

EXHIBIT 5



UNITED STATES CENTRAL COMMAND
7115 SOUTH BOUNDARY BOULEVARD
MACDILL AIR FORCE BASE, FLORIDA 33621-5101

8 July 2020

Ms. Azmat Khan
18 West 21st St, Suite 900
New York, NY 20005

Dear Ms. Khan,

We received your Freedom of Information Act (FOIA) request on 30 June 2020 seeking copies of all ex gratia disbursement records, credibility assessment records, closure report records, and AR 15-6 Commander-directed investigation records that correspond with the six condolence payments made after being assessed as incident to U.S. Military operations in Iraq during 2019 (see Attachment A for list). Your request is being processed in accordance with Title 5 U.S.C. § 552 Freedom of Information Act and Privacy Act, and Executive Order 13526. The actual processing time for these documents will depend upon consultation with other DoD components, both stateside and overseas, other agencies, and the current COVID-19 pandemic.

On 31 January 2020, Health and Human Services Secretary Alex M. Azar II declared a public health emergency for the United States to aid the nation's healthcare community in responding to COVID-19. On 11 March 2020, the World Health Organization publicly characterized COVID-19 as a pandemic.¹ Then on 17 March 2020, Office of Management and Budget offered more stringent guidance stating, "[i]n order to achieve this posture [social distancing], consistent with The President's Coronavirus Guidelines for America, the Government must immediately adjust operations and services to minimize face-to-face interactions...."² USCENCOM has implemented these guidelines to protect its employees and their communities, and to ensure that it can continue to protect the United States during this national emergency. Specifically, USCENCOM leadership issued guidance requiring any employees who can telework must do so. Telework is not available for FOIA employees, therefore the processing of your FOIA request may be delayed.

In your request, you asked for expedited processing. In order to qualify for expedited processing, the requester must demonstrate a compelling need for that information. Under the FOIA, compelling need means that: (1) failure to obtain records on an expedited basis could reasonably be expected to pose an imminent threat to the life or physical safety of an individual; or, (2) the information is currently newsworthy, such as information urgently needed by an individual primarily engaged in disseminating information in order to inform the public concerning federal government involvement; (3) failure to obtain records on an expedited basis would create an imminent loss of due process rights; or (4) failure to obtain records could

¹ Centers for Disease Control and Prevention. "Coronavirus Disease 2019 (COVID-19): Situation Summary." www.cdc.gov, accessed March 18, 2020.

² Memorandum from the Acting Director of The Office of Management and Budget to the Heads of Departments and Agencies "Federal Agency Operational Alignment to Slow the Spread of Coronavirus COVID-19" (March 17, 2020), <https://www.whitehouse.gov/wp-content/uploads/2020/03/M-20-16.pdf> (last accessed Mar. 18, 2020).

reasonably be expected to harm substantial humanitarian interests. Your request does not satisfy the requirement for compelling need. Therefore, I cannot approve your request for expedited processing. Additionally, your request for a fee waiver is granted.

For any further assistance and to discuss any aspect of your request, you have the right to contact the Office of the Chief Management Officer, Directorate for Oversight and Compliance, Defense Privacy, Civil Liberties, and Transparency Division, FOIA Public Liaison (Ms. Melissa Walker) at OSD.FOIALiaison@mail.mil; telephone (571) 372-0462. Additionally, you have the right to contact the Office of Government Information Services (OGIS) to inquire about the FOIA mediation services they offer. The contact information for OGIS is: Office of Government Information Services, National Archives and Records Administration, 8601 Adelphi Road-OGIS, College Park, MD 20740-6001, e-mail at ogis@nara.gov; telephone at (202) 741-5770; toll free at (877) 684-6448; or facsimile at (202) 741-5769.

If you are not satisfied with this response, you have the right to appeal to the appellate authority, Ms. Joo Chung, Director of Oversight and Compliance, Office of the Secretary of Defense. The appellate address is OCMO Directorate for Oversight and Compliance, 4800 Mark Center Drive, ATTN: DPCLTD, FOIA Appeals, Mailbox# 24, Alexandria, VA 22350-1700. As an alternative, you may use the Office of the Secretary of Defense FOIA request portal at <https://pal.whs.mil> to submit your appeal electronically, or you can email your appeal to OSD.FOIA-APPEAL@mail.mil, and state "FOIA Appeal" in the subject of the email. Your appeal must be postmarked or submitted electronically within 90 calendar days from the date of this letter, cite USCENTCOM's case #20-0826, and clearly mark "Freedom of Information Act Appeal" in your correspondence.

The USCENTCOM FOIA Requester Service Center receives numerous FOIA requests and has a substantial number of pending FOIA cases; therefore, we process requests in a multi-track processing system based on the date of receipt and complexity of the request. The FOIA does not require agencies to respond to questions, to do research, compile or analyze data, summarize, or conduct surveys for members of the public. You should be aware that the FOIA only provides the means by which the public can request specific documents from USCENTCOM. The requested documents should be described to the extent that they may be located with a reasonable amount of effort. Your FOIA is currently #2278 in our queue. You can view your status on our website at www.centcom.mil/Home/FOIA.

If you have any questions regarding your inquiry, please contact the FOIA Requester Service Center at (813) 529-6285, centcom.macdill.centcom-hq.mbx.freedom-of-information-act@mail.mil, and refer to case #20-0826.

Sincerely,



Digitally signed by
MURPHY, JOSEPH.CHARLES.1253904140
DN: c=US, o=U.S. Government, ou=DoD,
ou=PKI, ou=USAF,
cn=MURPHY,JOSEPH.CHARLES.1253904140
Date: 2020.07.08 12:06:00 -0400

Joseph C. Murphy
Lieutenant Colonel, U.S. Air Force
Chief, Command Records Branch