



LEGAL SERVICES CORPORATION

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Alexander D. Forger
President

Writer's Direct Telephone
(202) 336-8800

September 26, 1995

Mr. Richard Kirklewski
Richland Center
Wisconsin 53581-2157

Dear Mr. Kirklewski:

This is in response to your appeal of the Legal Services Corporation's ("LSC" or "Corporation") response dated July 25, 1995, to your request for legal assistance which you characterized as a Freedom of Information Act ("FOIA") request. Your letter of appeal was received by LSC on September 6, 1995.¹

Your initial letter to LSC dated June 31, 1995 (July 1, 1995), did not request records or documents within the Corporation's possession or control. LSC's response informed you that it is not the Corporation's function, under the FOIA or the LSC Act, to provide you with legal assistance or do legal research for you. In an attempt to be helpful, however, a copy of a case which you cited in your letter was provided as well as a list of legal services programs located in the state of Wisconsin.

¹ I note that you sent the identical letter dated July 29, 1995, to LSC. Since you did not identify the letter at that time as a FOIA appeal of the Corporation's July 25, 1995, response and did not request any LSC records or documents, it appeared to the Corporation that no response was required under the FOIA or LSC's regulations.

This time, however, the envelope containing your September 1, 1995, letter was clearly marked "FOIA appeal," as required by § 1602.12(a) of the Corporation's regulations, and is being treated as such.

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Since you did not request any documents in your June 31, 1995, letter, LSC's July 25, 1995, response, which provided you with information regarding the functions of the Corporation and its obligations under the FOIA, appears appropriate under the circumstances. With respect to your appeal of LSC's response, please note the Corporation's regulations at §1602.12 provide that persons whose requests for records have been denied by LSC are entitled to appeal the denial to the President.² Since, in this case, no documents have been requested and denied under the FOIA, I must uphold the Corporation's response to your June 31, 1995, letter, and inform you that I find no basis for your appeal.

If, in the future, you submit a FOIA request seeking Corporation records, please be assured that LSC will comply with the FOIA and Part 1602 of LSC's regulations and respond appropriately. For your information, if you are not satisfied with my decision, you may file suit in Federal district court. 5 U.S.C. § 552(a)(4)(B).³

Sincerely,



Alexander D. Forger,
President

² Section 1602.12(a)(Appeals of Denials) of the Corporation's regulations provides that an appeal should adequately identify the denial by describing the requested record. As mentioned above, you did not request specific LSC records and the Corporation has not withheld any requested documents from you.

³ A FOIA complaint may be filed in the district court of the United States for the district in which the complainant resides, the district in which the records are maintained, or the District of Columbia. 5 U.S.C. § 552(a)(4)(B).