

VI. ADMINISTRATIVE APPEALS OF INITIAL DETERMINATIONS OF FOIA REQUESTS

A. Received, Processed, and Pending Administrative Appeals

	Number of Appeals Pending as of Start of Fiscal Year	Number of Appeals Received in Fiscal Year	Number of Appeals Processed in Fiscal Year	Number of Appeals Pending as of End of Fiscal Year
OS	316	153	170	299
CMS	147	7	4	150
HHS Total	463	160	174	449

B. Disposition of Administrative Appeals – All Processed Appeals

	Number Affirmed on Appeal	Number Partially Affirmed & Partially Reversed/Remanded on Appeal	Number Completely Reversed/Remanded on Appeal	Number of Appeals Closed for Other Reasons	TOTAL
OS	51	4	5	110	170
CMS	0	1	0	3	4
HHS Total	51	5	5	113	174

C. (1) Reasons for denial on Appeal – Number of Times Exemptions applied

	Ex. 1	Ex. 2	Ex. 3	Ex. 4	Ex. 5	Ex. 6	Ex. 7(A)	Ex. 7(B)	Ex. 7(C)	Ex. 7(D)	Ex. 7(E)	Ex. 7(F)	Ex. 8	Ex. 9
OS	0	0	0	1	4	8	3	0	3	0	0	0	0	0
CMS	0	0	0	0	0	1	0	0	0	0	0	0	0	0
HHS Total	0	0	0	1	4	9	3	0	3	0	0	0	0	0

C. (2) Reasons for denial on Appeal – Reasons other than exemptions

	No Records	Records Referred at Initial Request Level	Request Withdrawn	Fee-Related Reason	Records Not Reasonably Described	Improper Request For Other Reasons	Not Agency Record	Duplicate Request Or Appeal	Request In Litigation	Appeal Based Solely on Denial of Request For Expedited Processing	Other Explain in Chart Below
OS	4	1	22	2	0	2	0	0	0	5	74
CMS	0	0	0	0	0	0	0	0	0	0	3
HHS Total	4	1	22	2	0	2	0	0	0	0	77

C. (3) Reasons for denial on Appeal – Other:

	Description of “Other” Reasons for Denial on Appeal from Chart C (2) & Number of Times Those Reasons Were Relied upon	TOTAL
OS	Administratively closed, requester did not respond/express continued interest in the records requested	74
CMS	Administrative Closures	3
HHS Total	Administrative Closures	77

C. (4) Response time for administrative appeals (See chart)

	Median Number of Days	Average Number of Days	Lowest Number of Days	Highest Number of Days
OS	231	309	1	973
CMS	329	1,054	54	3,505
HHS Overall	289	650	1	3,505

C. (5) Ten Oldest Pending Appeals (See Chart)

		10th Oldest Appeal	9th	8th	7th	6th	5th	4th	3rd	2nd	Oldest Appeal
OS	Date of Receipt of Ten Oldest Appeals	8/31/04	7/30/04	7/1/03	5/20/03	2/11/03	12/3/02	10/25/02	10/31/01	8/15/01	4/28/00
	Number of Days Pending	1,023	1,043	1,314	1,341	1,408	1,602	1,624	1,629	1,659	1,980
CMS	Date of Receipt of Ten Oldest Appeals	1/03/00	12/29/99	11/22/99	11/13/99	5/7/99	4/14/99	3/29/96	4/6/95	2/26/95	6/23/94
	Number of Days Pending	2,455	2,458	2,484	2,490	2,620	2,636	3,402	3,650	3,678	3,848
HHS Overall	Date of Receipt of Ten Oldest Appeals	1/03/00	12/29/99	11/22/99	11/13/99	5/7/99	4/14/99	3/29/96	4/6/95	2/26/95	6/23/94
	Number of Days Pending	2,455	2,458	2,484	2,490	2,620	2,636	3,402	3,650	3,678	3,848