

**CONCURRING STATEMENT OF  
COMMISSIONER MIGNON L. CLYBURN**

*Re: MONI T. Law, On Request for Inspection of Records, FOIA Control No. 2014-427*

I can only concur with this Order dismissing Ms. Moni T. Law's Application for Review of the letter that denied her request for records under the Freedom of Information Act (FOIA). We are dismissing her Application as untimely because it was not received at the Commission until after the due date of June 16, 2014. This Order acknowledges, however, that her Application was dated June 15, 2014. Ms. Law may have believed her Application was timely since it was dated before June 16. That is understandable for two reasons. First, most citizens' direct interaction with the federal government involves the filing of annual individual income tax returns. Those returns are considered timely filed so long as they are post marked by the relevant due date. Second, although the Regional Office denial letter informed her of the right to file an Application for Review, it failed to inform her that, for the purposes of meeting the filing deadline, timely means when the Application is actually received by the Commission. That letter cited Commission Rules 0.461(j) and 1.115, but those rules do not explain that pleadings are considered filed when the Commission receives them. That explanation is set forth in Commission Rule 1.7. Unfortunately, the denial letter did not refer Ms. Law to that rule. In the future, I hope the Commission staff will send FOIA denial letters that clearly inform consumers that an Application for Review is not timely filed until it is received at the agency by the due date. For the foregoing reasons, I respectfully concur.