

From: [John Eakin](#)
To: [Parnham, Thomas \(USATXW\)](#)
Cc: [Albright, Melissa \(USATXW\)](#)
Subject: Re: "G" IDPFs
Date: Friday, September 3, 2021 1:28:36 PM

Hi Mr. Parnham,

I appreciate that the government is now making an effort - even if it doesn't sound very encouraging. And considering the time they've had to do it, I'm not impressed.

You previously said:

"Regarding E, H, and L: I stand by my request for information on the specific files you believe to be missing, but I will ask DoD if there is anything they can do given the information they already have. One solution would be to revisit the issue after the M – Z files are produced. My understanding from DoD is that the files are not in alphabetical order, and that some A – L files (including the allegedly missing E, H, and L files) may be in that set."

The government seems to do better under pressure, so unless you can assure me of delivery within the next 30 days, I'm going to go ahead and file a motion to compel next week.

Best,

John

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On Fri, Sep 3, 2021 at 11:47 AM Parnham, Thomas (USATXW)
<Thomas.Parnham@usdoj.gov> wrote:

Hi Mr. Eakin,

We are still working on efforts to develop an automated comparison between the list of files produced to you and the list of all E, H, and L files scanned by DPAA's contractors. If we are able to identify files that should have been produced to you but were not, we will review those and get them to you as soon as we can. But as I have mentioned, we do not intend to indiscriminately re-review all of the E, H, and L files at this time.

Thanks,

-TJ

Thomas A. Parnham, Jr.

Assistant United States Attorney

Western District of Texas

903 San Jacinto Blvd, Suite 334

Austin, Texas 78701

512.370.1248 (direct)

From: John Eakin <jeakin@airsafety.com>
Sent: Thursday, September 2, 2021 10:30 AM
To: Parnham, Thomas (USATXW) <TParnham@usa.doj.gov>
Cc: Albright, Melissa (USATXW) <MAlbright@usa.doj.gov>
Subject: Re: "G" IDPFs

Mr. Parnham,

I didn't think it would be necessary to file a motion to compel production, but you've made it pretty clear that the E, H and L files will not be forthcoming. Any way we can work it out?

Best,

John

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On Tue, Jul 6, 2021 at 10:25 AM John Eakin <jeakin@airsafety.com> wrote:

Thanks, Mr. Parnham. I had hopes that we'd find the key to how many files were scanned, but I don't think it is there.

FWIW, the file naming is very inconsistent. *Generally* it is as you describe, but there is great variety in the separators - spaces, commas, dashes - upper/lower case - and sometimes nothing but the name with no SN, etc. (I think these are generally the ad hoc files scanned out of order in response to a specific request.) If the file naming was consistent, I'd be glad to pull it into a database and compare the files to the NARA WWII death index as you requested. However, because of the inconsistent naming, it would take weeks to do so.

To summarize, I believe that of the A-L files, only E,H and L are still in dispute. I base that on there being significantly fewer E,H, and L files than there are records for those initials in the NARA WWII Death Index.

Best,

John

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On Tue, Jul 6, 2021 at 9:02 AM Parnham, Thomas (USATXW) <Thomas.Parnham@usdoj.gov> wrote:

Mr. Eakin,

I hope you had a nice Fourth of July weekend. I am writing to follow up on your questions regarding the file naming convention and the jump from Box 3050 to 3058.

1. What is the reason for the naming convention for the IDPFs?

File names for IDPFs combine the following elements in their listed order, with each element separated by an underscore:

- Last Name
- First Name
- Middle initial (if applicable)
- Service number
- "IDPF"
- "Complete" (if applicable)

Some of the file names include a number sequence following the word "Complete." That number was assigned by the contractor performing the scanning and DPAA doesn't have an explanation for the purpose of that number.

2. For the recent "G" reproduction, why do the box numbers jump from 3050 to 3058?

Box 3058 was created in error and that is why it is empty. The box numbers for G end at 3050. The contractor had to manually create the box numbers for the transfer and during the process the box number 3058 was erroneously created.

Thanks,

-TJ

From: Parnham, Thomas (USATXW)
Sent: Tuesday, June 15, 2021 2:21 PM
To: John Eakin <jeakin@airsafety.com>

Cc: Smith-Harnden, Jean (USATXW) <JSmith-Harnden@usa.doj.gov>; Albright, Melissa (USATXW) <MAlbright@usa.doj.gov>
Subject: RE: "G" IDPFs

Mr. Eakin,

Your prior email mentioned contracting documents, which DoD has already provided to you. Those documents do include detailed performance work statements.

On the separate issue raised in your email below, I do not think there is any question that you already have the materials “necessary to properly access the requested IDPF documents.” But I will ask DoD if there is any additional information about the file names that we can provide.

I will also ask about the jump from box 3050 to 3058.

Thanks,

-TJ

From: John Eakin <jeakin@airsafety.com>
Sent: Tuesday, June 15, 2021 1:12 PM
To: Parnham, Thomas (USATXW) <TParnham@usa.doj.gov>
Cc: Smith-Harnden, Jean (USATXW) <JSmith-Harnden@usa.doj.gov>; Albright, Melissa (USATXW) <MAlbright@usa.doj.gov>
Subject: Re: "G" IDPFs

Mr. Parnham,

BTW, as I go through these files, I see the ending box numbers jump from 3050 to 3058 and 3058 is empty of files. Could you check and see if this batch should have included 3051 thru 3058, please? This may account for the discrepancy between the number of files and number of WWII deaths.

Best,

John

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On Tue, Jun 15, 2021 at 12:57 PM John Eakin <jeakin@airsafety.com> wrote:

Mr. Parnham,

I think DoD needs to read the various FOIA requests more closely. For example:

I request electronic (digital) copies of all World War II era Individual Deceased Personnel

Files (IDPF's) alk/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.

ECF 1 at 8, ECF 58-1 at 18

I've never seen a government contract that didn't include a statement of work and how it was to be accomplished. In this case, there was obviously a detailed quality assurance program that would include things such as listings of all files and how many files were digitized.

I like to keep things simple for both of us and haven't made an issue of these documents or who has access to the files, but if we're going to argue about what has

been scanned and what is relevant to my request, these documents become relevant and are needed. I think the Court's Memo Order, ECF 78, confirms the need for this information.

Best,

John

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On Tue, Jun 15, 2021 at 12:19 PM Parnham, Thomas (USATXW)
<Thomas.Parnham@usdoj.gov> wrote:

Mr. Eakin,

Regarding the “contract documents,” you requested the following pursuant to FOIA:

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.

My understanding is that DoD has already released the files that are responsive to this request. These files do identify in some detail how the work is to be performed, but I am not sure that they discuss the file naming convention that will be used. If you would like, I can ask DPAA about the file names.

Thanks,

-TJ

From: John Eakin <jeakin@airsafety.com>
Sent: Tuesday, June 15, 2021 10:35 AM
To: Parnham, Thomas (USATXW) <TParnham@usa.doj.gov>
Cc: Smith-Harnden, Jean (USATXW) <JSmith-Harnden@usa.doj.gov>; Albright, Melissa (USATXW) <MAlbright@usa.doj.gov>
Subject: Re: "G" IDPFs

Mr. Parnham,

Thanks for the update. I think we'll have to agree to disagree on the E,H and L files and let the Court ultimately sort them out. I think the fact that the number of all of the "re-produced" files has exceeded the number of WWII deaths gives us a pretty good idea of how many files we should have. The slight exception to this is the G files. My preliminary count is that 18,629 files were produced in this batch (not counting one duplicate file) against an expected number of 18,665 WWII deaths. Pretty close.

I think it would behove us both to obtain more of the "contract documents" I have requested. The scanning project was originally projected to cost \$9 million and looks to have exceeded \$20 million. For a project of this size, it is absolutely incredible that more paper wasn't generated than has been produced to date.

Most relevant at this time might be descriptions of how the work was to be performed and specifically the file naming conventions used. Here are two example file names:

GILMORE_CHARLES_35721051_IDPF_Complete_154309-txt.pdf

GILMORE_CHARLES_O 681052_IDPF_Complete_154310-txt.pdf

Obviously, last name, first name and service number then they get more vague.

They were all IDPF's so what is the significance of including it in the file name? Rumor is that "Complete" was added to signify completion of the quality checks, but it could mean anything. The four, five or six digit number is some sort of audit or sequence number. They don't run in strict alphabetic sequence, but they were not stored that way so my guess is these numbers were sequential as they were removed from the boxes (which were not scanned in strict alpha sequence, either). They have gone to a lot of trouble to assign these numbers and it is very highly unlikely that these numbers are not described in various work descriptions and also used in their audit process.

I think these numbers and their corresponding audit process will provide a good indication of how many files exist. Considering how displeased the Court was that your predecessor was unable to provide accurate numbers of files, it might be wise to spend a little time looking into how the files were processed and named.

FWIW, I vaguely recall that there were some problems with delivery of the E files. There was a change of contractor or something. When the E files are sorted by last initial, the sequence numbers begin around 3,000 and go up for a few dozen files (a couple of boxes) then jump to six digit numbers. This may indicate that they had to go back and finish the E files at a later date. You'll also notice that the "ad hoc" files are named differently, without "IDPF_Complete_xxxxxx". The ad hoc files were also scanned on different scanners at different resolutions.

Best,

John

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On Tue, Jun 15, 2021 at 9:28 AM Parnham, Thomas (USATXW)

<Thomas.Parnham@usdoj.gov> wrote:

Mr. Eakin,

I am glad there were no issues with the hard drive. If you identify any problems with the files themselves, please let us know.

Having recently finished re-reviewing the "G" files, my understanding is that DoD will now begin on M – Z. However, I do not anticipate we will release those files until the Court has ruled on the issues related to them. For example, your motion for leave to amend is still pending. If granted, we will file an answer and then I assume the parties will file cross-motions for summary judgment.

Regarding E, H, and L: I stand by my request for information on the specific files you believe to be missing, but I will ask DoD if there is anything they can do given the information they already have. One solution would be to revisit the issue after the M – Z files are produced. My understanding from DoD is that the files are not in alphabetical order, and that some A – L files (including the allegedly missing E, H, and L files) may be in that set.

Thanks,

-TJ

Thomas A. Parnham, Jr.

Assistant United States Attorney

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From: John Eakin <jeakin@airsafety.com>
Sent: Tuesday, June 15, 2021 7:55 AM
To: Parnham, Thomas (USATXW) <TParnham@usa.doj.gov>
Cc: Smith-Harnden, Jean (USATXW) <JSmith-Harnden@usa.doj.gov>;
Albright, Melissa (USATXW) <MAlbright@usa.doj.gov>
Subject: Re: "G" IDPFs

Good Morning, All,

Received them yesterday and let them download overnight. Haven't had a chance to look at them, but enjoyed the new hardware.

What's the status of the E, H and L files? When can we expect to start receiving the M-Z files?

Best,

John

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On Mon, Jun 14, 2021 at 10:17 PM Parnham, Thomas (USATXW)
<Thomas.Parnham@usdoj.gov> wrote:

Mr. Eakin,

I see from the tracking information that the package was delivered this morning. Can you confirm that you received the hard drive and had no issues accessing the files?

Thanks,

-TJ