

EXHIBIT A

6 October 2020

MEMORANDUM FOR THE RECORD

From: [REDACTED], COMPACFLT, N5D
To: LCDR [REDACTED], Investigating Officer

Subj: PRELIMINARY INQUIRY INTO POSSIBLE SECURITY VIOLATIONS
REPORTED ON 30 SEPTEMBER 2020

1. I have known and worked with Mr. Deryck for 20 years. He is a retired Naval Flight Officer (NFO). He has worked in COMPACFLT, N5 department since 2000. His current position is Country Desk officer for Australia and New Zealand and, when workload demands, for part of Oceania. We work closely and I know him pretty well from a professional standpoint. We do not maintain social contact. I have not had any conflict with him, nor have I witnessed a confrontation between him and other COMPACFLT employees. However, on 28 September Mr. Deryck made comments such as "I am really stressed out" and "I am a wreck" that made some of the staff concerned about his wellbeing. Based on his experience and background, his present workload should not have been a stress factor. He recently volunteered for additional duties to fill the role of a gapped political advisor billet and he was recognized with a "spot award" for his performance. I did not see any warning indicators and this incident was not consistent with how he would normally behave.

2. Mr. Deryck has completed the Annual Security Training refresher. I have not seen anyone else using their cell phone in the space and is unlikely that Mr. Deryck thought it was okay to use his phone inside a secure space. Rather, he made poor judgement calls due to high stress and anxiety levels. I have seen him using his cell phone in designated spaces outside the office many times. He knew the procedures. Something must have distracted or clouded his judgement on the days the violations occurred.

3. There is another instance when Mr. Deryck has demonstrated poor judgement. He was charged with Driving Under Influence (DUI) approximately four years ago. He had to undergo an evaluation with a psychologist who worked directly with the COMPACFLT SSO office who determined that Mr. Deryck was fit for continued access to classified information. As a result, Mr. Deryck was cleared for full duty. After the DUI, Mr. Deryck has had access to a network of resources for physical and mental assistance and has indicated he uses them from time to time.

4. In my opinion, Mr. Deryck is not a threat to himself or others. His comments referred mainly to stress resulting from the perception of too much work and not knowing what to do about it. Despite his challenges, I trust him with handling of classified information.

[REDACTED] (b) (6), (b) (7)(C), (k)(2)

Enclosure (1)

(b) (6), (b) (7)(C) LCDR USN COMPACFLT N3 (USA)

From: (b) (6), (b) (7)(C), (b) (2) CIV USN COMPACFLT N005 (USA)
Sent: Tuesday, October 6, 2020 7:23 AM
To: (b) (6), (b) (7)(C), (b) (2) LCDR USN COMPACFLT N3 (USA)
Subject: RE: PI statement
Signed By: (b) (6), (b) (7)(C), (b) (2) @navy.mil

REPORTED ON 30 SEPTEMBER 2020

1. I have known Mr. Christopher Deryck for 15 years. During this time, I have not had any conflicts with him, nor have I witnessed any confrontation between himself and other staff members. Based on his background, I consider him fully qualified for his job. Although workload sometimes could be overwhelming, a person with his background and experience should be able to handle it well. Nevertheless, he would often exhibits high stress levels by becoming upset, yelling, or leaving the office for a walk. Still, I feel comfortable working around him.

2. I have not heard about the security incident as I have been working from home. It is my belief, that he should have known the rules. I have not heard MR. Deryck saying that he may hurt himself and do not believe he is a threat to himself or others. I have no reason to believe that he cannot be trusted

I certify that this statement is true to the best of my knowledge.

Very respectfully,
(b) (6), (b) (7)(C), (b) (2)
COMPACFLT Protocol Specialist
(b) (6), (b) (7)(C), (b) (2)

From: (b) (6), (b) (7)(C), (b) (2) LCDR USN COMPACFLT N3 (USA) (b) (6), (b) (7)(C), (b) (2) @navy.mil
Sent: Monday, October 5, 2020 9:44 PM
To: (b) (6), (b) (7)(C), (b) (2) CIV USN COMPACFLT N005 (USA) <(b) (6), (b) (7)(C), (b) (2) @navy.mil>
Subject: PI statement

Good evening Ms. (b) (6),

(b) (5)

Very respectfully,
LCDR (b) (6), (b) (7)(C), (b) (2)
Fleet Training Standards Manager
Commander, US Pacific Fleet
DSN: (b) (6), (b) (7)(C), (b) (2)
COM: (b) (6), (b) (7)(C), (b) (2)
NIPR: (b) (6), (b) (7)(C), (b) (2) @navy.mil
SIPR: (b) (6), (b) (7)(C), (b) (2) @navy.smil.mil

Enclosure (1)

Subj: PRELIMINARY INQUIRY INTO POSSIBLE SECURITY VIOLATIONS
REPORTED ON 30 SEPTEMBER 2020

5 October 2020

MEMORANDUM FOR THE RECORD

From: (b) (6), (b) (7)(C), (k)(2), Security Director, COMPACFLT, N02SEC
To: LCDR (b) (6), (b) (7)(C), (k)(2), Investigating Officer

Subj: PRELIMINARY INQUIRY INTO POSSIBLE SECURITY VIOLATIONS
REPORTED ON 30 SEPTEMBER 2020

1. On Wednesday, September 30, 2020, CAPT (b) (6), (b) (7)(C), (k)(2) (N51) came to my office to brief me on a situation regarding Mr. Christopher Deryck. CAPT (b) (6), (b) (7)(C) stated that Mr. Deryck was using his cell phone at his deck, within a Restricted Area and was witnessed by LCDR (b) (6), (b) (7)(C), (k)(2), who told Mr. Deryck that he needs to immediately remove the cell phone from the space. Approximately 30 minutes later, LCDR (b) (6), (b) (7)(C), (k)(2) went to Mr. Deryck's desk to verify the cell phone was removed and found Mr. Deryck at his desk still using his phone. LCDR (b) (6), (b) (7)(C), (k)(2) then again directed Mr. Deryck to remove the phone from the space and followed him and the phone out of the space. The next day CAPT (b) (6), (b) (7)(C), (k)(2) (RASN) caught Mr. Deryck at this desk again using his cell phone and told him to remove the device from the space. CAPT (b) (6), (b) (7)(C) also described Mr. Deryck's behavior as erratic and concerning that he may not be mentally stable. We discussed options on how to proceed. I then called my supervisor, CAPT (b) (6), (b) (7)(C), (k)(2), and apprised him of the situation and discussed suspending Mr. Deryck's access to classified information. At 1600, RDML Mager was briefed by CAPT (b) (6), (b) (7)(C), (k)(2), CAPT (b) (6), (b) (7)(C), (k)(2) (NCIS), and myself. RDML Mager, RDML Boyle and CAPT (b) (6), (b) (7)(C), (k)(2) discussed again and RDML Mager made the decision to suspend Mr. Deryck's access at least until a Preliminary Inquiry could be completed. I drafted the suspension letter, CAPT (b) (6), (b) (7)(C), (k)(2) signed it, and it was given to CAPT (b) (6), (b) (7)(C), (k)(2) (N5) for delivery to Mr. Deryck. I notified (b) (6), (b) (7)(C), (k)(2) (SSO) on 30 Sep 20 and forwarded two witness statements to him on 01 Oct 20 for reporting to DoD CAF.

2. If I can be of any further assistance please feel free to contact me at (b) (6), (b) (7)(C), (k)(2) or email: (b) (6), (b) (7)(C), (k)(2)@navy.mil.

(b) (6), (b) (7)(C), (k)(2)

Enclosure (1)

5 October 2020

MEMORANDUM FOR THE RECORD

From: LCDR [REDACTED], Investigating Officer

Subj: PRELIMINARY INQUIRY INTO POSSIBLE SECURITY VIOLATIONS
REPORTED ON 30 SEPTEMBER 2020: SUMMARY OF INTERVIEW WITH MR.
CHRISTOPHER DERYCK CONDUCTED ON 05 OCT 2020

1. This is a summary of an interview with Mr. Christopher Deryck that was conducted over the phone on 05 October 2020.
2. Mr. Deryck has been employed in US Pacific Fleet for 21 years. He has had the current job position, Country Desk Officer for Australia, New Zealand and parts of Oceania for the last 10 years. He currently holds TS/SCI clearance which was locally suspended on 01 October as a result of the alleged violation. Since then, Mr. Deryck has been directed to telework from home and has been denied access to secure spaces in COMPACFLT.
3. In Mr. Deryck's opinion, his work load has been consistently overwhelming and has been a primary source of stress. He gave an example that in PACOM there are six people who have the same responsibilities as him and LCDR McGrath. He has been consistently providing feedback on the work load over the last 10 years with no result. Additionally, the departure of Mr. [REDACTED] in February 2019 from the position of NS Director placed significant strain on his mental health as he described Mr. [REDACTED] as "his second father." Mr. Deryck described Mr. [REDACTED]'s retirement as a huge personal loss and admitted to crying and questioning himself: "How would I make it without you?" Since then, Mr. Deryck admitted that it has been difficult for him to adapt under the new leadership. As a third source of stress, Mr. Deryck referred to the current political environment and voiced frustration and anxiety over the handling of the COVID epidemic, the social divide of the country and the political attacks against the political leaders. Currently, the biggest source of stress and anxiety is this investigation and the fact that he cannot fully perform work from home – worrying him that he is falling behind and that others will have to pick up his work load.
4. Mr. Deryck stated that he did not carry frequently his personal cell phone in his bag and this occurred by exception on the two days when the violations were reported. He said that he had forgotten it in his bag on both days. He described the first instance on 28 September and the instance on 29 September as unintentionally answering his phone after he had heard it ringing in his bag. When I asked him why he did not discontinue the use of his phone after LCDR [REDACTED] had challenged him, he answered that he was not sure. He added that at this time he was working on an "enormous" project and felt like he could take the phone out after he had finished because, he was too busy and too far behind. Mr. Deryck acknowledged that he had made a mistake and exercised poor judgement during that day. On the next day, 29 September, Mr. Deryck provided similar description of the incident: he had again forgotten his phone in his bag, and again answered it when it rang. This occasion was witnessed by CAPT [REDACTED] (RAN). Mr. Deryck confirmed that the restriction of cell phone usage were clear to him before the security violations occurred.
5. MR. Deryck recognized that he had made a mistake and hoped that he could move on. He admitted that he had previously sought professional help with a success after some time. He also admitted that he had started seeing a psychologist six weeks ago on a weekly basis in order to handle his stress and anxiety levels in order to improve his performance. He further stated that he is willing to seek medical professional help (psychiatric) if deemed necessary and had even discussed this option with his psychologist. Mr. Deryck stated firmly that he does not consider harming himself or others. He also stated

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that he does not consider himself a security risk as he had never had an intent to compromise classified material. He was confident that he could continue successfully doing his job and that was looking forward to coming back.

(b) (6), (b) (7)(C), (k)(2)

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6 October 2020

MEMORANDUM FOR THE RECORD

From: [REDACTED], COMPACFLT, N5D
To: LCDR [REDACTED], Investigating Officer

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1. I have known and worked with Mr. Deryck for 20 years. He is a retired Naval Flight Officer (NFO). He has worked in COMPACFLT, N5 department since 2000. His current position is Country Desk officer for Australia and New Zealand and, when workload demands, for part of Oceania. We work closely and I know him pretty well from a professional standpoint. We do not maintain social contact. I have not had any conflict with him, nor have I witnessed a confrontation between him and other COMPACFLT employees. However, on 28 September Mr. Deryck made comments such as "I am really stressed out" and "I am a wreck" that made some of the staff concerned about his wellbeing. Based on his experience and background, his present workload should not have been a stress factor. He recently volunteered for additional duties to fill the role of a gapped political advisor billet and he was recognized with a "spot award" for his performance. I did not see any warning indicators and this incident was not consistent with how he would normally behave.
2. Mr. Deryck has completed the Annual Security Training refresher. I have not seen anyone else using their cell phone in the space and is unlikely that Mr. Deryck thought it was okay to use his phone inside a secure space. Rather, he made poor judgement calls due to high stress and anxiety levels. I have seen him using his cell phone in designated spaces outside the office many times. He knew the procedures. Something must have distracted or clouded his judgement on the days the violations occurred.
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4. In my opinion, Mr. Deryck is not a threat to himself or others. His comments referred mainly to stress resulting from the perception of too much work and not knowing what to do about it. Despite his challenges, I trust him with handling of classified information.

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4. Mr. Deryck stated that he did not carry frequently his personal cell phone in his back and this occurred by exception on the two days when the violations were reported. He said that he had forgotten it in his bag on both days. He described the first instance on 28 September and the instance on 29 September as unintentionally answering his phone after he had heard it ringing in his bag. When I asked him why he did not discontinue the use of his phone after LCDR [REDACTED] had challenged him, he answered that he was not sure. He added that at this time he was working on an "enormous" project and felt like he could take the phone out after he had finished because, he was too busy and too far behind. Mr. Deryck acknowledged that he had made a mistake and exercised poor judgement during that day. On the next day, 29 September, Mr. Deryck provided similar description of the incident: he had again forgotten his phone in his bag, and again answered it when it rang. This occasion was witnessed by CAPT [REDACTED] (RAN). Mr. Deryck confirmed that the restriction of cell phone usage were clear to him before the security violations occurred.
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that he does not consider himself a security risk as he had never had an intent to compromise classified material. He was confident that he could continue successfully doing his job and that was looking forward to coming back.

(b) (6), (b) (7)(C), (k)(2)

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EXHIBIT B

12000
Ser N5
23 Nov 20

From: Head, International Plans & Policy, N51
To: Mr. Christopher L. Deryck, Oceania Political-Military Advisor, GS-0301-14
Subj: ADMINISTRATIVE LEAVE

Encl: (1) Letter of Temporary Removal of Access to Classified Information, 30 SEP 20
(2) Letter of Acknowledgement of Temporary Removal of Access, 30 SEP 20
(3) Deputy Commander Endorsement of Preliminary Inquiry, 26 OCT 20

1. In furtherance of enclosures (1) through (3), you are placed on Administrative Leave effective 23 November 2020 until further directed by me. The action will have no effect on your pay or benefits.
2. For the duration of this leave I am directing you to call me at (808) 474-6942 each day, Monday through Friday, at 0730 and again at 1630, for the purpose of mustering in and out and to receive work guidance, if any. If you cannot reach me, call Mr. Dean Vaughn at (808) 474-8464 or in the event you are unable to speak to Mr. Vaughn or me, you are to contact CAPT Buckles at (808) 471-8592. If you are unable to directly speak to Mr. Vaughn, CAPT Buckles, or I, you must leave a message on my voice mail at (808) 474-6942 and I will return your call as soon as I am able.
3. If you have not done so prior, when you call in the first time, you must provide me with a phone number where you can be reached during business hours. If this number changes, you must provide me with the update within one business day.
4. If you are directed to physically report to work, you must report at the instructed date and time. If you fail to report to work as instructed, I will code your timecard as absent without leave (AWOL), and consider taking a disciplinary action.
5. In addition to the above requirements, you must also comply with these requirements:
 - a. ANNUAL LEAVE. Annual leave is to be requested, scheduled, and approved in advance of its intended use. The approval of annual leave will be based on the needs of the mission.
 - b. EMERGENCY ANNUAL/SICK LEAVE/LEAVE WITHOUT PAY. If an emergency situation arises in which you are prevented from reporting at 0730 and 1630 per the instructions in paragraph 2, you are to provide notification no later than two hours from the time you become aware of the emergency.
 - c. Your leave request must be submitted via the normal process via the SLDCADA website. If your request is disapproved, you must report for duty per the instructions in paragraph 2. If

CONTROLLED UNCLASSIFIED INFORMATION – PRIVACY SENSITIVE
Any misuse or unauthorized disclosure may result in both civil and criminal penalties.

Subj: ADMINISTRATIVE LEAVE

you fail to report for duty per the instructions in paragraph 2, you will be charged as AWOL and appropriate disciplinary action will be considered.

6. Should you have any questions about the contents of this letter, you may direct them to me at my cellular phone at (240) 422-5509 or joshua.p.taylor1@navy.mil.


J. P. TAYLOR

Copy to:
COMPACFLT N5B DEPUTY DEPT HEAD
COMPACFLT N01L
COMPACFLT HRO LER

Received By:

Signature

Date

12752
Ser N5/Ser 0084
29 Jan 21

From: Deputy Director, Plans and Policy (N5B), U.S. Pacific Fleet
To: Mr. Christopher L. Deryck, Oceania Political-Military Advisor, GS-0301-14

Subj: DECISION ON PROPOSED INDEFINITE SUSPENSION

Ref: (a) Notice of Proposed Indefinite Suspension, N51 ltr 12752 Ser N5/1421 of 22 Dec 2020
(b) Your written reply dated 20 Jan 2021 to reference (a)

1. Reference (a) proposed your indefinite suspension from your position as the Oceania Political-Military Advisor, GS-0301-14, at U.S. Pacific Fleet.
2. Reference (a) was issued by regular mail via the U.S. Postal Service and via Federal Express. You confirmed that you received reference (a) on 1 January 2021. Reference (a) described the facts and circumstances relied upon to support your proposed suspension and also informed you of your right to reply both orally and/or in writing, to submit affidavits and other documentary evidence in support of your reply, and to be represented in this matter by a person of your choice.
3. On 4 January 2021, you requested a copy of all the materials relied upon in support of the proposed adverse action. On 5 January 2021, Lynn Lytton, U.S. Pacific Fleet, HRO Hawaii, LER Specialist, provided you with the requested materials.
4. On 12 January 2021, you designated the law firm of Smith Himmelmann as your representative.
5. On 20 January 2021, you provided a written response to reference (a). See reference (b).
6. You elected to not make an oral reply.
7. In arriving at my decision, I have considered only the reasons specified in references (a) and (b), and find that the charge stated in reference (a) is fully substantiated. I fully concur with CAPT J. P. Taylor in his decision to not elect the alternatives of carrying you in an administrative leave status or reassigning you. I have decided that your indefinite suspension is warranted until a decision is made regarding your eligibility for a security clearance and access to classified information by the Department of Defense Consolidated Adjudications Facility (DOD CAF) and any subsequent appeal you may file concerning DOD CAF's decision. It is thus my decision that you be suspended indefinitely from your position as the Oceania Political-Military Advisor, GS-0301-14, effective 8 February 2021, subject to the following conditions:
 - a. If the DOD CAF restores your security clearance and access to classified information, you will be returned to a duty status.
 - b. If the DOD CAF revokes your clearance, you will be advised in writing of that decision and of your right to appeal that decision.
 - c. Should you file an appeal, you will continue in a suspension status until a final decision is made on your appeal.

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Subj: DECISION ON PROPOSED INDEFINITE SUSPENSION

d. If on appeal your clearance and access to classified information are restored, you will be returned to a duty status.

e. If you do not appeal the DOD CAF's decision to revoke your clearance, or if on appeal your clearance remains revoked, action will be initiated to propose your removal from employment. In either case, you will be notified of the proposed removal in writing and you will continue in a suspension status during the notice period on the proposed removal and until any action takes place following a decision on the proposed removal.

8. Appeal rights. You may appeal the merits and procedures of this suspension from Federal service to the U.S. Merit Systems Protection Board ("MSPB" or "Board") pursuant to its regulations and optional appeal form at the following link: <http://www.mspb.gov/appeals/appeals.htm>.

9. An appeal to the Board, if any, may be submitted by using the Board's appeal form, or in any format, however, it must:

a. Be in writing;

b. Give your reasons for contesting your suspension from Federal service, with such offer of proof and pertinent documents as you are able to submit;

c. State whether you desire a hearing in connection with your appeal; and,

d. Be filed no later than 30 days after the effective date of the action being appealed, or 30 days after the date of your receipt of this notice, whichever is later. However, if you and the agency mutually agree in writing to attempt to resolve the dispute through an alternative dispute resolution process prior to the timely filing of an appeal, the time limit for filing the appeal is extended by 30 days--for a total of 60 days.

e. Consequence for late filing. If you do not submit an appeal within the time set by 5 C.F.R. § 1201.22, or by order of a judge, it will be dismissed as untimely filed unless a good reason for the delay is shown. The judge will provide you an opportunity to show why the appeal should not be dismissed as untimely. Additional information on timely filing in accordance with 5 C.F.R. §1201.22 can be found at the following link:

<http://www.mspb.gov/netsearch/viewdocs.aspx?docnumber=1155100&version=1159628&application=A> CROBAT.

f. Filing of your appeal must be made to the MSPB by personal delivery, by facsimile to (510) 273-7136, by mail, or by commercial overnight delivery to:

U.S. Merit Systems Protection Board
Western Regional Office
1301 Clay Street, Suite 1380N
Oakland, CA 94612-5217

10. As an alternative, you may file an appeal electronically by using the Board's e-Appeal Online website: <https://e-appeal.mspb.gov/>.

11. To facilitate the processing of an appeal, if any, you should provide a copy of your appeal to, and cite the name and address of the agency that took the action as:

Subj: DECISION ON PROPOSED INDEFINITE SUSPENSION

COMMANDER UNITED STATES PACIFIC FLEET
FLEET COUNSEL (N01L)
ATTN: BRADFORD BYRNES
250 MAKALAPA DRIVE
JBPHH HI 96860-3131

Email: bradford.b.byrn@navy.mil
Tel: (808) 471-0708

12. Equal Employment Opportunity (EEO) Complaint: If you believe this action is based on prohibited discrimination because of your race, color, religion, sex, age (40 or over), national origin, physical or mental disability, genetic information and/or reprisal, you may include this allegation when appealing to the MSPB or you may file an EEO complaint consistent with the provisions of 5 U.S.C. §7121(d) and 29 C.F.R. §1614.301 and §1614.302, but not both; and whichever is filed first shall be considered your election to proceed in that forum. To file an EEO complaint, you must contact an EEO counselor at (808) 471-1622 or (808) 471-0271 within forty-five (45) calendar days of the effective date of this action.

13. Appeal to the Office of Special Counsel (OSC): If you allege that this action is being taken against you because of reprisal for whistleblowing activity; you may elect one of the following remedies:

a. You may file an appeal to the MSPB (5 U.S.C. §7701) as indicated above; or

b. You may seek corrective action under subchapters II and III of 5 U.S.C. Chapter 12, by filing a complaint with the OSC (5 U.S.C. §1214). After a complaint is filed with OSC, you may file an Individual Right of Action (IRA) appeal with the MSPB (5 U.S.C. §1221).

If you choose option 13.b. above, i.e., to first seek corrective action by filing a complaint with OSC, your subsequent appeal to the MSPB will be deemed an IRA appeal. If you are filing an IRA appeal, your appeal must be filed within 65 days of the date of the OSC notice advising you that the Special Counsel will not seek corrective action or, within 60 days after the date you receive the OSC notice, whichever is later. Pursuant to 5 C.F.R. §1209.2, you will be limited to the rights associated with an IRA appeal. Specifically, the MSPB will only consider whether you have demonstrated that one or more whistleblowing disclosures was a contributing factor in the Agency taking this personnel action against you, and if so, whether the Agency has demonstrated by clear and convincing evidence that it would have taken this personnel action in the absence of the protected disclosure(s). You may not raise affirmative defenses other than reprisal for whistleblowing activities, such as claims of discrimination or harmful procedural error.

14. Uniformed Services Employment and Reemployment Rights Act (USERRA) Appeal with the Merit Systems Protection Board.

a. A person who claims that a federal agency has failed or refused to comply with the provisions of USERRA with respect to the employment or reemployment of such person may file a complaint with the Secretary of Labor, who will investigate the complaint and attempt to resolve it if the Secretary's investigation reveals that the agency committed a USERRA violation. The Department of Labor website describes how to file a USERRA complaint: <http://www.dol.gov/elaws/userra.htm>. If the Secretary is unable to resolve the complaint, the Secretary must provide written notification to the complainant, who may then file a USERRA appeal with the Board or request that the Secretary refer the complaint to the Office of Special Counsel. If a complaint is referred, and the Special Counsel is reasonably satisfied that

Subj: DECISION ON PROPOSED INDEFINITE SUSPENSION

the complainant is entitled to the benefit sought, the Special Counsel may initiate an action and act as the complainant's attorney before the Board. If the Special Counsel declines to initiate an action on the complainant's behalf, the complainant may file an appeal with the Board. A person may also elect to file a USERRA claim directly with the Board if he or she decides not to seek the assistance of the Secretary of Labor and the Office of Special Counsel. 38 U.S.C. §4324(a),(b).

b. Time limit for filing a USERRA appeal with the Board. Unlike most appeals, there is no time limit for filing a USERRA appeal with the Board. 5 C.F.R. §1208.12. However, the Board encourages appellants to file USERRA appeals as soon as possible after the alleged violation occurs or after the appellant receives notice that the Secretary of Labor has been unable to resolve a complaint or that the Office of Special Counsel has declined to initiate an action on the appellant's behalf. Furthermore, while there is no time limit to file a USERRA appeal, the Board can enforce only those rights that existed under USERRA and its predecessor statute (the Vietnam Era Veterans' Readjustment Assistance Act of 1974) at the time the claim accrued. *Fernandez v. Department of the Army*, 234 F.3d 553, 556-57 (Fed. Cir. 2000).

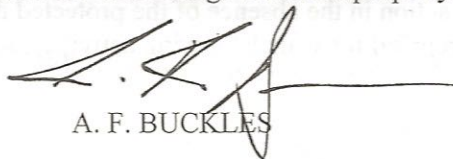
15. Benefits Information. Immediately, contact the Department of the Navy Civilian Benefits Center for specific information regarding how benefits are affected by this decision:

The Benefits Line
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(866) 359-5277 (TTY)
7:30 a.m. to 7:30 p.m., Eastern Time
Monday through Friday, except federal holidays
<http://www.secnv.navy.mil/donhr/Employees/Pages/Default.aspx>

For specific information on the effect of entering an extended non-pay status visit <https://www.opm.gov/policy-data-oversight/pay-leave/leave-administration/fact-sheets/effect-of-extended-leave-without-pay-lwop-or-other-nonpay-status-on-federal-benefits-and-programs/>.

16. Point of Contact. If you have any questions about the process and/or procedures governing this action, or about your rights, please contact Lynn Lytton, U.S. Pacific Fleet, Human Resources Office, Labor and Employee Relations Specialist, at (808) 474-3797 or by email at lynn.lytton@navy.mil.

17. Upon receipt of this letter, please contact CAPT Joshua Taylor at joshua.p.taylor1@navy.mil, (808) 474-6942, or cellular (240) 422-5509 to coordinate the return of government property.


A. F. BUCKLES

Copy to:
COMPACFLT N5
COMPACFLT N51
COMPACFLT N02SEC
COMPACFLT N01L
COMPACFLT N01CP
COMPACFLT HRO LER

EXHIBIT C

12752
Ser N5/Ser 0084
29 Jan 21

From: Deputy Director, Plans and Policy (N5B), U.S. Pacific Fleet
To: Mr. Christopher L. Deryck, Oceania Political-Military Advisor, GS-0301-14

Subj: DECISION ON PROPOSED INDEFINITE SUSPENSION

Ref: (a) Notice of Proposed Indefinite Suspension, N51 ltr 12752 Ser N5/1421 of 22 Dec 2020
(b) Your written reply dated 20 Jan 2021 to reference (a)

1. Reference (a) proposed your indefinite suspension from your position as the Oceania Political-Military Advisor, GS-0301-14, at U.S. Pacific Fleet.

2. Reference (a) was issued by regular mail via the U.S. Postal Service and via Federal Express. You confirmed that you received reference (a) on 1 January 2021. Reference (a) described the facts and circumstances relied upon to support your proposed suspension and also informed you of your right to reply both orally and/or in writing, to submit affidavits and other documentary evidence in support of your reply, and to be represented in this matter by a person of your choice.

3. On 4 January 2021, you requested a copy of all the materials relied upon in support of the proposed adverse action. On 5 January 2021, Lynn Lytton, U.S. Pacific Fleet, HRO Hawaii, LER Specialist, provided you with the requested materials.

4. On 12 January 2021, you designated the law firm of Smith Himmelmann as your representative.

5. On 20 January 2021, you provided a written response to reference (a). See reference (b).

6. You elected to not make an oral reply.

7. In arriving at my decision, I have considered only the reasons specified in references (a) and (b), and find that the charge stated in reference (a) is fully substantiated. I fully concur with CAPT J. P. Taylor in his decision to not elect the alternatives of carrying you in an administrative leave status or reassigning you. I have decided that your indefinite suspension is warranted until a decision is made regarding your eligibility for a security clearance and access to classified information by the Department of Defense Consolidated Adjudications Facility (DOD CAF) and any subsequent appeal you may file concerning DOD CAF's decision. It is thus my decision that you be suspended indefinitely from your position as the Oceania Political-Military Advisor, GS-0301-14, effective 8 February 2021, subject to the following conditions:

a. If the DOD CAF restores your security clearance and access to classified information, you will be returned to a duty status.

b. If the DOD CAF revokes your clearance, you will be advised in writing of that decision and of your right to appeal that decision.

c. Should you file an appeal, you will continue in a suspension status until a final decision is made on your appeal.

FOR OFFICIAL USE ONLY – PRIVACY SENSITIVE

Any misuse or unauthorized disclosure may result in both civil and criminal penalties.

Subj: DECISION ON PROPOSED INDEFINITE SUSPENSION

d. If on appeal your clearance and access to classified information are restored, you will be returned to a duty status.

e. If you do not appeal the DOD CAF's decision to revoke your clearance, or if on appeal your clearance remains revoked, action will be initiated to propose your removal from employment. In either case, you will be notified of the proposed removal in writing and you will continue in a suspension status during the notice period on the proposed removal and until any action takes place following a decision on the proposed removal.

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a. Be in writing;

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Subj: DECISION ON PROPOSED INDEFINITE SUSPENSION

COMMANDER UNITED STATES PACIFIC FLEET
FLEET COUNSEL (N01L)
ATTN: BRADFORD BYRNES
250 MAKALAPA DRIVE
JBPHH HI 96860-3131

Email: bradford.b.byrn@navy.mil
Tel: (808) 471-0708

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Subj: DECISION ON PROPOSED INDEFINITE SUSPENSION

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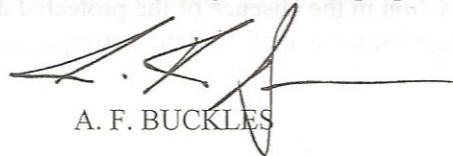
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(866) 359-5277 (TTY)
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For specific information on the effect of entering an extended non-pay status visit <https://www.opm.gov/policy-data-oversight/pay-leave/leave-administration/fact-sheets/effect-of-extended-leave-without-pay-lwop-or-other-nonpay-status-on-federal-benefits-and-programs/>.

16. Point of Contact. If you have any questions about the process and/or procedures governing this action, or about your rights, please contact Lynn Lytton, U.S. Pacific Fleet, Human Resources Office, Labor and Employee Relations Specialist, at (808) 474-3797 or by email at lynn.lytton@navy.mil.

17. Upon receipt of this letter, please contact CAPT Joshua Taylor at joshua.p.taylor1@navy.mil, (808) 474-6942, or cellular (240) 422-5509 to coordinate the return of government property.


A. F. BUCKLES

Copy to:
COMPACFLT N5
COMPACFLT N51
COMPACFLT N02SEC
COMPACFLT N01L
COMPACFLT N01CP
COMPACFLT HRO LER

EXHIBIT D



DEPARTMENT OF DEFENSE
CONSOLIDATED ADJUDICATIONS FACILITY
BUILDING 600 10TH STREET
FORT GEORGE G. MEADE, MD 20755-5615



January 6, 2022

MEMORANDUM FOR MR. CHRISTOPHER L. DERYCK, [REDACTED]

THROUGH: COMMANDER, U.S. PACIFIC FLEET
(ATTN: SECURITY MANAGEMENT OFFICE)

SUBJECT: Intent to Revoke Eligibility for Access to Classified Information, Assignment to Duties that have been Designated National Security Sensitive, and Access to Sensitive Compartmented Information (SCI)

- References:
- (a) DoDM 5200.02, Procedures for the DoD Personnel Security Program (PSP), April 3, 2017
 - (b) Security Executive Agent Directive 4, National Security Adjudicative Guidelines, December 10, 2016 (Effective June 8, 2017)
 - (c) ICD 704, Personnel Security Standards and Procedures Governing Eligibility for Access to Sensitive Compartmented Information, and Other Controlled Access Program Information, October 1, 2008
 - (d) ICPG 704.3, Denial or Revocation of Access to Sensitive Compartmented Information, Other Controlled Access Program Information, and Appeals Processes, October 2, 2008

1. Per the above references, a preliminary decision has been made by the Department of Defense (DoD) Consolidated Adjudications Facility (CAF) to revoke your eligibility for access to classified information, assignment to duties that have been designated national security sensitive, and access to Sensitive Compartmented Information (SCI).

2. A decision on eligibility for access to classified information, assignment to duties that have been designated national security sensitive, and SCI access is a discretionary security decision based on judgments by appropriately trained adjudicative personnel. Pursuant to reference (a), eligibility shall be granted only where facts and circumstances indicate eligibility for access to classified information is clearly consistent with the national security interests of the United States, and any doubt shall be resolved in favor of the national security. Information concerning your personal history has led to the security concern(s) listed in Attachment 1, *Statement of Reasons (SOR)*, which prevent the DoD CAF from making the affirmative decision that your eligibility is clearly consistent with the interests of national security. If this preliminary decision becomes final, you will not be eligible for access to classified information, assignment to duties that have been designated national security sensitive, and SCI access as defined by the above-cited references.

3. Your access to classified information was suspended by your organization.

4. You must complete Attachment 2, *Statement of Reasons Receipt and Statement of Intent*, and forward it to the DoD CAF, via your organization's Security Management Office (SMO) or SCI SMO within ten (10) calendar days of receipt of this memorandum. Contact your SMO or SCI SMO for help in preparing and forwarding this form. If the completed Attachment 2 is not received at the DoD CAF, it will be presumed that you do not intend to submit a reply.

5. You may request the records upon which the DoD CAF relied on to make the preliminary decision. Attachment 3 is provided to assist you in requesting your records. Use the Defense Counterintelligence and Security Agency (DCSA) investigation request if your SOR is based upon a DCSA Investigation (formally known as the Office of Personnel Management (OPM) investigation). Use the appropriate records request form(s) provided herein, if your SOR is based upon records other than, or in addition to, the DCSA investigation. Failure to request the record(s) in a timely manner, failure to provide an accurate mailing address, and/or failure to accept receipt of the record(s) upon delivery, will not serve as justification for an extension of time to respond to the SOR.

6. You may challenge this preliminary decision by responding, in writing, with any information or explanation that you think should be considered in reaching a final decision. Attachment 4, *Instructions for Responding to a Statement of Reasons*, provides instructions to assist you if you choose to submit a response. Attachment 5, *National Security Adjudicative Guidelines*, provides information on the guidelines and Attachment 6, *Applicable National Security Adjudicative Guidelines*, provides the specific national security adjudicative guideline(s) from reference (b) used in this preliminary decision.

7. You may choose to obtain legal counsel, or other assistance, in preparing your response to this preliminary decision. You may obtain civilian counsel, at your own expense, or, if you are eligible, from the staff of the Judge Advocate General. If you desire assistance from legal counsel, you should make those arrangements immediately.

8. If you choose the option to respond, your written response must be submitted through your SMO or SCI SMO within sixty (60) calendar days from the date you acknowledge receipt of this memorandum. Your SMO or SCI SMO will then forward it to the DoD CAF. To request an extension, you must provide a written request, with justification, to your SMO or SCI SMO prior to the current deadline. Your SMO or SCI SMO will then submit your request to the DoD CAF for review/approval. Any request for extension of time to respond may be granted only by the DoD CAF.

9. If you choose the option not to respond or if you chose to respond but your response is not received by your SMO or SCI SMO within the specified time, this preliminary decision will become a final security determination on the merits of the information available. Please direct questions regarding this memorandum to your SMO or SCI SMO.

Tremell Munford by rj

Tremell Munford
Division Chief
Adjudications Directorate

Attachments:

1. Statement of Reasons
2. Statement of Reasons Receipt and Statement of Intent
3. Form(s) for Requesting Records
4. Instructions for Responding to a SOR
5. National Security Adjudicative Guidelines
6. Applicable National Security Adjudicative Guidelines

STATEMENT OF REASONS (SOR) FOR MR. CHRISTOPHER L. DERYCK,

The information listed below was derived from the documents listed at the end of this attachment (Attachment 1, Statement of Reasons). Each item of disqualifying information falls under one or more of the security guidelines listed below.

GUIDELINE E: Personal Conduct

Available information shows issues of **Personal Conduct** on your part.

Conduct involving questionable judgment, lack of candor, dishonesty, or unwillingness to comply with rules and regulations can raise questions about an individual's reliability, trustworthiness, and ability to protect classified or sensitive information. Of special interest is any failure to cooperate or provide truthful and candid answers during national security investigative or adjudicative processes.

Per the Adjudicative Guidelines, conditions that could raise a security concern and may be disqualifying include:

Commander United States Pacific Fleet letter, Subj: Preliminary Inquiry Into Possible Security Violations Reported on 30 September 2020, dated October 7, 2020 included gathered statements from multiple co-workers regarding your behavior at work, that provided the following:

MFR dated October 6, 2020 (COMPACFLT, N5): During my time as his supervisor, I have not had any conflicts with him directly, but I have received reports of him shouting, cursing, melting down, and throwing objects. "Coworkers and I have recently started to feel uncomfortable working around him. In the days leading up to the alleged security violations, he was agitated, not respecting physical boundaries, and making physical contact with the staff."

MFR dated October 5, 2020 (CAPT, Royal Australian Navy): I have known and worked with Mr. Deryck since January 2020. I have not had any conflict with Mr. Deryck during the time we have worked together. I have witnessed occasions when Mr. Deryck has made people a little uncomfortable. Sometimes he becomes too vocal about random topics and exhibits erratic behavior. However, I believe this is caused by overexcitement and is based on emotions, rather than being violent in nature. Mr. Deryck claims he is under a lot of the stress due to work. Sometimes he needs to leave the office and walk outside in order to calm down. "I had a conversation with him on 01 October and mentioned the use of his cell phone inside the secure spaces on 28 September, the day before I had found him using his cell phone, and he said that he did not remember."

MFR dated October 6, 2020 (CDR, USN): I have known Mr. Deryck since January 2019. I have not been in a conflict with him, nor have I witnessed a confrontation between him and other members of the staff. My general impression about him is that he is not very good at multi-tasking and **does not seem to handle stress well**. He has made comments that he "couldn't handle it" and that "it was too much." I believe that he was referring not only to work but also to everything going on around him. He stresses about work and family life. He handles stress by

becoming flustered and talking nervously. I also witnessed a stress related incident in April – May time frame when a colleague and I drove him home from work because he did not look like he was in a condition to be able to operate a vehicle safely. He was in the office many hours past his normal end-of-day, was talkative, more than usual, repeating the same phrases and stories, and looked sad and stressed. There could be a risk of compromise of security information if he is given access to classified material. However, such compromise will not be deliberate, but rather a result of high stress levels affecting his attention to details.

MFR dated October 5, 2020 (LCDR, USN): On September 28 2020, after observing Mr. Deryck using a mobile device/cell phone in a secure space and after 30-45 minutes later returning to Mr. Deryck's desk to see him involved in the same activity, he voiced a number of concerns regarding his mental state, describing himself as a "tinder box" and stated that he was "not okay." He also voiced several opinions on political and social issues that could be construed as inflammatory, and were inappropriate for the workplace. He voiced a concern to me that he was stressed out, anxious, and was having difficulty exercising appropriate coping mechanisms. I have felt comfortable working with Mr. Deryck in the past, but this has recently changed. He has started to get too close to people and to make physical contact (e.g. touching). On other occasions, he has raised his voice or shouted loudly when under stress. I have heard him voice that he needs to go outside and walk for a little in order to calm down. To make me feel more comfortable, he would need to control his temper and to limit conversations on non-work related topics. Mr. Deryck often exhibits a high level of stress, but we have never been in conflict. He has indicated that his workload is the main source of stress, however, I believe there must be additional stressors in his life.

MFR dated October 6, 2020, (COMPACFLT, N5): On 28 September, Mr. Deryck made comments such as "I am really stressed out" and "I am a wreck" that made some of the staff concerned about his wellbeing.

Email statement, Subj: PI statement, dated October 6, 2020 (COMPACFLT Protocol Specialist): I have known Mr. Deryck for 15 years. Nevertheless, he would often exhibit high stress levels by becoming upset, yelling, or leaving the office for a walk.

During your medical evaluation conducted on August 24, 2021, you stated the reason for the evaluation was that you accidentally brought your cell phone into a secured area. You told the evaluator this was an accident and cited the COVID-19 pandemic and subsequent inconsistent work schedule as a reason for the incident. This statement greatly downplays the situation addressed in much further detail below, under Guideline K: Handling Protected Information. The security violation(s) was not a single incident but repeated violations over a two day period where you brought your prohibited cell phone into a restricted area on two occasions and then upon discovering the device in your bag you further committed security violations by using the cell phone instead of removing it immediately, even after being ordered by your supervisor to remove the device from your work space.

On May 27, 2020 and again on August 24, 2021, you underwent medical evaluations as requested by the DoD CAF. In both evaluations, you were cleared of having a mental health disorder. However, your behavior, as described by your coworkers, is still a concern.

A summary of witness accounts described that you have commonly exhibited signs of high stress levels and irrational behavior that have made some people in your work area concerned about

your wellbeing and uncomfortable working around you. Specifically, you would become flustered and talk nervously, appear sad and stressed, experience sudden changes of mood, become loud on occasions or shout, engage in conversations on political or social issues that could be construed as inflammatory, make statements such as "I am a tinder box," "I am really stressed out" or "I am a wreck," violate personal space, make physical contact with staff members, complain you have problems sleeping, and having to walk outside to calm down. On at least one occasion, you had to be driven home by staff members while exhibiting high stress levels and incoherence. Your erratic and disruptive behavior and conduct reflects a lack of judgment, which raises questions about your reliability, trustworthiness, and ability to protect classified or sensitive information. Therefore, your personal conduct is a security concern. (Guideline E, Attachment 6)

GUIDELINE K: Handling Protected Information

Available information shows issues of Handling Protected Information on your part.

Deliberate or negligent failure to comply with rules and regulations for handling protected information - which includes classified and other sensitive government information, and proprietary information - raises doubt about an individual's trustworthiness, judgment, reliability, or willingness and ability to safeguard such information, and is a serious security concern.

Per the Adjudicative Guidelines, conditions that could raise a security concern and may be disqualifying include:

A Defense Information System for Security (DISS) Incident Report, submitted by your Security Management Office disclosed that you violated command security policy regarding the possession and use of cell phones in a secure work space.

A MFR dated September 30, 2020, included as part of the Incident Report, disclosed the author of the MFR observed you actively using a "mobile device/cell phone" while at your desk in a secure space where there is access to classified material. Your security violation was addressed upon initial witness. The MFR goes on to say the same witness of the first incident observed you involved in the same activity at your desk approximately 30-45 minutes after the initial incident. The witness once again voiced concern regarding your security policy violation but did not observe you removing the device from the secure work space.

A MFR dated September 30, 2020, disclosed another security incident that took place on September 29, 2020. You were observed at your desk (secure work space) engaged in a conversation on your cell phone. The witness inquired why you were using your cell phone. You became defensive, saying you had forgotten to take it (cell phone) out of your bag and that you had just answered it when it rang.

A Department of The Navy, Commander United States Pacific Fleet, letter, Subj: TEMPORARY REMOVAL OF ACCESS TO CLASSIFIED INFORMATION, dated September 30, 2020, notified you that your access to classified information is suspended until further notice. "This removal of access is the result of you using a personal cellular phone device on three occasions within a Restricted Area, to which such devices are prohibited, on 28 and 29 September, 2020, even after being told to remove the prohibited device from the space."

A command letter (Ser N02A/1206) dated October 8, 2020, signed by the Deputy Director Staff, U.S. Pacific Fleet, states that you willfully violated COMPACFLT 5510.20C twice. "The first willful violation was the second time he was caught with his phone on 28SEP2020. The second willful violation was when he was caught with his phone on 20SEP2020."

In a command letter dated October 7, 2020, Subj: Preliminary Inquiry into Possible Security Violations Reported on 30 September 2020, Summary of Findings, the following was annotated: "On 28 September Mr. Christopher Deryck was observed using his cell phone inside Bldg.250, N5 secure space on two occasions. Despite being challenged the first time, Mr. Deryck did not remove his cell phone from the space and was observed again 30 to 45 minutes after the first occasion. Mr. Deryck was also observed using his cell phone inside a security space on the following day (29 September) by another staff member." After information on the incidents were up-channeled through your command and security, your clearance was locally suspended on October 1, 2020. Mr. Deryck's actions were in violation of COMPACFLT security policy. "While the first instance of cell phone usage could be attributed to negligence, the second and third instances can be referred to as willful violations of security policy. This inquiry found no evidence of similar prior violations in Mr. Deryck's working space and is unlikely that he thought his actions were "okay." Mr. Deryck clearly understood the restrictions of this policy before the security violations occurred. The command letter noted that you are a retired Commander from the U.S. Navy. You have been an employee at COMPACFLT since 1999, first as an active duty military member, then as a civilian employee. Your current grade in GS 14. Your background as a Navy officer and current position in the COMPACFLT as a civilian employee indicate you have the experience and training to know your actions were clearly in violation of command security policies.

A MFR dated October 5, 2020, submitted by the Investigating Officer into your security violations interviewed you on October 5, 2020 and reported the following: "Mr. Deryck stated that he did not carry frequently his personal cell phone in his back and this occurred by exception on the two days when the violations were reported. He said that he had forgotten it in his back on both days. He described the first instance on 28 September and the instance on 29 September as unintentionally answering his phone after he had heard it ringing in his bag. When I asked him why he did not discontinue the use of his phone after being challenged, he answered that he was not sure. He added that at this time he was working on an "enormous" project and felt like he could take the phone out after he had finished because, he was too busy and too far behind. Mr. Deryck acknowledged that he had made a mistake and exercised poor judgment during that day. On the next day, 29 September, Mr. Deryck provided similar description of the incident: he had forgotten his phone in his bag, and again answered it when it rang. Mr. Deryck confirmed that the restriction of cell phone usage were clear to him before the security violations occurred.

Your command provided an email, Subj: Annual Security Refresher Training, dated September 25, 2020, from your Assistant Security Manager to you, stating "Thanks for completing the training." The email indicates that you completed the required annual security training just a few days before you committed multiple violations of the security policy regarding cell phone use in your work space.

Your multiple security violations involving cell phone use in a restricted area, especially after taking the Annual Security Refresher Training just a few days before the incidents and the fact that you have worked in this same office area (secure space) for over 10 years, have been trained

annually on security policy pertaining to your secure work area, and have admitted to being fully aware of the security policy regarding cell phone use in the work space, all raise doubt regarding your trustworthiness, judgment, reliability, or willingness and ability to safeguard classified and protected information. Therefore, your mishandling of protected information is a security concern. (Guideline K, Attachment 6)

List of Pertinent Documents

Defense Information System for Security (DISS) Incident Report, September 29, 2020

DoN, Memorandum, Preliminary Inquiry into Possible Security Violations, Witness Statement –, September 30, 2020

DoN Command Correspondence, Preliminary Inquiry into Possible Security Violations, October 8, 2020

DoN Command Correspondence, Preliminary Inquiry into Possible Security Violations, October 7, 2020

DoN, Memorandum, Preliminary Inquiry into Possible Security Violations, Witness Statement –, October 6, 2020

DoN, Memorandum, Preliminary Inquiry into Possible Security Violations, Witness Statement –, October 6, 2020

DoN, Memorandum, Preliminary Inquiry into Possible Security Violations, Witness Statement –, October 6, 2020

DoN, Memorandum, Preliminary Inquiry into Possible Security Violations, Witness Statement –, October 6, 2020

DoN, Memorandum, Preliminary Inquiry into Possible Security Violations, Witness Statement –, October 5, 2020

DoN, Memorandum, Preliminary Inquiry into Possible Security Violations, Witness Statement –, October 5, 2020

DoN, Memorandum, Preliminary Inquiry into Possible Security Violations, Witness Statement –, October 5, 2020

Christopher L. Deryck, Personal Statement. October 6, 2020

EXHIBIT E

REQUEST for RECORDS DCSA – Adjudications

To request a copy of your employing agency or military command personnel security records; your medical records; or credit reports obtained by the DoD Consolidated Adjudications Facility (DoD CAF), please complete this form, provide copies of two (2) identity source documents, and mail to:

Defense Counterintelligence and Security Agency (DCSA)
Attn: FOI/PA Office for Adjudications
600 10th Street
Fort George G. Meade, MD 20755-5131

Encrypted Email Only: dcsa.meade.dcsa-dvd.mbx.dodcaf-privacy-act@mail.mil

Note: If submitting via e-mail, you should ensure that the security of your e-mail system is adequate for transmitting your sensitive personally identifiable information (PII) before choosing to transmit your request.

Privacy Act Advisement: Requesting personal information which includes your Social Security Number is authorized by 5 USC Sec. 552a (*Privacy Act of 1974*). Information provided herein is used to identify and retrieve records pertaining to you. Providing all or part of the information below is voluntary; however, without it, the DoD CAF may not be able to identify your records. This information may be retained and/or released to other agencies under Routine Use.

Authority: E.O. 12968, Access to Classified Information; Department of Defense Manual 5200.02, *Procedures for the DoD Personnel Security Program*

Description of Records: Under the provisions of the *Privacy Act*, and to respond to a Statement of Reasons (SOR) issued by the DoD CAF, I hereby request a copy of record(s) pertaining to me, which the DoD CAF relied upon in its preliminary decision to deny/revoke my security eligibility.

Required Personally Identifiable Information is provided as follows:

Social Security Number: [REDACTED]

Full Name: CHRISTOPHER L. DERYCK

Other Names Used: [REDACTED]

Date of Birth: [REDACTED] Place of Birth: [REDACTED]

Physical mailing address:



E-mail address (personal or government):

CLDERYKKE@GMAIL.COM

Preferred delivery method: Hardcopy Mail Secure E-mail

"I declare under penalty of perjury under the laws of the United States of America that the foregoing information [concerning my identity] is true and correct."


Handwritten or CAC eSignature (required)

2-15-22
Date (required)

EXHIBIT F



DEPARTMENT OF THE NAVY

COMMANDER
UNITED STATES PACIFIC FLEET
250 MAKALAPA DRIVE
PEARL HARBOR, HAWAII 96860-3131

IN REPLY REFER TO:
5720
Ser N01J/052
June 23, 2022

SENT VIA FOIA ONLINE AND EMAIL

Mrs. Yolande Liddy
1250 Connecticut Ave
Suite 700
Washington, DC 20036

SUBJECT: FREEDOM OF INFORMATION ACT REQUEST (DON-NAVY-2022-008314)

This letter is in response to your Freedom of Information Act (FOIA) request received by the U.S. Pacific Fleet (PACFLT) on January 15, 2022 and assigned case file number DON-NAVY-2022-003499, wherein you request: “”Any and all investigations by the Navy, including any preliminary inquiries [regarding Mr. Christopher Deryck] in 2020 under [Commander, U.S. Pacific Fleet].”

In response to your request, my office located one record. The record is being partially released to you with redactions. Redactions have been made to names and other identifying information of individuals to protect the privacy interests of those individuals pursuant to 5 U.S.C. § 552(b)(6) and (b)(7)(C) of FOIA; as well as 5 U.S.C. § 552a(k)(2) of the Privacy Act.

In accordance with Department of Navy policy, no fees have been assessed.

If you are not satisfied with this action, you may file an appeal. Your appeal must be received (i.e., post-marked if by mail or submitted if by FOIAonline) within 90 calendar days from the date of this letter. There are two ways to file an appeal:

Through FOIAonline. This will work only if you previously set up an account on FOIAonline before you made the request that you wish to appeal. To do so, locate your request (enter a keyword or the request tracking number in the “Search for” field on the “Search” tab), click on it, then the “Create Appeal” tab in the left-hand column. Complete the subsequent field, click “Save,” and FOIAonline will submit your appeal.

By mail. Provide the appellate authority the following in an envelope marked “FOIA appeal”:

- A letter requesting an appeal that explains what you are appealing with any supporting arguments or reasons you think may be worthy of consideration;
- A copy of your initial request; and
- A copy of the letter of denial.

Address your appeal to:

Subj: FREEDOM OF INFORMATION ACT REQUEST (DON-NAVY-2022-008314)

The Judge Advocate General (Code 14)
1322 Patterson Avenue SE, Suite 3000,
Washington Navy Yard, D.C. 20374-5066

Also, send a copy of your appeal letter by mail or email to:

Commander, U.S. Pacific Fleet
Office of the Fleet Judge Advocate (N01J)
250 Makalapa Drive
Pearl Harbor, HI 96860-3131
Email: CPF.FOIA.fct@navy.mil

If you have any questions, please contact my office's FOIA section, at CPF.FOIA.fct@navy.mil. You may also contact the DON FOIA Public Liaison, Christopher Julka, at christopher.a.julka@navy.mil or (703) 697-0031. In addition, the Office of Government Information Services (OGIS) provides a voluntary mediation process for resolving disputes between persons making FOIA requests and the Department of the Navy. For more information, go to <https://www.archives.gov/ogis/about-ogis/contact-information>.

Sincerely,

D. E. WALLACE
Captain, JAGC, U.S. Navy
Fleet Judge Advocate

EXHIBIT G



Yolande Liddy <yolande@nationalsecuritylawfirm.com>

IMO: Christopher Deryck-xxx-xx [REDACTED] OIA REQUEST

1 message

Yolande Liddy <yolande@nationalsecuritylawfirm.com>
To: CPF-FOIA.FCT@navy.mil

Fri, May 13, 2022 at 4:40 PM

Sir/Madam This office represent Christopher Deryck in connection with a suspension of his security clearance. Please find attached an expedited FOIA request. Please provide the requested information as soon as possible. Thank you.

Yolande M. Liddy
Paralegal
National Security Law Firm
1250 Connecticut Avenue, NW
Suite 700
Washington, DC 20036
Phone: 202-600-4996
Fax: 202-545-6318
Email: yolande@nationalsecuritylawfirm.com

 **Christopher Deryck-FOIA-Navy.PDF**
321K

National Security Law Firm

1250 Connecticut Avenue, NW

Suite 700

Washington, D.C. 20036

202-600-4996

Fax 202-545-6318

Info@NationalSecurityLawFirm.com

Admitted in New Jersey, New York, Hawaii, California, Ohio, Minnesota, and Washington D.C

May 9, 2022

Via Email: CPF-FOIA.fct@navy.mil

Commander, U.S. Pacific Fleet
Office of the Fleet Judge Advocate
250 Makalapa Drive
JBPHH, HI 96830
Attn: FOIA Office

RE: Our Client: Christopher L. Deryck
[REDACTED]
[REDACTED]

Suspension of Security Clearance for Classified Information

Dear Sir/Madam:

Please be advised that I have been retained to represent Christopher L. Deryck. On his behalf, I am requesting all records pertaining to Mr. Deryck held by the Department of Navy.

I am forwarding this letter as an expedited request for processing. Please note that our office requires the expedited request under the expedited processing regulation noted as (iii) the loss of substantial due process rights.

Description of Records Sought:

- 1) All interagency and intra-agency correspondence pertaining to the above.
- 2) All interagency and intra-agency records related to the individual.
- 3) All investigation and standard forms pertaining to the above.
- 4) Any and all investigations by the Navy, including any preliminary inquiries in 2020.

Christopher L. Deryck's verification of identity:

Full Name: [REDACTED]
Social Security No: [REDACTED]
Date of Birth: [REDACTED]
Place of Birth: [REDACTED]
Address: 2055 Alihilami Place, Honolulu, HI 96822

Agreement to pay fees:

My office agrees to pay all applicable fees in accordance with federal law.

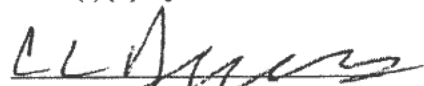
Preferred delivery method:

Please send all disclosures to 1250 Connecticut Avenue, Suite 700, Washington, DC 20036

Christopher L. Deryck's authorization for release:

I authorize information pertaining to me to be released to the National Security Law Firm, my legal counsel in this matter. I understand that I will not be furnished a duplicate copy of any disclosures. Pursuant to 5 USC 552a(b), I authorize the the Department of Navy to release my records to the National Security Law Firm.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct, that I am the person described above. I understand that any falsification of this statement is punishable under the provisions of 18 USC 1001 by a fine of not more than \$10,000, or by imprisonment for not more than five years or both, and that requesting or obtaining any record(s) under false pretenses is punishable under the provisions of 5 USC 552a(i)(3) by a fine of not more than \$5,000.


Christopher L. Deryck

10/11/2022
Date

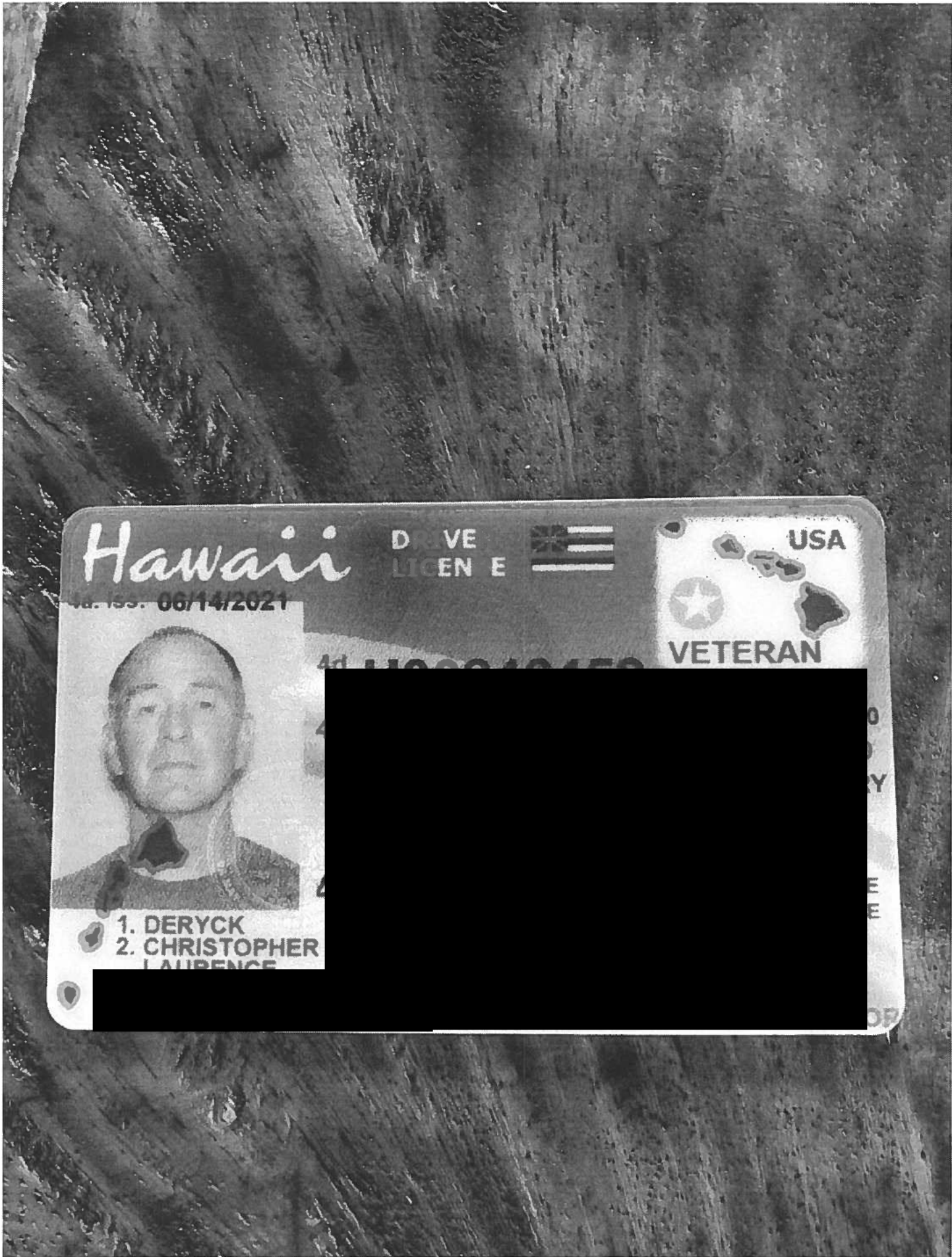
I hereby certify that the foregoing statements made by me in this request are true and correct. I am aware that if any statement made by me is willfully false, I am subject to punishment.

I would ask that you grant our request for the expedited processing on the aforementioned FOIA request. Thank you for your assistance in this matter.

Very truly yours,
Brett John O'Brien
Brett John O'Brien

BO/yml

Cc: Christopher L. Deryck



Hawaii

DRIVER LICENSE



USA

Iss. 06/14/2021



4d H00010150

VETERAN

1. DERYCK
2. CHRISTOPHER
LAURENCE

EXHIBIT H



Yolande Liddy <yolande@nationalsecuritylawfirm.com>

FOIA Request DON-NAVY-2022-008314 Submitted

1 message

no-reply@foiaonline.gov <no-reply@foiaonline.gov>
To: yolande@nationalsecuritylawfirm.com

Fri, May 13, 2022 at 4:45 PM

This message is to confirm your request submission to the FOIAonline application: [View Request](#). Request information is as follows:

- Tracking Number: DON NAVY 2022 008314
- Requester Name: Mrs. Yolande M Liddy
- Date Submitted: 05/13/2022
- Request Status: Submitted
- Description: IMO Christopher L Deryck FOIA request for all investigation by the Navy, including any preliminary inquiries in the year 2020. FOIA is attached.

EXHIBIT I



DEPARTMENT OF THE NAVY

COMMANDER
UNITED STATES PACIFIC FLEET
250 MAKALAPA DRIVE
PEARL HARBOR, HAWAII 96860-3131

IN REPLY REFER TO:
5720
Ser N01J/047
June 6, 2022

SENT VIA FOIA ONLINE AND EMAIL

Mrs. Yolande Liddy
1250 Connecticut Ave
Suite 700
Washington, DC 20036

SUBJECT: FREEDOM OF INFORMATION ACT REQUEST (DON-NAVY-2022-008314)

This letter is in response to your Freedom of Information Act (FOIA) request received by the U.S. Pacific Fleet (PACFLT) on January 15, 2022 and assigned case file number DON-NAVY-2022-003499, wherein you request: “IMO: Christopher L. Deryck-FOIA request for all investigations by the Navy, including any preliminary inquiries in the year 2020.”

In accordance with the Department of the Navy’s (DON) FOIA regulations (32 C.F.R. § 286.5(a)), a requester is required to describe the records sought in sufficient detail to enable an employee familiar with the subject area of the request to locate responsive records with a reasonable amount of effort. Your description does not comply with this requirement.

Your request is unclear, and seems to call for “all investigations” conducted by the Navy in 2020. This request is overly broad. We require more specificity to allow my office to reasonably ascertain which the requested records, locate them, and ensure a timely review and release of the records. As discussed in your telephone conversation with LT Robertson on May 17, 2022 specifying who the subject of the investigation sought, the command the subject of the investigation was working for, the geographic location of the subject at the time of the investigation, and any other details that you can provide will greatly assist us in locating the responsive documents.

Accordingly, we will not proceed further with your request until we receive additional clarification from you. Please modify your request in FOIAonline and via email with regard to the records requested. If we do not hear from you within twenty (20) business days of the date of this letter we will assume you are no longer interested in this request and will close the case accordingly. If you have any questions, please contact my office’s FOIA Coordinator, LT Richard Robertson, at CPF.FOIA.fct@navy.mil.

Sincerely,

D. E. WALLACE
Captain, JAGC, U.S. Navy
Fleet Judge Advocate

EXHIBIT J



DEPARTMENT OF THE NAVY

COMMANDER
UNITED STATES PACIFIC FLEET
250 MAKALAPA DRIVE
PEARL HARBOR, HAWAII 96860-3131

IN REPLY REFER TO:
5720
Ser N01J/052
June 23, 2022

SENT VIA FOIA ONLINE AND EMAIL

Mrs. Yolande Liddy
1250 Connecticut Ave
Suite 700
Washington, DC 20036

SUBJECT: FREEDOM OF INFORMATION ACT REQUEST (DON-NAVY-2022-008314)

This letter is in response to your Freedom of Information Act (FOIA) request received by the U.S. Pacific Fleet (PACFLT) on January 15, 2022 and assigned case file number DON-NAVY-2022-003499, wherein you request: “”Any and all investigations by the Navy, including any preliminary inquiries [regarding Mr. Christopher Deryck] in 2020 under [Commander, U.S. Pacific Fleet].”

In response to your request, my office located one record. The record is being partially released to you with redactions. Redactions have been made to names and other identifying information of individuals to protect the privacy interests of those individuals pursuant to 5 U.S.C. § 552(b)(6) and (b)(7)(C) of FOIA; as well as 5 U.S.C. § 552a(k)(2) of the Privacy Act.

In accordance with Department of Navy policy, no fees have been assessed.

If you are not satisfied with this action, you may file an appeal. Your appeal must be received (i.e., post-marked if by mail or submitted if by FOIAonline) within 90 calendar days from the date of this letter. There are two ways to file an appeal:

Through FOIAonline. This will work only if you previously set up an account on FOIAonline before you made the request that you wish to appeal. To do so, locate your request (enter a keyword or the request tracking number in the “Search for” field on the “Search” tab), click on it, then the “Create Appeal” tab in the left-hand column. Complete the subsequent field, click “Save,” and FOIAonline will submit your appeal.

By mail. Provide the appellate authority the following in an envelope marked “FOIA appeal”:

- A letter requesting an appeal that explains what you are appealing with any supporting arguments or reasons you think may be worthy of consideration;
- A copy of your initial request; and
- A copy of the letter of denial.

Address your appeal to:

Subj: FREEDOM OF INFORMATION ACT REQUEST (DON-NAVY-2022-008314)

The Judge Advocate General (Code 14)
1322 Patterson Avenue SE, Suite 3000,
Washington Navy Yard, D.C. 20374-5066

Also, send a copy of your appeal letter by mail or email to:

Commander, U.S. Pacific Fleet
Office of the Fleet Judge Advocate (N01J)
250 Makalapa Drive
Pearl Harbor, HI 96860-3131
Email: CPF.FOIA.fct@navy.mil

If you have any questions, please contact my office's FOIA section, at CPF.FOIA.fct@navy.mil. You may also contact the DON FOIA Public Liaison, Christopher Julka, at christopher.a.julka@navy.mil or (703) 697-0031. In addition, the Office of Government Information Services (OGIS) provides a voluntary mediation process for resolving disputes between persons making FOIA requests and the Department of the Navy. For more information, go to <https://www.archives.gov/ogis/about-ogis/contact-information>.

Sincerely,

D. E. WALLACE
Captain, JAGC, U.S. Navy
Fleet Judge Advocate

EXHIBIT K



Yolande Liddy <yolande@nationalsecuritylawfirm.com>

IMO: Christopher L. Deryck-FOIA Request

1 message

Yolande Liddy <yolande@nationalsecuritylawfirm.com>

Tue, Jul 5, 2022 at 4:14 PM

To: CPF-FOIA.FCT@navy.mil

Cc: Brett O'Brien <brett@national securitylawfirm.com>, Luke Ro e <luke@national securitylawfirm.com>, Cara Sliger <cara@nationalsecuritylawfirm.com>

Sir/Madam: Please be advised that this office represents Christopher Deryck. Attached please find a FOIA request. Please provide the information as soon as possible. Thank you.

Yolande M. Liddy

Paralegal

National Security Law Firm

1250 Connecticut Avenue, NW

Suite 700

Washington, DC 20036

Phone: 202-600-4996

Fa 202 545 6318

Email: yolande@nationalsecuritylawfirm.com**Chri Deryck FOIA 7 5 22 pdf**

1346K

National Security Law Firm

1250 Connecticut Avenue, NW

Suite 700

Washington, D.C. 20036

202-600-4996

Fax 202-545-6318

Info@NationalSecurityLawFirm.com

Admitted in New Jersey, New York, Hawaii, California, Ohio, Minnesota, and Washington D.C

June 27, 2022

Via Email: CPF-FOIA.fct@navy.mil

Commander, U.S. Pacific Fleet


Office of the Fleet Judge Advocate

250 Makalapa Drive

JBPHH, HI 96830

Attn: FOIA Office

RE: Our Client: Christopher L. Deryck

 for Classified Information
FOIA REQUEST #2022-008314

Dear Sir/Madam:

As you know this office represents Christopher L. Deryck for a security clearance denial appeal. Your office provided information on June 24, 2022 in response to our original FOIA request #2022-008314. Please note that our office seeks the following information which was not included in the material provided by your office.

I am forwarding this letter as an expedited request for processing. Please note that our office requires the expedited request under the expedited processing regulation noted as (iii) the loss of substantial due process rights.

Description of Records Sought:

- 1) A copy of the psychological evaluation report performed on August 24, 2021 with LCDR Broderick at the Makalapa Mental Health Clinic.
- 2) Copies of all of time card records for Mr. Christopher L. Deryck's, to include any records maintained through Automated Time Attendance and Production System (ATAAPS) or any other equivalent for the past five (5) years.
- 3) Copies of any records of Mr. Christopher L. Deryck entering or exiting the facility in which he worked, including entry/exit badging or any other means of tracking entry or exit from the facility for the past five (5) years.

- 4) Copies of any and all command climate surveys conducted by the command in the past five years, including any records related to corrective actions to address any identified issues.
- 5) Copies of any and all email communications or other correspondence between Mr. Christopher L. Deryck's supervisors and leadership in the Command concerning Mr. Deryck's entitlement to compensatory time off or overtime pay for hours worked in excess of his mandated 40-hour work week over the past five (5) years.
- 6) Copies of any personnel actions related to Mr. Christopher L. Deryck concerning his work schedule, including his core hours and what schedule plan he was under (e.g. a flex schedule).
- 7) Copies of any records related to allegations of Antideficiency Act or Fair Labor Standards Act violations by the Command, including allegations of violations for members of the Command having employees work more than 40-hour work weeks without ordering them to cease work or, alternatively, having them approved for compensatory time off or overtime pay.
- 8) Copies of any applicable Command policies related to compensatory time off or overtime pay, specifically as it relates to whose responsibility it is to manage employee hours and the appropriate processes for employing civilian employees beyond an approved 40-hour work week.

Christopher [REDACTED]

Agreement to pay fees:

My office agrees to pay all applicable fees in accordance with federal law.

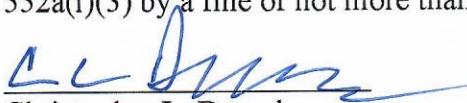
Preferred delivery method:

Please send all disclosures to 1250 Connecticut Avenue, Suite 700, Washington, DC 20036

Christopher L. Deryck's authorization for release:

I authorize information pertaining to me to be released to the National Security Law Firm, my legal counsel in this matter. I understand that I will not be furnished a duplicate copy of any disclosures. Pursuant to 5 USC 552a(b), I authorize the Department of Navy to release my records to the National Security Law Firm.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct, that I am the person described above. I understand that any falsification of this statement is punishable under the provisions of 18 USC 1001 by a fine of not more than \$10,000, or by imprisonment for not more than five years or both, and that requesting or obtaining any record(s) under false pretenses is punishable under the provisions of 5 USC 552a(i)(3) by a fine of not more than \$5,000.


Christopher L. Deryck

6/30/22
Date

I hereby certify that the foregoing statements made by me in this request are true and correct. I am aware that if any statement made by me is willfully false, I am subject to punishment.

I would ask that you grant our request for the expedited processing on the aforementioned FOIA request. Thank you for your assistance in this matter.

Very truly yours,
Brett John O'Brien
Brett John O'Brien

BO/yml

Cc: Christopher L. Deryck

Hawaii

DRIVER
LICENSE



4a. Iss: 06/14/2021



4d. **H00246452**

4b. **Exp: 09/06/2029**

3. **DOB: 09/06/1962**

5. 202106141304140165020

16. Ht: 6-00

17. Wt: 170

18. Eye: GRY

15. Gender: M

9. CI: 3

9a. En: NONE

12. Re: NONE



1. DERYCK
2. CHRISTOPHER
LAURENCE
8. 2055 ALIHILANI PL
HONOLULU, HI 96822

DONOR

EXHIBIT L



DEPARTMENT OF THE NAVY
COMMANDER
UNITED STATES PACIFIC FLEET
250 MAKALAPA DRIVE
PEARL HARBOR, HAWAII 96860-3131

IN REPLY REFER TO:
5720
Ser N01J/053
12 July 2022

SENT VIA FOIA ONLINE AND EMAIL

Mrs. Yolande Liddy
1250 Connecticut Ave
Suite 700
Washington, DC 20036

Dear Mrs. Liddy:

This is in reference to your Freedom of Information Act (FOIA)/Privacy Act (PA) request dated July 6, 2022. Your request was received in our office on the same day and assigned case number DON-NAVY-2022-010187

In the course of processing your FOIA request, it has been determined that we are unable to conduct a search for responsive records wherein you request "request for security clearance records and its denial reasoning."

In order to further assist you, it has been determined that the records you are seeking may be maintained by the Department of Defense: Consolidated Adjudications Facility (DoD CAF)

According to the DoD CAF (<https://dodcaf-whs.mil>) all requests must be hand-written and mailed either via regular mail or e-mail:

DOD CONSOLIDATED ADJUDICATIONS FACILITY
ATTN: Privacy Act Office
Building 600 10th Street
Fort Meade, MD 20755-5615
WHS.MEADE.DODCAF.MBX.DODCAF-PRIVACY-ACT@MAIL.MIL

(Please be advised that sending your Private Information via unsecure e-mail is a RISK & USPS mail is the DoDCAF preferred method.)

The request for DoD CAF records must include the following information and be HANDWRITTEN, SIGNED and DATED.

- Complete Description of Records Requested
- Full Name
- Date & Place of Birth
- Social Security Number
- Current Mailing Address to Receive Records

- Declaration of identity: "I declare under penalty of perjury under the laws of the United States of America that the foregoing information [concerning my identity] is true and correct."

In view of the above determination, your request is being returned to you, recommending that you write directly to the above-identified officials to request a copy of background investigation

In this instance, the fees associated with the processing of your request are waived, but this action is not indicative of how future requests will be handled.

For this determination, you have the right to seek dispute resolution services from either the DoD Navy Component FOIA Public Liaison, Mr. Chris Julka, at: Christopher.a.julka@navy.mil, via phone: (703) 697-0031; or by contacting the Office of Government Information Services at:(<https://ogis.archives.gov/>), (202) 741-5770, ogis@nara.gov.

Questions regarding the action this office has taken to process your request may be directed to our FOIA Coordinator, CDR Jennifer Fraser at CPF.FOIA.fct@navy.mil.

Sincerely,

D. E. WALLACE
Captain, JAGC, U.S. Navy
Fleet Judge Advocate

EXHIBIT M



DEFENSE COUNTERINTELLIGENCE AND SECURITY AGENCY

27130 TELEGRAPH ROAD
QUANTICO, VA 22134-2253

March 10, 2022
DCSA-M 22-04015

Mr. Christopher L. Deryck
2055 Alihilanii Place
Honolulu, HI 96822

Dear Mr. Deryck:

This is in response to your February 15, 2022, request for a copy of the records pertaining to you, which the Department of Defense Consolidated Adjudications Facility (DoD CAF) relied upon in its preliminary decision to deny/revoke your security eligibility, pursuant to DoDM 5200.02. Your request was received on February 24, 2022. Attached is a list of the pertinent documents, which the DoD CAF relied upon to create the Statement of Reasons (SOR) dated January 6, 2022, and the respective release authority for each document.

Our search revealed the attached document, which we are authorized to release to you in accordance with the *Privacy Act of 1974*. The document is released to you in full; no information has been withheld.

Records responsive to your request, which fall under the release authority of the Office of the Chief of Naval Operations (CNO) were located. We do not have release authority for those records; thus, we are referring your request and responsive records to their Privacy Office, for action and direct response to you.

If you have questions concerning the processing of this request, you may contact the HQ DCSA FOIA Office by emailing dcsa.quantico.dcsa-hq.mbx.foia@mail.mil. We hope this information is helpful, and appreciate the opportunity to assist you in this matter.

Sincerely,

M. Munoz

Digitally signed by M. Munoz
Date: 2022.03.10 14:30:39
-05'00'

for/

Joy F. Greene

Chief, FOI/PA Office for Adjudications

Defense Counterintelligence and Security Agency

Attachments:
As stated

PRIVACY ACT INFORMATION

In compliance with the Privacy Act of 1974, this information is Personal Data and must be protected from public disclosure.

RE: DCSA-M 22-04015

List of pertinent documents of the DoD CAF Memorandum dated January 6, 2022, "Subject: Intent to Revoke Eligibility for Access to Classified Information, Assignment to Duties that have been Designated National Security Sensitive, and Access to Sensitive Compartmented Information (SCI)," and respective release authority:

**DCSA FOIA and Privacy Office for Adjudications
(DOD CAF records) (Attached):**

- Defense Information System for Security (DISS) Incident Report, dated September 29, 2020

CNO:

- DoN, Memorandum, Preliminary Inquiry into Possible Security Violations, Witness Statement, dated September 30, 2020
- DoN, Memorandum, Preliminary Inquiry into Possible Security Violations, Witness Statement, dated October 5, 2020
- DoN, Memorandum, Preliminary Inquiry into Possible Security Violations, Witness Statement, dated October 5, 2020
- DoN, Memorandum, Preliminary Inquiry into Possible Security Violations, Witness Statement, dated October 5, 2020
- DoN, Memorandum, Preliminary Inquiry into Possible Security Violations, Witness Statement, dated October 6, 2020
- DoN, Memorandum, Preliminary Inquiry into Possible Security Violations, Witness Statement, October 6, 2020
- DoN, Memorandum, Preliminary Inquiry into Possible Security Violations, Witness Statement, October 6, 2020
- DoN, Memorandum, Preliminary Inquiry into Possible Security Violations, Witness Statement, October 6, 2020
- Christopher L. Deryck, Personal Statement, dated October 6, 2020
- DoN Command Correspondence, Preliminary Inquiry into Possible Security Violations, dated October 7, 2020
- DoN Command Correspondence, Preliminary Inquiry into Possible Security Violations, dated October 8, 2020

Attachments

About CATS **Subject Details** *

CHRISTOPHER L. DERYCK

SSN: ██████████ DoD EDI PN: 1080531105
 DOB: ██████████ Eligibility Level: SCI - ICD704
 Place Of Birth: AKRON, unknown Eligibility Determination: Favorable made on 2020-07-27 by DoD CAF
 Exception Code: None Open Investigation: No
 Supporting Investigation: SBPR NDA Signed Date: 2022/02/15
 Incident Report: Yes NDS Signed Date: 1999/03/19

Subject Actions

- Basic Info
- Other Subject Details
- SMO Relationships
- Incidents
- Accesses
- CSRS/RFAS
- Subject Notes/Documents
- Foreign Travel

Incidents (3)

Status	Date	Type(s)	Self Reported	Expand
Adjudication Pending	2020/09/29	Handling Protected Information	No	
Incident Reported Date: 2020/09/29		Access Debriefed: Yes		

Incident Notes (1)

- This is NOT a new incident - CPF has made the decision to formally suspend the members access, and DISS does not allow an old incident to be modified. The intent is to suspend all accesses but DISS ill not allow that to be selected.

Incident Documents (1)

Name	Type	Notes	View
Deryck suspension letter	Other	Deryck suspension letter	
Adjudication Pending	2020/09/29	Psychological Conditions, Handling Protected Information	No
Adjudication Completed	2018/10/21	Alcohol Consumption, Criminal Conduct	No

About CAIS **Subject Details** *

CHRISTOPHER L. DERYCK

SSN: [REDACTED] DOD EDI PN: 1080531105
 DOB: [REDACTED] Eligibility Level: SCI - ICD704
 Place Of Birth: AKRON, unknown Eligibility Determination: Favorable made on 2020-07-27 by DoD CAF
 Exception Code: None Open Investigation: No
 Supporting Investigation: SBPR NDA Signed Date: 2022/02/15
 Incident Report: Yes NDS Signed Date: 1999/03/19

Subject Actions

- Basic Info.
- Other Subject Details
- SMO Relationships
- Incidents
- Accesses
- CSRs/RFAs
- Subject Notes/Documents
- Foreign Travel

Incidents (3)

Status	Date	Type(s)	Self Reported	Expand
Adjudication Pending	2020/09/29	Handling Protected Information	No	
Adjudication Pending	2020/09/29	Psychological Conditions, Handling Protected Information	No	
Incident Reported Date: 2020/10/01 Access Debriefed: No				

Incident Notes (1)

- Member has been observed for the last 3 weeks exhibiting behavior described as increasingly erratic, and has been seen with a cellphone in classified spaces on several occasions. The command security manager has been ordered to remove the members access to classified information.

Incident Documents (3)

Name	Type	Notes	View
MFR	Incident Report Documentation		
MFR	Incident Report Documentation		
debrief	Other	debrief	

EXHIBIT N



Yolande Liddy <yolande@nationalsecuritylawfirm.com>

IMO: Christopher L. Deryck-xxx-xx-██████-FOIA REQUEST (EXPEDITED)

1 message

Yolande Liddy <yolande@nationalsecuritylawfirm.com>

Mon, May 9, 2022 at 11:04 AM

To: DCSA for FOIA REQUESTS ONLY <dcsa.meade.caf.mbx.privacy-act@mail.mil>

Sir/Madam Please be advised that this office represents Christopher L. Deryck in his security clearance denial appeal. Please find attached an expedited FOIA request. Please provide the information as soon as possible. Thank you.

Yolande M. Liddy
Paralegal
National Security Law Firm
1250 Connecticut Avenue, NW
Suite 700
Washington, DC 20036
Phone: 202-600-4996
Fax: 202-545-6318
Email: yolande@nationalsecuritylawfirm.com

 **Deryck FOIA (1).pdf**
792K

EXHIBIT O

National Security Law Firm

1250 Connecticut Avenue, NW
Suite 700
Washington, D.C. 20036

202-600-4996

Fax 202-545-6318

Info@NationalSecurityLawFirm.com

Admitted in New Jersey, New York, Hawaii, California, Ohio, Minnesota, and Washington D.C

May 4, 2022

Via Email and Certified Mail: dcsa.meade.caf.mbx.privacy-act@mail.mil

Defense Counterintelligence and Security Agency (DCSA)

Attn: FOI/PA Office for Adjudications

1137 Branchton Road, Box 618

Boyers, PA 16018

RE: Our Client: Christopher L. Deryck

SS#: [REDACTED]

Suspension of Security Clearance for Classified Information

Dear Sir/Madam:

Please be advised that I have been retained to represent Christopher L. Deryck. On his behalf, I am requesting all records pertaining to Mr. Deryck held by the Department of Defense.

I am forwarding this letter as an expedited request for processing. Please note that our office requires the expedited request under the expedited processing regulation noted as (iii) the loss of substantial due process rights.

Description of Records Sought:

- 1) All interagency and intra-agency correspondence pertaining to the above.
- 2) All interagency and intra-agency records related to the individual.
- 3) All investigation and standard forms pertaining to the above.
- 4) Complete copy of investigative interview with Department of Defense investigator.
- 5) DISS Incident Report, September 29, 2020
- 6) DoN Memorandum, Preliminary Inquiry - Witness Statement - September 30, 2020
- 7) DoN Correspondence, Preliminary Inquiry - Witness Statement - October 8, 2020
- 8) DoN Command Correspondence - Preliminary Inquiry-Witness Statement - October 7, 2020
- 9) DoN Memorandum - Preliminary Inquiry - Witness Statements on October 6, 2020 (noted as four separate witness statements on Statement of Reasons, List of Pertinent Documents dated January 6, 2022)
- 10) DoN Memorandum - Preliminary Inquiry - Witness Statements on October 5, 2022 (noted as two separate witness statements on Statement of Reasons, List of Pertinent Documents dated January 6, 2022)
- 11) Personal Statement of Christopher L. Deryck dated October 6, 2020

12) Copy of medical evaluations performed on May 27, 2020 and August 24, 2021 noted in the Statement of Reasons dated January 6, 2022.

Christopher L. Deryck's verification of identity:

Full Name: Christopher L. Deryck
Social Security: [REDACTED]
Date of Birth: [REDACTED]
Place of Birth: [REDACTED]
Address: [REDACTED]

Agreement to pay fees:

My office agrees to pay all applicable fees in accordance with federal law.

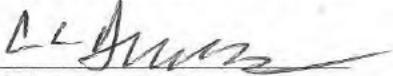
Preferred delivery method:

Please send all disclosures to 1250 Connecticut Avenue, Suite 700, Washington, DC 20036

Christopher L. Deryck's authorization for release:

I authorize information pertaining to me to be released to the National Security Law Firm, my legal counsel in this matter. I understand that I will not be furnished a duplicate copy of any disclosures. Pursuant to 5 USC 552a(b), I authorize the the Department of Defense to release my records to the National Security Law Firm.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct, that I am the person described above. I understand that any falsification of this statement is punishable under the provisions of 18 USC 1001 by a fine of not more than \$10,000, or by imprisonment for not more than five years or both, and that requesting or obtaining any record(s) under false pretenses is punishable under the provisions of 5 USC 552a(i)(3) by a fine of not more than \$5,000.


Christopher L. Deryck

MAY 5, 2022
Date

I hereby certify that the foregoing statements made by me in this request are true and correct. I am aware that if any statement made by me is willfully false, I am subject to punishment.

**I would ask that you grant our request for the expedited processing on the
aforementioned FOIA request. Thank you for your assistance in this matter.**

Very truly yours,
Brett John O'Brien
Brett John O'Brien

BO/yml

Cc: Christopher L. Deryck

Hawaii

DRIVER
LICENSE



4a. Iss: 06/14/2021



4d. **H00246452**

4b. **Exp: 09/06/2029**

3. **DOB: 09/06/1962**

5. 202106141304140165020

16. Ht: 6-00

17. Wt: 170

18. Eye: GRY

15. Gender: M

9. CI: 3

9a. En: NONE

12. Re: NONE

Christopher Deryck



1. DERYCK
2. CHRISTOPHER
LAURENCE

8. 2055 ALIHILANI PL
HONOLULU, HI 96822

DONOR

EXHIBIT P



Yolande Liddy <yolande@nationalsecuritylawfirm.com>

DCSA Records Request - Acknowledgement, 22-07122

1 message

DCSA Ft Meade DCSA Mailbox Privacy Act <dcsa.meade.dcsa.mbx.privacy-act@mail.mil> Fri, May 20, 2022 at 2:47 PM
To: Yolande Liddy <yolande@nationalsecuritylawfirm.com>

Dear Sir/Ma'am

REF: DERYCK, Christopher

This email serves to acknowledge receipt of your request for records per the Freedom of Information Act and Privacy Act of 1974. Your request has been assigned tracking number DCSA-M 22-07122 and placed in our queue for processing. We are required to respond to each request in the order in which it was received; therefore, no request is shown favoritism or given priority above another. We appreciate the opportunity to assist you in this matter.

Freedom of Information and Privacy Office for Adjudications
Defense Counterintelligence and Security Agency
600 10th Street
Fort George Meade, MD 20755
E-mail: dcsa.meade.caf.mbx.privacy-act@mail.mil
Web <http://www.dcsa.mil/contact/foia/foip/>

EXHIBIT Q



Yolande Liddy <yolande@nationalsecuritylawfirm.com>

IMO: Christopher Deryck-FOIA Request #: 22-07122

1 message

Yolande Liddy <yolande@nationalsecuritylawfirm.com>

Fri, Jun 24, 2022 at 10:20 AM

To: DCSA for FOIA REQUESTS ONLY <dcsa.meade.caf.mbx.privacy-act@mail.mil>

Cc: Brett O'Brien <brett@national securitylawfirm.com>, Luke Ro e <luke@national securitylawfirm.com>, Cara Sliger <cara@nationalsecuritylawfirm.com>

Sir/Madam: As you know this office represents Christopher Deryck in connection with a security clearance denial appeal. On May 4, 2022, our office forwarded a FOIA request to your offices which was acknowledged under Request #: 22-07122. Please provide this office with a status on the above request as soon as possible. Thank you. Attached is your acknowledgement of this request.

Yolande M. Liddy
Paralegal
National Security Law Firm
1250 Connecticut Avenue, NW
Suite 700
Washington, DC 20036
Phone: 202-600-4996
Fax: 202-545-6318
Email: yolande@nationalsecuritylawfirm.com


 **Deryck-FOIA ACKNOWLEDGEMENT-National Security Law Firm Mail - DCSA Records Request - Acknowledgement, 22-07122.pdf**
64K

EXHIBIT R



DEFENSE COUNTERINTELLIGENCE AND SECURITY AGENCY

**27130 TELEGRAPH ROAD
QUANTICO, VA 22134-2253**

July 5, 2022
DCSA-M 22-07122

Mr. Brett J. O'Brien
National Security Law Firm
1250 Connecticut Avenue, NW, Suite 700
Washington, DC 20036

RE: Deryck, Christopher L.

Dear Mr. O'Brien:

This is in response to your Freedom of Information/Privacy Act request (FOI/PA) dated May 4, 2022, on behalf of your client, Mr. Deryck, wherein you requested all records pertaining to Mr. Deryck. Your request, including Mr. Deryck's authorization for release, was received in the Defense Counterintelligence and Security Agency (DCSA) Freedom of Information and Privacy Office for Adjudications on May 20, 2022. We conducted a search for records pertaining to Mr. Deryck.

Per the *Freedom of Information Act* and the *Privacy Act of 1974*, the attached record(s) were determined to be partially releasable to you. We also identified responsive records, consisting of 35 pages total, which we have withheld under the provisions of the *Privacy Act of 1974*, Title 5 U.S.C. § 552(a), exemption (d)(5), and the *Freedom of Information Act* (FOIA), Title 5 U.S.C. § 552, exemptions (b)(5), (b)(6), and (b)(7)(C). Privacy Act exemption (d)(5) protects disclosure of information that is compiled in reasonable anticipation of civil action or proceedings, court proceedings or quasi-judicial administrative hearings. FOIA exemption (b)(5) protects inter-and intra-agency documents which are deliberative in nature, and part of the decision making process. We determined the information is also protected under the attorney work-product privilege, and/or attorney-client privilege. Portion(s) of the record(s) contain privacy-related information about a party other than your client. Thus, Mr. Deryck is not entitled to third party information under the provisions of the Privacy Act. This information is also withheld per the Freedom of Information Act, Title 5 U.S.C. § 552, exemptions (b)(6) and (b)(7)(C), as disclosure of the information would constitute a clearly unwarranted invasion of the personal privacy of the individual(s) involved.

Records potentially responsive to your request, which fall under the release authority of the Department of the Navy, were located. We do not have release authority for those records; thus, we are referring your request and responsive records to their Privacy Office at: Office of the Chief of Naval Operations (CNO), FOIA/Privacy Act Program Office/Service Center, Attn: DNS 36, 2000 Navy Pentagon, Washington, DC 20350-2000, for action and direct response to you.

Mr. Deryck has the right to appeal this response by submitting a written request to the: Defense Counterintelligence and Security Agency, ATTN: Office of General Counsel, 27130 Telegraph Road, Quantico, VA 22134-2253. Clearly mark the outside of the envelope and the written appeal letter: "*Privacy/FOIA Appeal*." The appeal must be received by DCSA within

PRIVACY ACT INFORMATION

In compliance with the Privacy Act of 1974, this information is Personal Data and must be protected from public disclosure.

ninety (90) calendar days from the date of this letter to be considered timely. The written appeal letter should include the reasons why the requested information should be released and why this action may be in error. Include with the appeal letter a copy of the original request and this response letter. Please reference FOI/PA tracking number DCSA-M 22-07122 in all communication(s).

Your client may seek dispute resolution services from the HQ DCSA FOIA Office or the Office of Government Information Services (OGIS). The HQ DCSA FOIA Office may be contacted by emailing dcsa.quantico.dcsa-hq.mbx.foia@mail.mil. OGIS was created to offer mediation services to resolve disputes between FOIA requesters and federal agencies as a non-exclusive alternative to litigation. OGIS may be contacted in any of the following ways:

U.S. National Archives and Records Administration
Office of Government Information Services
8601 Adelphi Road – OGIS
College Park, MD 20740-6001

Phone: 202-741-5770
Toll-Free: 1-877-684-6448
Fax: 202-741-5769
Email: ogis@nara.gov

We hope this information is helpful, and appreciate the opportunity to assist you in this matter.

Sincerely,

Joy F. Greene
Supervisory Government Information Specialist
FOI and Privacy Office for Adjudications

Attachment(s):
As stated