



## OFFICE of GOVERNMENT INFORMATION SERVICES

May 15, 2015 - Sent via U.S. mail



Case No: 201500497  
NG: CM: AB

NATIONAL  
ARCHIVES  
and RECORDS  
ADMINISTRATION

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Dear [REDACTED]:

This responds to your request for assistance from the Office of Government Information Services (OGIS), received on March 10, 2015. Your request for assistance pertains to your efforts to obtain records from the United States Postal Service (USPS) regarding the delivery of a piece of certified mail.

Congress created OGIS to complement existing Freedom of Information Act (FOIA) practice and procedure; we strive to work in conjunction with the existing request and appeal process. The goal is for OGIS to allow, whenever practical, the requester to exhaust his or her remedies within the agency, including the appeal process. OGIS has no investigatory or enforcement power, nor can we compel an agency to release documents. OGIS serves as the Federal FOIA Ombudsman and our jurisdiction is limited to assisting with the FOIA process.

We carefully reviewed your submission to OGIS and understand you dispute the delivery of your certified mail because the certified form did not contain the true date of the delivery of your mail. In the process of getting this matter corrected, you submitted several inquiries to the agency and ultimately in response to one of your letters seeking the certified form, the agency treated your request as a FOIA request. In this regard, the agency explained to you that the particular certified form you want which reflects the correct date of delivery of [REDACTED] does not exist. The agency also provided an explanation in its final appeal response that while the correspondence was delivered on [REDACTED], the certified form was actually signed by the recipient of your mail on [REDACTED]. A review of the additional correspondence you submitted to OGIS also showed the same explanation.

You contest this response and request OGIS to mediate this matter by asking the agency to provide you a new certified form that reflects the correct date of delivery of [REDACTED].

OGIS provides mediation services to resolve disputes between FOIA requesters and Federal agencies. After opening a case, OGIS gathers information from the requester and the agency to learn more about the nature of the dispute. OGIS then decides how and whether to proceed on the request for assistance. In this case we do not believe we can assist with your request for mediation, because you want the agency to create a new document does not exist.



[REDACTED]  
May 15, 2015

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While I totally understand this situation has been frustrating for you, and you are not satisfied with USPS' FOIA responses, the FOIA unit can only produce records that exist. FOIA gives the public the right to ask for access to existing agency records. FOIA does not give members of the public the right to ask that an agency change any existing records (i.e. backdating the certified receipt form), or create new ones.

If you need further assistance documenting the actual delivery date of your certified mail, we suggest that you refer to the [REDACTED] letter from [REDACTED] and the [REDACTED] letter from [REDACTED]. You might want to contact USPS consumer affairs regarding any additional assistance or documentation of the situation with your mail delivery.

While I understand that this is not the result for which you hoped, I hope that this additional information is useful to you. Thank you for bringing this matter to OGIS; at this time there is no further action for us to take and we will consider this matter closed.

Sincerely,

/S/

Nikki Gramian, Acting Director  
Office of Government Information Services

cc: Jane Eyre, FOIA Public Liaison, USPS