents necessary to properly access the requested IDPF documents.

I have been informed that digitization of these files is now complete and this current request encompasses the balance of the requested files, not previously produced to me.

Where documents exist in multiple electronic formats, delivery in searchable portable document format (.pdf) is preferred and requested.

Delivery of the requested documents may be by file transfer protocol (FTP) or by delivery of portable USB hard drives that I will supply upon request.

I agree to pay all reasonable fees involved in copying these digital files. Please contact me if these fees are expected to exceed \$500.00.

Please immediately provide me with the log number assigned to this request and if you will be able to respond within the time provided by statute. I further request that you contact me by email to discuss expected delivery dates of the requested records.

Sincerely;

/s/ John Eakin
John Eakin

Delivery of the requested documents may be by file transfer protocol (FTP) or by delivery of portable USB hard drives that I will supply upon request.

I agree to pay all reasonable fees involved in copying these digital files. Please contact me if these fees are expected to exceed \$500.00.

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Sincerely;

/s/ John Eakin
John Eakin

**MEMORANDUM OF AGREEMENT BETWEEN
THE U.S. ARMY HUMAN RESOURCES COMMAND,
THE DEFENSE POW/MIA ACCOUNTING AGENCY,
AND
THE NATIONAL ARCHIVES AND RECORDS ADMINISTRATION**

I. BACKGROUND

The U.S. Army Human Resources Command (AHRC) and the National Archives and Records Administration (NARA) have agreed to allow the Defense POW/MIA Accounting Agency (DPAA) to scan the Individual Deceased Persons Files (IDPFs) identified in section II of this MOA prior to accessioning. AHRC may need access to reference the IDPFs during the digitization process.

AHRC is the legal custodian of these records and has permanently withdrawn the records from the Washington National Records Center (WNRC). AHRC grants temporary custody of the records to DPAA for the purpose of scanning the IDPFs.

II. PURPOSE

This Memorandum of Agreement (MOA) is made between AHRC, DPAA, and NARA to establish procedures for reference requests on the following Army transfers:

1. W092-70A0001A, IDPFs for surnames beginning with M and N,
2. W092-70A0001F, IDPFs for surnames beginning with O and P,
3. W092-70A0001G, IDPFs for surnames beginning with Q and R,
4. W092-70A0001H, IDPFs for surnames beginning with S and T,
5. W092-70A0001I, IDPFs for surnames beginning with U and V, and
6. W092-70A0001J, IDPFs for surnames beginning with W through Z.

This MOA is effective on signature and will remain in effect until all six transfers have been accessioned into the National Archives.

III. REFERENCE PROCEDURE

- a. For requests to AHRC for IDPFs in the transfers listed in section II:
 - i. AHRC will refer the requester to the National Archives, St. Louis. Requests for IDPFs that have not been accessioned will then be forwarded to DPAA. DPAA will then route the IDPF to the onsite scanning team to scan and then send the electronic copy of the IDPF to the National Archives, St. Louis, to provide to the requester.
- b. For requests to the National Archives, St. Louis for IDPFs in the transfers listed in section II:
 - i. The National Archives, St. Louis, will submit requests for IDPFs that have not been accessioned to DPAA. DPAA will then route the IDPF to the onsite scanning team to scan and then send the electronic copy of the IDPF to the National Archives, St. Louis, to provide to the requester.

IV. ACCESSIONING PROCEDURE

DPAA will coordinate with NARA's Research Services so that fully scanned boxes of IDPFs may be accessioned into the National Archives. In order to comply with the reference procedure in section III, DPAA will track which boxes have been accessioned. Each box accessioned into the National Archives will no longer be subject to this MOA.

V. BILLING AND PAYMENT

All pertinent IDPFs have been withdrawn and there will be no additional billing under this MOA.

VI. AUTHORITY

For temporary and permanent records:

USC §2901 note, (Public Law 106-58)
NARA Revolving Fund Authority

For accessioned records:

*31 USC §1535, the Economy Act (For Internal
NARA use ONLY)*

VII. TERMINATION

This MOA may be cancelled by written notification from one agency to the other two on 14 days' notice.

VIII. POINTS OF CONTACT

Bryan McGraw
Access Coordinator – St. Louis & Midwest
National Archives and Records Administration
1 Archives Drive, Room 340F
St. Louis, MO 63138
314-801-9132

Kevin West
Plans and Policy Contracts Specialist
Defense POW/MIA Accounting Agency
2300 Defense Pentagon
Washington, DC 20301-2300
703-699-1176

Anthony Crawley-Gibson
Chief, Records Management Division
Office of the Administrative Assistant to the
Secretary of the Army
Records Management & Declassification Agency
9301 Chapek Road, Building 1458
Fort Belvoir, Virginia 22060-5527
571-515-0218

IX. APPROVALS

For NARA:

BRYAN K. McGRAW

Digitally signed by BRYAN K. McGRAW
DN: cn=BRYAN K. McGRAW, o=National Archives and
Records Administration, ou=Access Coordinator - St. Louis &
Midwest, email=bryan.mcgraw@nara.gov, c=US
Date: 2019.08.19 12:44:01 -05'00'

BRYAN K. MCGRAW
Access Coordinator – St. Louis & Midwest

Date

For AHRC:

**CRAWLEY-
GIBSON.ANTHONY.DWAYNE.1043
679801**

Digitally signed by CRAWLEY-
GIBSON.ANTHONY.DWAYNE
Date: 2019.08.19 13:51:57 -04'00'

ANTHONY D. CRAWLEY-GIBSON
U.S. Army Records Officer

Date

For DPAA:

**SUMPTER
WINBUSH.FERN.ODESSA.104408
7770**

Digitally signed by SUMPTER
WINBUSH.FERN.ODESSA
Date: 2019.08.26 13:03:52 -04'00'

FERN SUMPTER WINBUSH
Principal Deputy Director, Defense POW/MIA
Accounting Agency

Date



John Eakin <johnjeakin@gmail.com>

FOIA 21-F-0833 Final Response

Marye, Charles C CIV WHS ESD (USA) <charles.c.marye.civ@mail.mil>

Thu, Apr 29, 2021 at 10:05 AM

To: John Eakin <jeakin@airsafety.com>

Cc: "Strong, Richard R CIV OSD OSD (USA)" <richard.r.strong.civ@mail.mil>

Mr. Eakin,

Thank you for your patience and understanding while I gathered the answers to your questions. We have been told that the IDPF portion is NARA/NPRC. The portion of your request concerning the contracts is still being worked on case 20-F-0416, which is still open, active, and continues to be processed. The estimated completion date for case 20-F-0416 is July 15, 2021. If I can be of further assistance regarding your case 20-F-0416, please let me know..

V/R

Charles Marye

Freedom of Information Division

OSD/JS FOIA Requester Service Center

(571) 372-0407

NIPR: charles.c.marye.civ@mail.mil

SIPR: charles.c.marye.civ@mail.smil.mil

Comments: <https://ice.disa.mil/index.cfm?fa=card&sp=125562>**From:** John Eakin <jeakin@airsafety.com>**Sent:** Friday, April 23, 2021 3:11 PM**To:** Marye, Charles C CIV WHS ESD (USA) <charles.c.marye.civ@mail.mil>**Cc:** Strong, Richard R CIV OSD OSD (USA) <richard.r.strong.civ@mail.mil>**Subject:** [Non-DoD Source] Re: FOIA 21-F-0833 Final Response

All active links contained in this email were disabled. Please verify the identity of the sender, and confirm the authenticity of all links contained within the message prior to copying and pasting the address to a Web browser.

Hi Mr. Marye,

We've spoken in the past about this series of FOIA requests and I hope you can again clarify some things.

This is actually a series of FOIA requests for *digital* copies of WWII era Individual Deceased Personnel Files. The requests, your identifiers 16-F-0955/8, 20-F-0416 and 21-F-0833, have been submitted progressively as the records have been digitized. These requests are currently being litigated in the Western District of Texas, as case # 16-cv-00972-RCL.

The records requested in the first request (last initials A thru L) have largely been produced. The second request (covering last initials M-Z that had been digitized to that point) was submitted on December 18, 2019. Note that that date was subsequent to the August 26, 2019 effective date of the MoA you provided and those files have been produced by DPAA through the AHRC FOIA office. A substantial portion of these files have been produced to me. IOW, after the effective date of this MoA, DPAA was the agency responsible for producing the *digital* copies of these records.

However, my latest request has been transferred to NARA and this is where I ask for your help in understanding exactly who has custody of the requested records since the MoA seems to deal only with the original (hardcopy) records and not with the *digital* files I have requested. However, the MoA confirms that DPAA had temporary custody of the records for the purpose of scanning them. The current custodian of the scanned *digital* records is not specified, but I would presume that the digital collection is in the custody of DPAA since they have been producing the records that are the subject of the second request and they expended a substantial amount of money in digitizing the records for their own use.

Additionally, all of the requests included other records beyond just the digital IDPF's such as scanning contracts, lists of users of the digital files and technical documents such as indices and other documents necessary to access the requested IDPF documents. The MoA does not address these documents or who may have custody of them. Have they also been accessioned into NARA?

Any clarification you can provide will be appreciated.

Best,

John

John Eakin
9865 Tower View, Helotes, Texas 78023
210-695-2204 - Toll-Free 877-AIRSAFETY (877-247-7233)
BataanMissing.com - AirSafety.com
jeakin@airsafety.com < Caution-mailto:jeakin@airsafety.com >

On Fri, Apr 23, 2021 at 7:46 AM Marye, Charles C CIV WHS ESD (USA) <charles.c.marye.civ@mail.mil < Caution-mailto:charles.c.marye.civ@mail.mil > > wrote:

Mr. Eakin,

Attached is the final response to your FOIA request 21-F-0833.

Sincerely,

Charles Marye

For Pam Andrews, on behalf of

Stephanie L. Carr

Chief, Freedom of Information Division

OSD/JS FOIA Requester Service Center

(571) 372-0407

NIPR: charles.c.marye.civ@mail.mil < Caution-mailto:charles.c.marye.civ@mail.mil >

SIPR: charles.c.marye.civ@mail.smil.mil < Caution-mailto:charles.c.marye.civ@mail.smil.mil >

Comments: [Caution-https://ice.disa.mil/index.cfm?fa=card&sp=125562](https://ice.disa.mil/index.cfm?fa=card&sp=125562) < Caution-https://ice.disa.mil/index.cfm?fa=card&sp=125562 >