



July 18, 2012

Nathan Paul Mehrens
General Counsel
Americans for Limited Government
9900 Main Street, Suite 303
Fairfax, VA 22031

Response: Freedom of Information Act Request # 683821

Dear Mr. Mehrens:

This letter is in response to your Freedom of Information Act (FOIA) request of May 7, 2012 addressed to the attention of the Mine Safety and Health Administration (MSHA). Your request seeks access to records that fall in the following categories:

- I. For Gregory R. Wagner, M.D., Deputy Assistant Secretary for Policy:
 - a. Past position titles and occupational series from July 29, 2009 and after;
 - b. Past grades from July 29, 2009 and after;
 - c. Past annual salary rates (including performance awards or bonuses, incentive awards, merit pay amount, Meritorious or Distinguished Executive Ranks, and allowances and differentials) from July 29, 2009, and after; and
 - d. Past duty stations (including room numbers, shop designations, or other identifying information regarding buildings or places of employment).
- II. All travel vouchers and vouchers for any other type of reimbursement submitted by Dr. Wagner from July 29, 2009 through present;
- III. All records of reimbursements from MSHA to the National Institute for Occupational Safety and Health (NIOSH) for Dr. Wagner's salary; and
- IV. All records related to the removal of Dr. Wagner's biography from the MSHA website.

Although your request was originally submitted to the attention of the Mine Safety and Health Administration (MSHA), additional responsive records are maintained by the Office of the Chief Financial Officer (OCFO) and the Office of the Assistant Secretary for Administration and Management (OASAM). In accordance with the Department of Labor's implementing FOIA regulations published at 29 CFR 70.20(a) this office is coordinating the response to your request on behalf of these agencies.

In response to item I, we are enclosing two position descriptions and seven Inter Agency Agreements (IAAs) between DOL and NOISH documenting Dr. Wagner's tenure as

MSHA's Deputy Assistant Secretary for Policy from July 29, 2009 to December 31, 2011 and as a Senior Advisor at MSHA from January 1, 2012 until March 11, 2012. The documents enclosed represent all records deemed responsive to this item.

In response to item II, we are enclosing all travel vouchers submitted by Dr. Wagner for travel taken between July 29, 2009 and March 2012; all travel vouchers paid by the Government for travel by Dr. Wagner between July 2009 and March 2012; and all closed voucher summaries for travel completed by Dr. Wagner between July 2009 and March 2012. The documents enclosed represent all records deemed responsive to this item.

Documents responsive to item III are included with the documents identified in item I above.

There are no records responsive to item IV.

Please note that we are disclosing all responsive records in full and free of charge.

While we do not consider this a denial of your request, you may file an administrative appeal of this determination with the Solicitor of Labor within 90 days from the date of this letter. The appeal must state in writing the grounds for the appeal, and it may include any supporting statement or arguments, but such statements are not required. In order to facilitate processing of the appeal, please refer to SIMS FOIA number 683821 and include your mailing address, daytime telephone number as well as a copy of the initial request and a copy of this letter. The appeal must be addressed to the Solicitor of Labor, Division of Management and Administrative Legal Services, U.S. Department of Labor, 200 Constitution Avenue, N.W. Room N-2420 Washington, DC 20210. If mailed, both the envelope and the letter of appeal itself should be clearly marked: "Freedom of Information Act Appeal." You may email your appeal to FOIAappeal@dol.gov and attach the same documentation as if you were mailing the appeal.

Sincerely,



Ramona Branch Oliver
Director, Office of Information Services
Division of Management and Administrative Legal Service
Office of the Solicitor

Enclosure