

EXHIBIT C



May 4, 2023

VIA FACSIMILE

ATTN: FOIA Appeals Office
Office of the Judge Advocate General
1322 Patterson Ave. SE, Suite 3000
Washington Navy Yard, DC 20374
Fax: (202) 685-5472

Re: Freedom of Information Act Appeal – Request DON-NAVY-2023-007037

Dear FOIA Appeals Officer:

Pursuant to the Freedom of Information Act (FOIA), 5 U.S.C. § 552(a)(6)(A), and the implementing regulations of the Department of Defense (DOD), 32 C.F.R. pt. 286, American Oversight submits the following administrative appeal.

Background

On March 15, 2023, American Oversight submitted a FOIA request to the Department of Navy (“Navy” or “the agency”) seeking the following:

1. Any report of an incident of white supremacist, white nationalist, white separatist, far-right, alt-right, or pro-Nazi activity or ideology among military personnel.
2. Any study concerning incidents of white supremacist, white nationalist, white separatist, far-right, alt-right, or pro-Nazi activity or ideology among military personnel in the possession of or created, utilized, maintained, received, or distributed by the Department of the Navy.
3. Records sufficient to identify the number of incidents or reports of white supremacist, white nationalist, white separatist, far-right, alt-right, or pro-Nazi activity or ideology among military personnel, and any ensuing action recommended or executed by your agency, since February 11, 2020, or the earliest date thereafter for which this information is available.

To the extent that this information is aggregated and maintained in a database or spreadsheet,^[1] we would accept as responsive a printout from the database containing fields reflecting the date and key facts of each incident or report as well as any ensuing action



recommended or executed by the Department of the Navy. American Oversight does not object to the redaction of names, addresses, or other personally identifying information from records responsive to this request.

Please provide all responsive records from February 11, 2020, through the date the search is conducted.

[1] American Oversight requests responsive data in a Microsoft Excel spreadsheet format, to the extent that your agency maintains such data in a database or other format that can be readily exported into such format.

Ex. A.

By email dated March 16, 2023, Navy acknowledged American Oversight's request and assigned it tracking number DON-NAVY-2023-007037.

By email dated April 28, 2023 and attached letter, Navy provided a final response to parts 2 and 3 of the request. Ex. B. The agency noted that its FOIA office contacted the Navy Culture and Resilience Office and Equal Opportunity and Sexual Harassment Office, each of which conducted searches of their local files. *Id.* The Equal Opportunity and Sexual Harassment Office identified 1 record totaling 18 pages, which Navy determined to release in part and withhold in part, pursuant to 5 U.S.C. § 552(b)(6) (Exemption 6). *Id.*

The agency's determination that records are exempt in part constitutes an adverse determination under DOD regulations. *See* 32 C.F.R. § 286.9(e). Pursuant to the requirements of 32 C.F.R. § 286.11, American Oversight submits this administrative appeal of Navy's following actions:

- (1) Failure to Provide an Adequate Administrative Determination
- (2) Failure to Conduct an Adequate Search for Records
- (3) Withholdings Under Claim of Exemption 6

Failure to Provide an Adequate Administrative Determination

Navy's response provides no detail regarding the agency's search, beyond the minimal information of the names of the two offices that conducted searches: the Navy Culture and Resilience Office and the Equal Opportunity and Sexual Harassment Office. *See* Ex. B. Navy's response does not explain, for instance, which locations or custodians within those offices were searched; the date range applied; any key terms, search terms, or other query limitations used; or any guidance or parameters used to define the language in American Oversight's request. Nor does the response provide any rationale for those offices' excluding part 1 of the request in their searches, or any rationale for ostensibly excluding other offices from the search.

American Oversight thus cannot appeal the agency's response in a fully adequate manner, and American Oversight reserves the right to challenge search deficiencies and withholdings not described in the agency's bare response.

Failure to Conduct an Adequate Search for Records

An agency fulfills its obligation under FOIA if it can show “beyond material doubt that its search was reasonably calculated to uncover all relevant documents.” *Ancient Coin Collectors Guild v. U.S. Dep’t of State*, 641 F.3d 504, 514 (D.C. Cir. 2011). Navy has not shown that it conducted a search to meet its burden under this standard. The agency's failure to conduct an adequate search amounts to an improper withholding under—and violation of—FOIA. *Rodriguez v. U.S. Dep’t of Defense*, 236 F. Supp. 3d 26, 34 (D.D.C. 2017) (“It is axiomatic that an inadequate search for records constitutes an improper withholding under FOIA.”). As described above, Navy has not provided any information regarding the search to show that it conducted an adequate search.

Appeal of Exemption 6 Withholdings

Navy's response does not satisfy its burden to show that Exemption 6 properly applies or that the foreseeable harm standard applies.

An agency applying Exemption 6 must engage in a four-part analysis: first, whether the information at issue is a qualifying personnel, medical, or similar file under Exemption 6; second, whether there is a substantial privacy interest in the responsive records; third, the public interest in disclosure; and fourth, the balance of the competing public and private interests. *See* Dep’t of Justice Guide to the Freedom of Information Act, Exemption 6 at 1–2.¹

In its response, Navy offers only that the records “contain instances of personally identifiable information (PII), such as names, dates of birth, and social security numbers of individuals,” and the conclusory assertion that such instances are exempt under Exemption 6 “since release of this information would result in a clearly unwarranted invasion of their personal privacy.” Ex. B. Navy's response does not engage in the required analysis or balancing test for each type of information that it withholds.

While American Oversight's request noted that it “does not object to the redaction of names, addresses, or other personally identifying information from records responsive to this request,” Ex. A, it is not evident from face of the records whether all of the redacted information constitute personally identifiable information. In particular, some redactions have been applied over portions of narrative entries, where it is unclear what type or category of information has been withheld. *See, e.g.*, Ex. B at 4, 9, 16. American Oversight therefore cannot fully assess the propriety of Navy's claim of Exemption 6.

Further, Navy's response did not meet its burden to show that releasing the withheld portions of the records would result in reasonably foreseeable harm. FOIA requires that

¹ Available at <https://www.justice.gov/oip/page/file/1207336/download>.

an agency may withhold responsive records under a discretionary exemption only if the agency reasonably foresees that disclosure would harm an interest protected by an exemption. *See* 5 U.S.C. § 552(a)(8)(A)(i). In doing so, the agency must go beyond “‘general explanations’ and ‘boiler plate language.’” *Ctr. for Investigative Reporting v. U.S. Customs & Border Prot.*, 436 F. Supp. 3d 90, 106 (D.D.C. 2019). Navy’s response offers no confirmation that the agency even considered the foreseeable harm standard in making its determination,² let alone provides a sufficient explanation.

Conclusion

For the foregoing reasons, Navy has failed to provide an adequate administrative determination, failed to conduct an adequate search for records, and failed to justify its claim of Exemption 6. Accordingly, American Oversight requests that Navy:

- (a) Conduct adequate searches for the records American Oversight has requested;
- (b) Provide American Oversight with information about the search methods and parameters used to identify responsive records;
- (c) Promptly release any responsive, non-exempt records, or portions thereof; and
- (d) Release the portions of the records withheld under claim of Exemption 6.

Thank you for your consideration of this appeal. As provided in 5 U.S.C. § 552(a)(6)(A)(ii), we look forward to your determination on our appeal within twenty working days.

For questions regarding any part of this appeal or the underlying request for records, please contact Mehreen Rasheed at foia@americanoversight.org or (202) 848-1320.

Sincerely,

/s/ Mehreen Rasheed
Mehreen Rasheed
on behalf of
American Oversight

² *See* Freedom of Information Act Guidelines, Memorandum from the Attorney General, March 15, 2022, <https://www.justice.gov/ag/page/file/1483516/download> (“To help ensure proper application of the foreseeable harm standard, agencies should confirm in response letters to FOIA requesters that they have considered the foreseeable harm standard when reviewing records and applying FOIA exemptions.”).

EXHIBIT A



March 15, 2023

VIA EMAIL

FOIA Officer
Chief of Naval Operations, DNS-36
2000 Navy Pentagon
Washington, DC 20350-2000
usn.ncr.dns.mbx.don-foia-pa@us.navy.mil

Re: Freedom of Information Act Request

Dear FOIA Officer:

Pursuant to the Freedom of Information Act (FOIA), 5 U.S.C. § 552, and the implementing regulations of your agency, American Oversight makes the following request for records.

Requested Records

American Oversight requests that the Department of the Navy produce the following records within twenty business days:

1. Any report of an incident of white supremacist, white nationalist, white separatist, far-right, alt-right, or pro-Nazi activity or ideology among military personnel.
2. Any study concerning incidents of white supremacist, white nationalist, white separatist, far-right, alt-right, or pro-Nazi activity or ideology among military personnel in the possession of or created, utilized, maintained, received, or distributed by the Department of the Navy.
3. Records sufficient to identify the number of incidents or reports of white supremacist, white nationalist, white separatist, far-right, alt-right, or pro-Nazi activity or ideology among military personnel, and any ensuing action recommended or executed by your agency, since February 11, 2020, or the earliest date thereafter for which this information is available.

To the extent that this information is aggregated and maintained in a database or spreadsheet,¹ we would accept as responsive a printout from the database containing fields reflecting the date and key facts of each incident or report as well as any ensuing action recommended or executed by the Department of the

¹ American Oversight requests responsive data in a Microsoft Excel spreadsheet format, to the extent that your agency maintains such data in a database or other format that can be readily exported into such format.



Navy. American Oversight does not object to the redaction of names, addresses, or other personally identifying information from records responsive to this request.

Please provide all responsive records from February 11, 2020, through the date the search is conducted.

Fee Waiver Request

In accordance with 5 U.S.C. § 552(a)(4)(A)(iii) and your agency's regulations, American Oversight requests a waiver of fees associated with processing this request for records. The subject of this request concerns the operations of the federal government, and the disclosures will likely contribute to a better understanding of relevant government procedures by the general public in a significant way. Moreover, the request is primarily and fundamentally for non-commercial purposes.

American Oversight requests a waiver of fees because disclosure of the requested information is "in the public interest because it is likely to contribute significantly to public understanding of operations or activities of the government."² The public has a significant interest in extremism within the U.S. military.³ Records with the potential to shed light on this issue would contribute significantly to public understanding of operations of the federal government, including whether and to what extent the U.S. military has taken any action in response to service members identified as planning or engaging in criminal activity or other misconduct based on extremist ideologies. American Oversight is committed to transparency and makes the responses agencies provide to FOIA requests publicly available, and the public's understanding of the government's activities would be enhanced through American Oversight's analysis and publication of these records.

This request is primarily and fundamentally for non-commercial purposes.⁴ As a 501(c)(3) nonprofit, American Oversight does not have a commercial purpose and the release of the information requested is not in American Oversight's financial interest. American Oversight's mission is to promote transparency in government, to educate the public about government activities, and to ensure the accountability of government officials. American Oversight uses the information gathered, and its analysis of it, to educate the public through reports, press releases, or other media. American Oversight

² 5 U.S.C. § 552(a)(4)(A)(iii).

³ Will Carless, *13 Investigations, No Court-Martials: Here's How the US Navy and Marine Corps Quietly Discharged White Supremacists*, USA Today (Apr. 13, 2021, 8:00 AM), <https://www.usatoday.com/in-depth/news/nation/2021/04/13/us-navy-marines-white-supremacy-discharged/4566463001/>; Alicia Tatone, *Inside the U.S. Military's Battle with White Supremacy and Far-Right Extremism*, NBC News (May 25, 2019, 8:32 AM), <https://www.nbcnews.com/think/opinion/inside-u-s-military-s-battle-white-supremacy-far-right-ncna1010221>.

⁴ See 5 U.S.C. § 552(a)(4)(A)(iii).

also makes materials it gathers available on its public website and promotes their availability on social media platforms, such as Facebook and Twitter.⁵

American Oversight has also demonstrated its commitment to the public disclosure of documents and creation of editorial content through regular substantive analyses posted to its website.⁶ Examples reflecting this commitment to the public disclosure of documents and the creation of editorial content include the posting of records related to the Trump Administration's contacts with Ukraine and analyses of those contacts;⁷ posting records and editorial content about the federal government's response to the Coronavirus pandemic;⁸ posting records received as part of American Oversight's "Audit the Wall" project to gather and analyze information related to the administration's proposed construction of a barrier along the U.S.-Mexico border, and analyses of what those records reveal;⁹ the posting of records related to an ethics waiver received by a senior Department of Justice attorney and an analysis of what those records demonstrated regarding the Department's process for issuing such waivers;¹⁰ and posting records and analysis of federal officials' use of taxpayer dollars to charter private aircraft or use government planes for unofficial business.¹¹

⁵ American Oversight currently has approximately 16,000 followers on Facebook and 112,700 followers on Twitter. American Oversight, Facebook, <https://www.facebook.com/weareoversight/> (last visited Mar. 10, 2023); American Oversight (@weareoversight), Twitter, <https://twitter.com/weareoversight> (last visited Mar. 10, 2023).

⁶ See generally *News*, American Oversight, <https://www.americanoversight.org/blog>.

⁷ *Trump Administration's Contacts with Ukraine*, American Oversight, <https://www.americanoversight.org/investigation/the-trump-administrations-contacts-with-ukraine>.

⁸ See generally *The Trump Administration's Response to Coronavirus*, American Oversight, <https://www.americanoversight.org/investigation/the-trump-administrations-response-to-coronavirus>; see, e.g., *CDC Calendars from 2018 and 2019: Pandemic-Related Briefings and Meetings*, American Oversight, <https://www.americanoversight.org/cdc-calendars-from-2018-and-2019-pandemic-related-briefings-and-meetings>.

⁹ See generally *Audit the Wall*, American Oversight, <https://www.americanoversight.org/investigation/audit-the-wall>; see, e.g., *Border Wall Investigation Report: No Plans, No Funding, No Timeline, No Wall*, American Oversight, <https://www.americanoversight.org/border-wall-investigation-report-no-plans-no-funding-no-timeline-no-wall>.

¹⁰ *DOJ Records Relating to Solicitor General Noel Francisco's Recusal*, American Oversight, <https://www.americanoversight.org/document/doj-civil-division-response-noel-francisco-compliance>; *Francisco & the Travel Ban: What We Learned from the DOJ Documents*, American Oversight, <https://www.americanoversight.org/francisco-the-travel-ban-what-we-learned-from-the-doj-documents>.

¹¹ See generally *Swamp Airlines: Chartered Jets at Taxpayer Expense*, American Oversight, <https://www.americanoversight.org/investigation/swamp-airlines-private-jets-taxpayer-expense>; see, e.g., *New Information on Pompeo's 2017 Trips to His Home State*, American Oversight, <https://www.americanoversight.org/new-information-on-pompeos-2017-trips-to-his-home-state>.

Accordingly, American Oversight qualifies for a fee waiver.

Guidance Regarding the Search & Processing of Requested Records

In connection with its request for records, American Oversight provides the following guidance regarding the scope of the records sought and the search and processing of records:

- Please search all locations and systems likely to have responsive records, regardless of format, medium, or physical characteristics.
- In conducting your search, please understand the terms “record,” “document,” and “information” in their broadest sense, to include any written, typed, recorded, graphic, printed, or audio material of any kind. We seek records of any kind, including electronic records, audiotapes, videotapes, and photographs, as well as letters, emails, facsimiles, telephone messages, voice mail messages, and transcripts, notes, or minutes of any meetings, telephone conversations, or discussions.
- Our request for records includes any attachments to those records or other materials enclosed with those records when they were previously transmitted. To the extent that an email is responsive to our request, our request includes all prior messages sent or received in that email chain, as well as any attachments to the email.
- Please search all relevant records or systems containing records regarding agency business. Do not exclude records regarding agency business contained in files, email accounts, or devices in the personal custody of your officials, such as personal email accounts or text messages. Records of official business conducted using unofficial systems or stored outside of official files are subject to the Federal Records Act and FOIA.¹² It is not adequate to rely on policies and procedures that require officials to move such information to official systems within a certain period of time; American Oversight has a right to records contained in those files even if material has not yet been moved to official systems or if officials have, by intent or through negligence, failed to meet their obligations.¹³
- Please use all tools available to your agency to conduct a complete and efficient search for potentially responsive records. Agencies are subject to government-wide requirements to manage agency information electronically,¹⁴ and many

¹² See *Competitive Enter. Inst. v. Office of Sci. & Tech. Policy*, 827 F.3d 145, 149–50 (D.C. Cir. 2016); cf. *Judicial Watch, Inc. v. Kerry*, 844 F.3d 952, 955–56 (D.C. Cir. 2016).

¹³ See *Competitive Enter. Inst. v. Office of Sci. & Tech. Policy*, No. 14-cv-765, slip op. at 8 (D.D.C. Dec. 12, 2016).

¹⁴ Presidential Memorandum—Managing Government Records, 76 Fed. Reg. 75,423 (Nov. 28, 2011), <https://obamawhitehouse.archives.gov/the-press-office/2011/11/28/presidential-memorandum-managing-government-records>; Office of

agencies have adopted the National Archives and Records Administration (NARA) Capstone program, or similar policies. These systems provide options for searching emails and other electronic records in a manner that is reasonably likely to be more complete than just searching individual custodian files. For example, a custodian may have deleted a responsive email from his or her email program, but your agency's archiving tools may capture that email under Capstone. At the same time, custodian searches are still necessary; agencies may not have direct access to files stored in .PST files, outside of network drives, in paper format, or in personal email accounts.

- In the event some portions of the requested records are properly exempt from disclosure, please disclose any reasonably segregable non-exempt portions of the requested records. If a request is denied in whole, please state specifically why it is not reasonable to segregate portions of the record for release.
- Please take appropriate steps to ensure that records responsive to this request are not deleted by the agency before the completion of processing for this request. If records potentially responsive to this request are likely to be located on systems where they are subject to potential deletion, including on a scheduled basis, please take steps to prevent that deletion, including, as appropriate, by instituting a litigation hold on those records.

Conclusion

If you have any questions regarding how to construe this request for records or believe that further discussions regarding search and processing would facilitate a more efficient production of records of interest to American Oversight, please do not hesitate to contact American Oversight to discuss this request. American Oversight welcomes an opportunity to discuss its request with you before you undertake your search or incur search or duplication costs. By working together at the outset, American Oversight and your agency can decrease the likelihood of costly and time-consuming litigation in the future.

Where possible, please provide responsive material in an electronic format by email. Alternatively, please provide responsive material in native format or in PDF format on a USB drive. Please send any responsive material being sent by mail to American Oversight, 1030 15th Street NW, Suite B255, Washington, DC 20005. If it will accelerate release of responsive records to American Oversight, please also provide responsive material on a rolling basis.

We share a common mission to promote transparency in government. American Oversight looks forward to working with your agency on this request. If you do not understand any part of this request, please contact Mehreen Rasheed at

Mgmt. & Budget, Exec. Office of the President, Memorandum for the Heads of Executive Departments & Independent Agencies, "Managing Government Records Directive," M-12-18 (Aug. 24, 2012), <https://www.archives.gov/files/records-mgmt/m-12-18.pdf>.

foia@americanoversight.org or (202) 848-1320. Also, if American Oversight's request for a fee waiver is not granted in full, please contact us immediately upon making such a determination.

Sincerely,

/s/ Mehreen Rasheed

Mehreen Rasheed
on behalf of
American Oversight

EXHIBIT B



DEPARTMENT OF THE NAVY
OFFICE OF THE CHIEF OF NAVAL OPERATIONS
2000 NAVY PENTAGON
WASHINGTON, DC 20350-2000

5720
Ser DNS-H KK/23U113552
April 26, 2023

Sent via email to: foia@americanoversight.org

Ms. Mahreen Rasheed
American Oversight
1030 15th Street NW
Suite B255
Washington, D.C. 20005

Dear Ms. Rasheed:

This is in reference to your Freedom of Information Act (FOIA)/Privacy Act (PA) request dated March 16, 2023. Your request was received in our office on the same day and assigned case number DON-NAVY-2023-007037.

In the course of processing your FOIA request this office contacted Navy Culture and Resilience Office (N17) and Equal Opportunity and Sexual Harassment Office (N170C) to conduct a search for applicable records. Accordingly, those offices searched their local files for records relating to part 2 and 3 of your request:

"2. Any study concerning incidents of white supremacist, white nationalist, white separatist, far-right, alt-right, or pro-Nazi activity or ideology among military personnel in the possession of or created, utilized, maintained, received, or distributed by the Department of the Navy.

3. Records sufficient to identify the number of incidents or reports of white supremacist, white nationalist, white separatist, far-right, alt-right, or pro-Nazi activity or ideology among military personnel, and any ensuing action recommended or executed by your agency, since February 11, 2020, or the earliest date thereafter for which this information is available".

N170C has identified 1 record totaling 18 pages that are responsive to your request. Upon review of these records, it has been determined that they contain instances of personally identifiable information (PII), such as the names, dates of birth, and social security numbers of individuals. These instances of PII are exempt from disclosure under 5 U.S.C. § 552(b)(6), since release of this information would result in a clearly unwarranted invasion of their personal privacy. The remainder of the records are released to you.

Because your request is partially denied, you are advised of your right to appeal this determination by writing to:

Office of the Judge Advocate General
1322 Patterson Ave SE Ste 3000
Washington Navy Yard, DC 20374-5066

Your appeal must be postmarked within ninety calendar days from the date of this letter. A copy of your initial request and this letter must accompany the appeal. The appeal should be marked "FREEDOM OF INFORMATION

APPEAL" both on the envelope and the face of the letter. In order to expedite the appellate process and ensure full consideration of your appeal, your appeal should contain a brief statement of the reasons you believe this decision to be in error.

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.

You have the right to seek dispute resolution services with this determination. You may contact the Navy FOIA Public Liaison Mr. Chris Julka by email at Christopher.a.julka.civ@us.navy.mil or phone at (703)697-0031. You may also contact the Office of Government Information Services through the website ogis.archives.gov, via email ogis@nara.gov, or by phone at (202)741-5770. Questions may be directed to our FOIA Service Center at (202)685-0412 or via email at donfoia-pa@navy.mil.

Sincerely,



G. Cason
Deputy Director,
DON FOIA/PA Program Office

NAVY EQUAL OPPORTUNITY (EO) AND SEXUAL HARASSMENT REPORT
NAVPERS 5354/2 (Rev. 08-2017) Supporting Directives OPNAVINST 5354.1G and OPNAVINST 5300.13

PRIVACY ACT STATEMENT

AUTHORITY: 10 U.S.C. 5013 (g).
PRINCIPAL PURPOSE: Filing of allegations of unlawful discrimination and harassment based on race, color, religion, sex (including gender identity) or sexual orientation, national origin, and incidents of sexual harassment against military personnel. For Equal Employment Opportunity reports against civilian employees, see Equal Employment Opportunity Commission Management Directive 715.
ROUTINE USES: Information provided on this form may be used: (a) as a data source for report information, statistics, reports, and analysis; (b) to respond to requests from appropriate outside individuals or agencies (e.g. Members of Congress; the White House) regarding the status of a report; (c) to adjudicate the report or appeal; or (d) any other properly established routine use. May use addendum as necessary.
DISCLOSURE: Disclosure is voluntary; however, failure to fully complete all portions of this form may result in rejection of the report on the basis of inadequate data to assess report.

PROTECT PRIVACY: Protect individual privacy (both complainant and alleged offender) throughout the process. (SECNAVINST 6211.5 Series)

PART I. COMPLAINANT INFORMATION & RESOURCES

1. Complainant Name (Full First Name, MI, Last Name): ANONYMOUS	2. Rank/Rate:	3. DoD ID Number:
4. Command Name/UIC: IWTC CORY STATION	5. Race/Ethnic Group:	6. Sex:
		7. Date: 17 Sep 21

8. Report Processing Options:

(a) Informal Resolution System (IRS): (see OPNAVINST 5354.1 Series or OPNAVINST 5300.13 Series)

(b) U.S. Navy Sexual Harassment Prevention and Equal Opportunity Advice Line.
 Call Toll Free: (800) 253-0931, DSN 882-2507, COMM (901) 874-2507. Line manned Monday - Friday, 0830-1630 Central Standard Time.
 E-Mail: Mil_NavyEOAdvice@Navy.mil.

(c) Authorized command or local resources. The following are available (insert local name, organization, and phone number)

	Local Name	Organization	Phone Number
Equal Employment Opportunity (EEO) Official:			
Fleet Family Support Center (FFSC):			
Command Climate Specialist (CCS):			
Health Treatment Facilities (HTF):			
Chaplain:			
Legal:			

(d) NAVREGS 1151 Request must with the Commanding Officer (CO)/Officer-in-Charge (OIC).
 Your right to communicate with the CO/OIC in a proper manner, time, and place shall not be denied or restricted. Such requests shall be acted upon promptly and forwarded without delay.
 (Attach local procedures as a separate document and additional information if necessary.)

(e) Communications with Inspector Generals. Any person whose chain of command does not take effective action on reports or who does not feel comfortable filing reports locally or in person can lodge reports (anonymously if desired) via one or more of the available hot lines:
 Naval Inspector General: Toll free (800) 522-3451; DSN 288-6743, COMM (202) 433-6743.
 Marine Corps Inspector General: DSN 224-1349, COMM (703) 614-1349.
 Local TYCOM, ISIC, or local Commander's hot lines: TYCOM Hot line ISIC Hot line CO Hot line

(f) NAVREGS 1155. A Service member may always communicate individually with members of Congress.

(g) UCMJ Article 138. A Service member who believes himself or herself wronged by his or her CO may file a report as provided in JAGMAN Chapter III.

(h) NAVREGS 1150. A Service member who believes himself or herself wronged by his or her superior in rank or command (to include enlisted personnel) other than his or her CO may file a report as provided in JAGMAN Chapter III.

(i) Anonymous Report Process. (see OPNAVINST 5354.1 Series or OPNAVINST 5300.13 Series)

Complainant was advised of counseling/support services and provided a copy of this form.

9. Representative Receiving Report: [Redacted]	10. Rank/Rate: E7/CTNC	11. Position: CME0
12. Command Name/UIC: IWTC CORY STATION	13. Representative Signature: [Redacted]	14. Date: 17 Sep 21
15. Complainant Name: ANONYMOUS	16. Complainant Signature:	17. Date:

NAVY EQUAL OPPORTUNITY (EO) AND SEXUAL HARASSMENT REPORT
NAVPERS 5354/2 (Rev. 08-2017) Supporting Directives OPNAVINST 5354.1G and OPNAVINST 5300.13

PART II: ALLEGED OFFENDER INFORMATION & NATURE OF REPORT

Filing Deadline: I understand that a formal report shall be made within 60 calendar days of the offending incident, or in the case of a series of incidents, within 60 calendar days of the most recent incident. This EO filing deadline does not affect alternative remedies that might apply.

1. Alleged Offender Name (Full First Name, MI, Last Name): ██████████	2. Rank/Rate: E1/TTSR	3. Command Name/UIC: IWTC CORRY STATION/42116
--------------------------------------------------------------------------	--------------------------	--------------------------------------------------

4. Location of Incident: Complainant & Alleged Offender Off Duty

5. Relationship to Complainant: Anonymous

6 Race/Ethnic Group (obtain from FLTMPs): White / Non-Hispanic

7. Sex: Female

8. NATURE OF REPORT: (State, in as much detail as possible, the basis for your report. Describe the behaviors / conduct under objection, date(s) of any occurrence, names of involved parties, witnesses, others to or from whom previous reports may have been made or received, other evidence available, and any additional information which may be helpful in resolving your report. Attach additional sheets as needed. Check the blocks for all that apply. If a Service Member, uniformed witness, or first responder perceives subsequent retaliation related to the report of sexual harassment, they may seek support from a Command Climate Specialist (CCS). Individuals can also report to the Inspector General (IG), a Military Criminal Investigative Organization (MCIO) or to command for investigation, or other appropriate command action.)

- | | | |
|---------------------------------------------|----------------------------------------------------------|----------------------------------------------------|
| <input type="checkbox"/> Discrimination | <input checked="" type="checkbox"/> Harassment | <input type="checkbox"/> Sexual Harassment |
| <input checked="" type="checkbox"/> Race | <input type="checkbox"/> National Origin | <input type="checkbox"/> Crude Offensive Behavior |
| <input type="checkbox"/> Color | <input type="checkbox"/> Religion | <input type="checkbox"/> Unwanted Sexual Attention |
| <input type="checkbox"/> Sexual Orientation | <input type="checkbox"/> Sex (including gender identity) | <input type="checkbox"/> Sexual Coercion |

ON 17SEP2021, the command Facebook page received a message from an unknown user displaying pictures of ITSR ██████████ with her face covered in a dark substance. The photos appear to show her imitating a form of "blackface". Also, the message included the following statement.

"██████████ Political Extremism. Racism. Substance abuse."

9. Report Type:
 Formal Informal

Acknowledgment of Receipt of Report (by Representative identified in Part I, Number 9):
 I acknowledge receipt of this unlawful discrimination/harassment/sexual harassment report.
 I understand that I have one calendar day (24 hours) to refer the report to the appropriate authority and to inform that authority of any interim action that is taken.

10. Representative Receiving Report: ██████████	11. Rank/Rate: E7/CTNC	12. Position: CME0
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13. Command Name/UIC: IWTC CORRY STATION	14. Representative Signature: ██████████	15. Date: 17 Sep 21
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16. Complainant Acknowledgment/Signature. (By signing, Complainant affirms the above has been read, is understood, and is correct.)

(a) Name: ANONYMOUS	(b) Signature:	(c) Date:
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NAVY EQUAL OPPORTUNITY (EO) AND SEXUAL HARASSMENT REPORT
NAVPERS 5354/2 (Rev. 08-2017) Supporting Directives OPNAVINST 5354.1G and OPNAVINST 5300.13

PART III. FORMAL REPORT PROCESSING/COMMAND ACTIONS

INTERIM FEEDBACK/ASSISTANCE TO COMPLAINANT. Take particular care to avoid re-victimizing complainants (and witnesses). Keep the complainant and alleged offender apprised of the status of the investigation (including any deadline extensions). Provide supplemental counseling/support assistance/referral as warranted. Ensure that all involved are aware of the retaliation plan of action and know that retaliation against the complainant will not be tolerated. *(Recommend keeping a record of such feedback/assistance. Attach record to the report form.)*

RESOLUTION TIME STANDARDS/REPORTING. Resolution of case should be completed no later than 20 days from investigation commencement. Resolution includes: Completion of investigation, determination of validity of report, adjudication at non-judicial punishment or courts-martial, initiation of other appropriate action, notification to accused, and notification of complainant and submission of a close-out. If time standards cannot be met, continuation messages every 14 days through case resolution is mandatory for reports of sexual harassment. Explain the reason(s) for delay. Send all messages UNCLASSIFIED.

DOCUMENT COMMAND ACTION. The complainant's command is responsible for ensuring Parts I and II are complete and providing this to the alleged offender's Commander, Commanding Officer or Officer-in-charge (hereafter referred to as Commander) (as applicable). Upon completion of Part III, with the exception of continuation(s) and close-out Date Time Groups, Parts I through III are required to be forwarded within 72 hours (3 days) and Parts IV and V upon final disposition of report, via appropriate Echelon II CCS, CMEO program manager, or EO program manager, to Mil.NavyEOAdvice@Navy.mil via an e-mail that is not encrypted. Command records should permit reviewers to clearly ascertain/assess decisions reached. Make appropriate entries in individual personnel records, if applicable. Make any statistical reports required by the chain of command. Retain this completed form and investigation onboard at least two years, at which time the entire command investigation shall be sent to the Office of the Judge Advocate General (Code 15) Investigations Branch. Provide a copy of completed form to complainant as authorized under Freedom of Information Act (FOIA) and governing directives.

1. Command Climate Specialist (CCS) Consultation: OPNAVINST 5300.XX and OPNAVINST 5354.1G requires consultation of a CCS in all informal, formal, and anonymous sexual harassment, unlawful discrimination and harassment reports.

(a) Command Climate Specialist Name: [REDACTED] (b) Rank/Rate: E/3 CTICS (c) Command Name/UIC: CIWT
 (d) Command Climate Specialist Phone Number: [REDACTED] (e) Command Climate Specialist E-mail Address: [REDACTED]

I understand that I must provide all appropriate voice reports and required message reports (e.g., OPREP) per OPNAVINST F3100.6 series within established time lines. I further understand I must initiate an appropriate investigation or ensure that one is being conducted (e.g., by NCIS) within three calendar days (72 hours) and notify complainant the same day of investigation commencement. I must ensure a retaliation plan is in place and acknowledged by all involved parties. I also understand that I am required to consult a CCS prior to making a determination of this report, as well as, consult with a judge advocate for all allegations of sexual harassment and for legal sufficiency review.

Transfer of Report: When the complainant and alleged offender are assigned to different commands or services (when all parties are not assigned to a joint military environment), the report shall be processed by the command or service of the alleged offender.

2. Commander Directing Investigation:

(a) Name: [REDACTED] (b) Rank/Rate: O-5/COMMANDER (c) Command Name/UIC: IWTC CORRY STATION
 (d) Contact Information: [REDACTED] (e) Signature: [REDACTED] (f) Date: 17 Sep 21

3. Date Time Group (DTG) of OPREP Messages (Attach a copy of all messages to this form.)

(a) Initial DTG: 171815Z SEP21 (b) Close-Out DTG: 161802Z JUN 22

4. Investigating Officer:

(a) Name and Contact Information: [REDACTED] (b) Date Convened: [REDACTED]

5. Complainant Acknowledgment/Signature. (By signing, Complainant affirms the above has been read and is understood.)

(a) Name: Anonymous (b) Signature: [REDACTED] (c) Date: [REDACTED]

6. Alleged Offender Acknowledgment/Signature. (By signing, Alleged Offender affirms the above has been read and is understood.)

(a) DoD ID Number: [REDACTED] (b) Name: [REDACTED] (c) Signature: [REDACTED] (d) Date: 17SEP21

NAVY EQUAL OPPORTUNITY (EO) AND SEXUAL HARASSMENT REPORT
NAVPERS 5354/2 (Rev. 08-2017) Supporting Directives OPNAVINST 5354.1G and OPNAVINST 5300.13

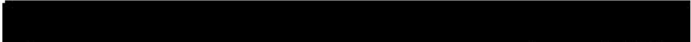
PART IV. FORMAL NOTIFICATION REVIEW

1. Notification of Action Taken to Resolve Report. *(To concur within 20 calendar days of receipt of report.)*

(a) Report was completed on: **24 Sep 21** (b) Report was found to be: **SUBSTANTIATED**

(c) Based on the following findings:
Member went to NJP and was assigned EMI.

2. Right to review by higher authority (via an appeal): I acknowledge notice of my right to submit a statement concerning the investigative findings and command action taken, and to request review of those findings and actions by the Echelon II Commander. Any statement and, or request must be submitted within 7 days of acknowledgment.

(a) Echelon II Command: **NETC** (b) Echelon II CCS/EO Program Manager Contact Information: 

3. Complainant Acknowledgment/Signature. *(By signing, Complainant affirms the above has been read and is understood.)*

I intend to submit a statement/appeal. I DO NOT intend to submit a statement/appeal.
 (a) Name: **Anonymous** (b) Signature: (c) Date: (d) Seven Days:

4. Alleged Offender Acknowledgment/Signature. *(By signing, Alleged Offender affirms the above has been read and is understood.)*

I intend to submit a statement/appeal. I DO NOT intend to submit a statement/appeal.
 (a) Name: **Member separated from Navy** (b) Signature: **Member no longer at command.** (c) Date: (d) Seven Days:

PART V. FORMAL APPEAL

1. First Appeal Results:

CONCUR DO NOT CONCUR


(a) Name of Echelon II Reviewing Authority (Commander/Designee): (b) Rank/Rate: (c) Command Name/UIC:

(d) Contact Information: (e) Signature: (f) Date:

2. Complainant Acknowledgment/Signature. *(By signing, Complainant affirms the above has been read and is understood.)*

I intend to submit a statement/appeal. I DO NOT intend to submit a statement/appeal.
 (a) Name: (b) Signature: (c) Date: (d) Seven Days:

3. Alleged Offender Acknowledgment/Signature. *(By signing, Alleged Offender affirms the above has been read and is understood.)*

I intend to submit a statement/appeal. I DO NOT intend to submit a statement/appeal.
 (a) Name:  (b) Signature: (c) Date: (d) Seven Days:

NAVY EQUAL OPPORTUNITY (EO) AND SEXUAL HARASSMENT REPORT
NAVPERS 5354/2 (Rev. 08-2017) Supporting Directives OPNAVINST 5354.1G and OPNAVINST 5300.13

PART V FORMAL APPEAL (continued)

4. SECNAV - Final Appeal Results (action that been taken to resolve report by reviewing authority):
 CONCUR DO NOT CONCUR

(a) Name of SECNAV Reviewing Authority: (b) Rank/Rate: (c) Command Name/UIC:
 (d) Contact Information: (e) Signature: (f) Date:

5. Complainant Acknowledgment/Signature. (By signing, Complainant affirms the above has been read and is understood.)
 (a) Name: ANONYMOUS (b) Signature: (c) Date:

6. Alleged Offender Acknowledgment/Signature. (By signing, Alleged Offender affirms the above has been read and is understood.)
 (a) Name: [REDACTED] (b) Signature: (c) Date:

PART VI FORMAL REPORT FOLLOW-UP

1. Complainant Follow-Up Survey (Commanders shall conduct a follow-up debrief with the Complainant 30-45 days after the final action. Command follow-up will include a determination of Complainant satisfaction with the effectiveness of corrective action, timeliness, present command climate, and a review to ensure retaliation did not occur.)

(a) Were you subjected to any form of retaliation because of your report?
 (b) Rate your level of satisfaction with the processing of your report.
 (c) Rate your level of satisfaction with the resolution of your report.
 (d) What could have prevented this incident?

2. Complainant Follow-Up Comments:

3. Complainant Acknowledgment/Signature. (By signing, Complainant affirms the above has been read and is understood.)
 (a) Name: ANONYMOUS (b) Signature: (c) Date:

4. Commander Follow-Up Notes. (Indicate dates/nature of any actions prompted by Complainant debrief. Attach additional sheets as necessary.)

5. Commander Acknowledgment/Signature. (By signing, Commanding Officer affirms the above is correct and report process is complete.)
 (a) Name: [REDACTED] (b) Signature: [REDACTED] (c) Date: 10/31/22

NAVY EQUAL OPPORTUNITY (EO) AND SEXUAL HARASSMENT REPORT
NAVPERS 5354/2 (Rev. 08-2017) Supporting Directives OPNAVINST 5354.1G and OPNAVINST 5300.13

PRIVACY ACT STATEMENT

AUTHORITY: 10 U.S.C. 5013 (g).
PRINCIPAL PURPOSE: Filing of allegations of unlawful discrimination and harassment based on race, color, religion, sex (including gender identity) or sexual orientation, national origin, and incidents of sexual harassment against military personnel. For Equal Employment Opportunity reports against civilian employees, see Equal Employment Opportunity Commission Management Directive 715.
ROUTINE USES: Information provided on this form may be used: (a) as a data source for report information, statistics, reports, and analysis; (b) to respond to requests from appropriate outside individuals or agencies (e.g. *Members of Congress; the White House*) regarding the status of a report; (c) to adjudicate the report or appeal; or (d) any other properly established routine use. May use addendum as necessary.
DISCLOSURE: Disclosure is voluntary; however, failure to fully complete all portions of this form may result in rejection of the report on the basis of inadequate data to assess report.

PROTECT PRIVACY: Protect individual privacy (*both complainant and alleged offender*) throughout the process. (*SECNAVINST 5211.5 Series*)

PART I. COMPLAINANT INFORMATION & RESOURCES

1. Complainant Name (<i>Full First Name, MI, Last Name</i>):		2. Rank/Rate:		3. DoD ID Number:		
[REDACTED]		[REDACTED]		[REDACTED]		
4. Command Name/UIC:		5. Race/Ethnic Group:		6. Sex:		7. Date:
Training Support Center, Great Lakes, IL/0580A		White		Male		18 Jun 20

8. Report Processing Options:
- (a) Informal Resolution System (IRS). (*see OPNAVINST 5354.1 Series or OPNAVINST 5300.13 Series*)
 - (b) U.S. Navy Sexual Harassment Prevention and Equal Opportunity Advice Line.
 Call Toll Free: (800) 253-0931, DSN 882-2507, COMM (901) 874-2507. Line manned Monday - Friday, 0830-1630 Central Standard Time.
 E-Mail: Mill_NavyEOAdvice@Navy.mil.
 - (c) Authorized command or local resources. The following are available (*insert local name, organization, and phone number*)

Equal Employment Opportunity (EEO) Official:	CAPT [REDACTED]	TSC-GL	847-688-[REDACTED]
Fleet Family Support Center (FFSC):	FFSC Great Lakes	NAVSTA-GL	847-688-3603
Command Climate Specialist (CCS):	[REDACTED]	TSC-GL	847-688-[REDACTED]
Health Treatment Facilities (HTF):	[REDACTED]	VA	847-688-[REDACTED]
Chaplain:	CDR [REDACTED]	TSC-GL	847-688-[REDACTED]
Legal:	Region Legal Services	Navy Region MID-LANT	847-688-4753
 - (d) NAVREGS 1151 Request mast with the Commanding Officer (CO)/Officer-in-Charge (OIC).
 Your right to communicate with the CO/OIC in a proper manner, time, and place shall not be denied or restricted. Such requests shall be acted upon promptly and forwarded without delay.
 (*Attach local procedures as a separate document and additional information if necessary.*)
 - (e) Communications with Inspector Generals. Any person whose chain of command does not take effective action on reports or who does not feel comfortable filing reports locally or in person can lodge reports (anonymously if desired) via one or more of the available hot lines:
 Naval Inspector General: Toll free (800) 522-3451; DSN 288-6743, COMM (202) 433-6743.
 Marine Corps Inspector General: DSN 224-1349, COMM (703) 614-1349
 Local TYCOM, ISIC, or local Commander's hot lines: 800-522-3451 847-688-[REDACTED] 847-688-[REDACTED]
 - (f) NAVREGS 1155. A Service member may always communicate individually with members of Congress.
 - (g) UCMJ Article 138. A Service member who believes himself or herself wronged by his or her CO may file a report as provided in JAGMAN Chapter III.
 - (h) NAVREGS 1150. A Service member who believes himself or herself wronged by his or her superior in rank or command (to include enlisted personnel) other than his or her CO may file a report as provided in JAGMAN Chapter III.
 - (i) Anonymous Report Process. (*see OPNAVINST 5354.1 Series or OPNAVINST 5300.13 Series*)

Complainant was advised of counseling/support services and provided a copy of this form.

9. Representative Receiving Report:		10. Rank/Rate:		11. Position:	
[REDACTED]		[REDACTED]		Command Climate Specialist	
12. Command Name/UIC:		13. Representative Signature:		14. Date:	
Training Support Center, Great Lakes, IL/0580A		[REDACTED]		18 Jun 20	
15. Complainant Name:		16. Complainant Signature:		17. Date:	
[REDACTED]		[REDACTED]		18 Jun 20	

NAVY EQUAL OPPORTUNITY (EO) AND SEXUAL HARASSMENT REPORT

NAVPERS 5354/2 (Rev. 08-2017)

Supporting Directives OPNAVINST 5354.1G and OPNAVINST 5300.13

PART II. ALLEGED OFFENDER INFORMATION & NATURE OF REPORT

Filing Deadline: I understand that a formal report shall be made within 60 calendar days of the offending incident, or in the case of a series of incidents, within 60 calendar days of the most recent incident. This EO filing deadline does not affect alternative remedies that might apply.

1. Alleged Offender Name (Full First Name, MI, Last Name):	2. Rank/Rate:	3. Command Name/UIC:
[REDACTED]	E-1	Training Support Center, Great Lakes, IL/0580A
4. Location of Incident: Complainant & Alleged Offender On Duty		
5. Relationship to Complainant: Military Coworker		
6. Race/Ethnic Group (obtain from FLT MPS): White		
7. Sex: Male		

8. NATURE OF REPORT: (State, in as much detail as possible, the basis for your report. Describe the behaviors / conduct under objection, date(s) of any occurrence, names of involved parties, witnesses, others to or from whom previous reports may have been made or received, other evidence available, and any additional information which may be helpful in resolving your report. Attach additional sheets as needed. Check the blocks for all that apply. If a Service Member, uniformed witness, or first responder perceives subsequent retaliation related to the report of sexual harassment, they may seek support from a Command Climate Specialist (CCS). Individuals can also report to the Inspector General (IG), a Military Criminal Investigative Organization (MCIO) or to command for investigation, or other appropriate command action.)

<input type="checkbox"/> Discrimination	<input checked="" type="checkbox"/> Harassment	<input type="checkbox"/> Sexual Harassment
<input type="checkbox"/> Race	<input checked="" type="checkbox"/> National Origin	<input type="checkbox"/> Crude Offensive Behavior
<input type="checkbox"/> Color	<input type="checkbox"/> Religion	<input type="checkbox"/> Unwanted Sexual Attention
<input type="checkbox"/> Sexual Orientation	<input type="checkbox"/> Sex (including gender identity)	<input type="checkbox"/> Sexual Coercion

On Tuesday, 16JUN20, two students had been sent back into [REDACTED] BECC. One of those students is FN [REDACTED]. One student had asked FN [REDACTED] why he had been sent back, and [REDACTED] responded, "I got sent back on purpose; I'm an extremist." [REDACTED] "In what way are you an extremist? Politically? Religiously?" And [REDACTED] only responded with, "Man of the year, 1938." Knowing that was Adolf Hitler, [REDACTED] if he thought that was a good or a bad thing, mainly to clarify his beliefs. He gave two thumbs up and said, "not a bad thing." The past two days, [REDACTED] verbatim, he "hates Jews," "wishes all Muslims would leave Europe," he asked [REDACTED] wanted to kill communists with him. He wants to kill George Soros. He wants to kill ANTIFA. In one instance he said "Hail Hitler," and around 30 minutes later he gave the extended arm NAZI salute. [REDACTED] shipmate, [REDACTED] expressed [REDACTED] anger that he overheard [REDACTED] state that he "Hates Chinese people." At one point, after telling [REDACTED]s most likely going to be kicked out of the navy, FN [REDACTED] told [REDACTED] personal desires to join some type of civilian militia that's "sole duty is to kill terrorists." [REDACTED] the name of this group, however, [REDACTED] contains the word "French", and is made of civilians and ex-military. At one point, [REDACTED] BOORDA hall ladder wells to speak with N.M.T.I.'s, and [REDACTED] on my way down. He began questioning [REDACTED] for example: why [REDACTED] speaking with EMI and NMTP's? [REDACTED] saying NMTP's were questioning [REDACTED] didn't know what [REDACTED] bought it, and said [REDACTED] not to say anything to the NMTP's or EMI about him. [REDACTED] I'm being investigated by M.A.'s and the F.B.I.". [REDACTED] for many reasons. I don't believe his beliefs belong in our navy. [REDACTED] our diversity is a great contributor of what makes us strong and unique. [REDACTED] a day where he has a Jewish or Muslim battle buddy, or even just another fellow shipmate, and that fellow shipmates needs help [REDACTED] believe [REDACTED] would strongly consider failing to help that fellow shipmate, simply due to his/her religion or national origin. His actions anger me, as a Sailor, as a Christian, and as a human being. I cry for those hurt and/or killed by discrimination. The book "Night" by Elie Wiesel changed my life forever, it burns my thoughts. People like [REDACTED] hurt my heart, and in my opinion, hurt the reputation of the Navy incredibly. [REDACTED] doesn't seem to care about keeping his personal ideologies to himself. He took multiple actions I listed, up front and center of others, obviously, without the presence of [REDACTED] instructor, EMI [REDACTED] I'd like to add how EMI [REDACTED] is a great instructor and has been [REDACTED] handle this problem swiftly, respectfully, and responsibly. I don't know what should happen to [REDACTED]. I am a man who believes in chances, renewing yourself, and examining your mistakes, however, I feel [REDACTED] to be too far down his own rabbit-hole to realize his hatred. I do not believe he belongs in the Navy. His hatred for Jewish people, to me, seems incredibly dangerous and extremely concerning. I don't know what [REDACTED] would do if he found out I have been reporting him, however, I understand desperate people commit desperate actions, and someone that thinks they don't have a path forward, may make drastic decisions in a "no-going-back" style. Something should be done about his behavior before something bad happens.

9. Report Type:

Formal Informal

NAVY EQUAL OPPORTUNITY (EO) AND SEXUAL HARASSMENT REPORT

NAVPERS 5354/2 (Rev. 08-2017)

Supporting Directives OPNAVINST 5354.1G and OPNAVINST 5300.13

PART II. ALLEGED OFFENDER INFORMATION & NATURE OF COMPLAINT (continued)

Acknowledgment of Receipt of Report (by Representative identified in Part I, Number 9):

I acknowledge receipt of this unlawful discrimination/harassment/sexual harassment report.

I understand that I have one calendar day (24 hours) to refer the report to the appropriate authority and to inform that authority of any interim action that is taken.

10. Representative Receiving Report: [Redacted]	11. Rank/Rate: [Redacted]	12. Position: Command Climate Specialist
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13. Command Name/UIC: Training Support Center, Great Lakes, IL/0580A	14. Representative Signature: [Redacted]	15. Date: 18 Jun 20
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16. Complainant Acknowledgment/Signature. (By signing, Complainant affirms the above has been read, is understood, and is correct.)

(a) Name: [Redacted]	(b) Signature: [Redacted]	(c) Date: 18 Jun 20
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[Large empty area for additional information or signature]

NAVY EQUAL OPPORTUNITY (EO) AND SEXUAL HARASSMENT REPORT

NAVPERS 5354/2 (Rev. 08-2017)

Supporting Directives OPNAVINST 5354.1G and OPNAVINST 5300.13

PART III. FORMAL REPORT PROCESSING/COMMAND ACTIONS

INTERIM FEEDBACK/ASSISTANCE TO COMPLAINANT. Take particular care to avoid re-victimizing complainants (and witnesses). Keep the complainant and alleged offender apprised of the status of the investigation (including any deadline extensions). Provide supplemental counseling/support assistance/referral as warranted. Ensure that all involved are aware of the retaliation plan of action and know that retaliation against the complainant will not be tolerated. *(Recommend keeping a record of such feedback/assistance. Attach record to the report form.)*

RESOLUTION TIME STANDARDS/REPORTING. Resolution of case should be completed no later than 20 days from investigation commencement. Resolution includes: Completion of investigation, determination of validity of report, adjudication at non-judicial punishment or courts-martial, initiation of other appropriate action, notification to accused, and notification of complainant and submission of a close-out. If time standards cannot be met, continuation messages every 14 days through case resolution is mandatory for reports of sexual harassment. Explain the reason(s) for delay. Send all messages UNCLASSIFIED.

DOCUMENT COMMAND ACTION. The complainant's command is responsible for ensuring Parts I and II are complete and providing this to the alleged offender's Commander, Commanding Officer or Officer-in-charge (hereafter referred to as Commander) (as applicable). Upon completion of Part III, with the exception of continuation(s) and close-out Date Time Groups, Parts I through III are required to be forwarded within 72 hours (3 days) and Parts IV and V upon final disposition of report, via appropriate Echelon II CCS, CMEO program manager, or EO program manager, to Mill.NavyEOAdvice@Navy.mil via an e-mail that is not encrypted. Command records should permit reviewers to clearly ascertain/assess decisions reached. Make appropriate entries in individual personnel records, if applicable. Make any statistical reports required by the chain of command. Retain this completed form and investigation onboard at least two years, at which time the entire command investigation shall be sent to the Office of the Judge Advocate General (Code 15) Investigations Branch. Provide a copy of completed form to complainant as authorized under Freedom of Information Act (FOIA) and governing directives.

1. Command Climate Specialist (CCS) Consultation: OPNAVINST 5300.XX and OPNAVINST 5354.1G requires consultation of a CCS in all informal, formal, and anonymous sexual harassment, unlawful discrimination and harassment reports.

(a) Command Climate Specialist Name: [Redacted] (b) Rank/Rate: [Redacted] (c) Command Name/UIC: Training Support Center, Great Lakes, IL/0580A

(d) Command Climate Specialist Phone Number: (847)688-[Redacted] (e) Command Climate Specialist E-mail Address: [Redacted]

I understand that I must provide all appropriate voice reports and required message reports (e.g., OPREP) per OPNAVINST F3100.6 series within established time lines. I further understand I must initiate an appropriate investigation or ensure that one is being conducted (e.g., by NCIS) within three calendar days (72 hours) and notify complainant the same day of investigation commencement. I must ensure a retaliation plan is in place and acknowledged by all involved parties. I also understand that I am required to consult a CCS prior to making a determination of this report, as well as, consult with a judge advocate for all allegations of sexual harassment and for legal sufficiency review.

Transfer of Report: When the complainant and alleged offender are assigned to different commands or services (when all parties are not assigned to a joint military environment), the report shall be processed by the command or service of the alleged offender.

2. Commander Directing Investigation:

(a) Name: [Redacted] (b) Rank/Rate: Captain (c) Command Name/UIC: Training Support Center, Great Lakes, IL/0580A

(d) Contact Information: [Redacted] (e) Signature: [Redacted] (f) Date: 18 Jun 20

3. Date Time Group (DTG) of OPREP Messages (Attach a copy of all messages to this form.)

(a) Initial DTG: P 191513Z JUN 20 (b) Close-Out DTG: [Redacted]

4. Investigating Officer.

(a) Name and Contact Information: DC1 [Redacted] (b) Date Convened: 19 Jun 20

5. Complainant Acknowledgment/Signature. (By signing, Complainant affirms the above has been read and is understood.)

(a) Name: [Redacted] (b) Signature: [Redacted] (c) Date: 18 Jun 20

6. Alleged Offender Acknowledgment/Signature. (By signing, Alleged Offender affirms the above has been read and is understood.)

(a) DoD ID Number: [Redacted] (b) Name: [Redacted] (c) Signature: [Redacted] (d) Date: [Redacted]

NAVY EQUAL OPPORTUNITY (EO) AND SEXUAL HARASSMENT REPORT

NAVPERS 5354/2 (Rev. 08-2017)

Supporting Directives OPNAVINST 5354.1G and OPNAVINST 5300.13

PART IV. FORMAL NOTIFICATION REVIEW

1. Notification of Action Taken to Resolve Report. (To concur within 20 calendar days of receipt of report.)

(a) Report was completed on:

(b) Report was found to be:

Dec 1, 2020

Substantiated

(c) Based on the following findings:

Report was substantiated by investigation and witness statements. Accused was discharged with an other than honorable discharge on 14 December 2020.

2. Right to review by higher authority (via an appeal): I acknowledge notice of my right to submit a statement concerning the investigative findings and command action taken, and to request review of those findings and actions by the Echelon II Commander. Any statement and, or request must be submitted within 7 days of acknowledgment.

(a) Echelon II Command:

Naval Education and Training Command

(b) Echelon II CCS/EO Program Manager Contact Information:

3. Complainant Acknowledgment/Signature. (By signing, Complainant affirms the above has been read and is understood.)

I intend to submit a statement/appeal.

I DO NOT intend to submit a statement/appeal.

(a) Name:

(b) Signature:

(c) Date:

(d) Seven Days:

4. Alleged Offender Acknowledgment/Signature. (By signing, Alleged Offender affirms the above has been read and is understood.)

I intend to submit a statement/appeal.

I DO NOT intend to submit a statement/appeal.

(a) Name:

(b) Signature:

(c) Date:

(d) Seven Days:

PART V. FORMAL APPEAL

1. First Appeal Results:

CONCUR

DO NOT CONCUR

(a) Name of Echelon II Reviewing Authority (Commander/Designee):

(b) Rank/Rate:

(c) Command Name/UIC:

(d) Contact Information:

(e) Signature:

(f) Date:

2. Complainant Acknowledgment/Signature. (By signing, Complainant affirms the above has been read and is understood.)

I intend to submit a statement/appeal.

I DO NOT intend to submit a statement/appeal.

(a) Name:

(b) Signature:

(c) Date:

(d) Seven Days:

3. Alleged Offender Acknowledgment/Signature. (By signing, Alleged Offender affirms the above has been read and is understood.)

I intend to submit a statement/appeal.

I DO NOT intend to submit a statement/appeal.

(a) Name:

(b) Signature:

(c) Date:

(d) Seven Days:

NAVY EQUAL OPPORTUNITY (EO) AND SEXUAL HARASSMENT REPORT

NAVPERS 5354/2 (Rev. 08-2017)

Supporting Directives OPNAVINST 5354.1G and OPNAVINST 5300.13

PART V. FORMAL APPEAL (continued)

4. SECNAV - Final Appeal Results (action that been taken to resolve report by reviewing authority):

CONCUR

DO NOT CONCUR

(a) Name of SECNAV Reviewing Authority:

(b) Rank/Rate:

(c) Command Name/UIC:

(d) Contact Information:

(e) Signature:

(f) Date:

5. Complainant Acknowledgment/Signature. (By signing, Complainant affirms the above has been read and is understood.)

(a) Name:

(b) Signature:

(c) Date:

6. Alleged Offender Acknowledgment/Signature. (By signing, Alleged Offender affirms the above has been read and is understood.)

(a) Name:

(b) Signature:

(c) Date:

PART VI. FORMAL REPORT FOLLOW-UP

1. Complainant Follow-Up Survey (Commanders shall conduct a follow-up debrief with the Complainant 30-45 days after the final action. Command follow-up will include a determination of Complainant satisfaction with the effectiveness of corrective action, timeliness, present command climate, and a review to ensure retaliation did not occur.):

(a) Were you subjected to any form of retaliation because of your report?

(b) Rate your level of satisfaction with the processing of your report.

(c) Rate your level of satisfaction with the resolution of your report.

(d) What could have prevented this incident?

2. Complainant Follow-Up Comments:

3. Complainant Acknowledgment/Signature. (By signing, Complainant affirms the above has been read and is understood.)

(a) Name:

(b) Signature:

(c) Date:

4. Commander Follow-Up Notes. (Indicate dates/nature of any actions prompted by Complainant debrief. Attach additional sheets as necessary.)

5. Commander Acknowledgment/Signature. (By signing, Commanding Officer affirms the above is correct and report process is complete.)

(a) Name:

(b) Signature:

(c) Date:

CUI (when filled in)

NAVY EQUAL OPPORTUNITY (EO) AND HARASSMENT COMPLAINT
NAVPERS 5354/2 (Rev. 01-2022)

Supporting Directive OPNAVINST 5354.1H

PRIVACY ACT STATEMENT

AUTHORITY: 10 U.S.C. 8013 (g).

PRINCIPAL PURPOSE: Filing of allegations of sexual harassment, to include wrongful broadcast or distribution of intimate visual images; hazing; bullying; stalking, as well as harassment and prohibited discrimination based on race, color, religion, sex (including pregnancy), gender identity, national origin, and sexual orientation against military personnel. For equal employment opportunity reports against civilian employees, see Equal Employment Opportunity Commission Management Directive 715.

ROUTINE USES: Information provided on this form may be used: (a) as a data source for complaint information, statistics, reports, and analysis; (b) to respond to requests from appropriate outside individuals or agencies (e.g., members of Congress; the White House) regarding the status of a complaint; (c) to adjudicate the complaint or appeal; or (d) any other properly established routine use. May use addendum as necessary.

DISCLOSURE: Disclosure is voluntary; however, failure to fully complete all portions of this form may result in dismissal of the complaint on the basis of inadequate data to assess complaint.

PROTECT PRIVACY: Protect individual privacy (both complainant and alleged offender) throughout the process. (SECNAVINST 5211.5F)

PART I. RESOURCES

1. Informal Resolution System (IRS). (see OPNAVINST 5354.1H)

2. U.S. Navy Harassment Prevention and Military Equal Opportunity Advice Line.

Call Toll Free: (800) 253-0931, DSN 882-2507, COMM (901) 874-2507. Line manned Monday - Friday, 0730-1600 central standard time.

E-Mail: Mill_Navy_EOAdvice@navy.mil.

3. Authorized command or local resources. The following support services are available (Insert local name, organization, and phone number)

	Local Name	Organization	Phone Number
(a) Equal Employment Opportunity (EEO) Official:			
(b) Fleet and Family Support Center (FFSC):			
(c) Command Climate Specialist (CCS):			
(d) Command Managed Equal Opportunity (CMEO) Program Manager			
(e) Health Treatment Facilities (HTF):			
(f) Chaplain:			
(g) Legal:			

4. NAVREGS 1151 Request met with the Commanding Officer (CO)/Officer in Charge (OIC).

Your right to communicate with the CO/OIC in a proper manner, time, and place shall not be denied or restricted.

Such requests shall be acted upon promptly and forwarded without delay.

(Attach local procedures as a separate document and additional information if necessary.)

5. Communications with Inspector Generals. Any person whose chain of command does not take effective action on complaints or who does not feel comfortable filing complaints locally or in person can lodge complaints anonymously, if desired, via one or more of the available hotlines:

Naval Inspector General: Toll free (800) 522-3451; DSN 288-6743, COMM (202) 433-6743.

Marine Corps Inspector General: DSN 224-1349, COMM (703) 614-1349

Local TYCOM, ISIC, or local Commander's hotlines: TYCOM Hot line ISIC Hot line CO Hot line

6. NAVREGS 1155. A Service member may always communicate individually with members of Congress.

7. UCMJ Article 138. A Service member who believes himself or herself wronged by his or her CO may file a complaint as provided in JAGMAN Chapter III.

8. NAVREGS 1150. A Service member who believes himself or herself wronged by his or her superior in rank or command, to include enlisted personnel, other than his or her CO may file a complaint as provided in JAGMAN Chapter III.

9. Anonymous Complaint Process. (see OPNAVINST 5354.1H)

PART II. COMPLAINANT INFORMATION

Filing Deadline: I understand that a formal complaint shall be made within 60 calendar days of the offending incident, or in the case of a series of incidents, within 60 calendar days of the most recent incident. This filing deadline does not affect alternative remedies that might apply.

1. Complainant Name (Full First Name, MI, Last Name): ANONYMOUS		2. Rank/Rate:	3. DoD ID Number:	4. Sex:	5. Age:
6. Ethnicity:	7. Race:	8. Religion:			
9. Command Name and Unit Identification Code (UIC): USS HARRY S. TRUMAN (CVN 75) 21583			10. Component:		

CUI (when filled in)

Formal Flow Chart

Informal Flow Chart

Print Form

CUI (when filled in)

NAVY EQUAL OPPORTUNITY (EO) AND HARASSMENT COMPLAINT
NAVPERS 5354/2 (Rev. 01-2022)

Supporting Directive OPNAVINST 5354.1H

PART II. COMPLAINANT INFORMATION (continued)

11. Complaint Type:

Anonymous Formal Informal

12. Incident Type:

Discrimination Harassment

Sexual Harassment

Race National Origin Religion
 Color Sexual Orientation Gender Identity
 Sex (pregnancy) Sex

Crude Offensive Behavior
 Unwanted Sexual Attention
 Sexual Coercion
 Wrongful Broadcast or Distribution of Intimate Visual Images

Bullying Hazing
 Verbal Nonverbal Written
 Psychological Physical

Stalking

Involves Electronic Devices
 Involves Social Media

13. Location and Duty Status of Incident:

- (a) Outside of the Continental United States (OCONUS)
- (b) On a Vessel
- (c) Complainant & Alleged Offender On Duty

PART III. ALLEGED OFFENDER INFORMATION

1. Alleged Offender Name (Full First Name, MI, Last Name): [REDACTED]		2. Rank/Rate: MMFN	3. DoD ID Number: [REDACTED]	4. Sex: M	5. Age: 31 Dec 99
6. Ethnicity: Not Hispanic or Latino	7. Race: White	8. Religion: As atru			
9. Command Name and Unit Identification Code (UIC): USS HARRY S. TRUMAN (CVN 75) 21583			10. Component: Active		
11. Relationship to Complainant : Anonymous					

PART IV. RECEIPT OF COMPLAINT

Acknowledgment of Receipt of Complaint by Representative:
 I acknowledge receipt of this prohibited discrimination/harassment complaint. I understand that I have 1 calendar day (24 hours) to refer the complaint to the appropriate authority and to inform that authority of any interim action that is taken.

1. Representative Receiving Complaint: [REDACTED]	2. Rank/Rate: PSC	3. Position: CCS
4. Command Name/UIC: USS HARRY S. TRUMAN (CVN 75) 21583	5. Representative Signature: [REDACTED]	6. Date: 21 May 22

Continued Next Page

CUI (when filled in)

CUI (when filled in)

NAVY EQUAL OPPORTUNITY (EO) AND HARASSMENT COMPLAINT

NAVPERS 5354/2 (Rev. 01-2022)

Supporting Directive OPNAVINST 5354.1H

PART V. NATURE OF COMPLAINT

1. NATURE OF COMPLAINT: *(State, in as much detail as possible, the basis for your complaint. Describe the behaviors/conduct under objection, date(s) of any occurrence, names of involved parties, witnesses, others to or from whom previous complaints may have been made or received, other evidence available, and any additional information which may be helpful in resolving your complaint. Attach additional sheets as needed. If a Service member, uniformed witness, or first responder perceives subsequent retaliation related to the complaint of sexual harassment, they may seek support from a command climate specialist (CCS). Individuals can also provide complaint to the Inspector General (IG), a Military Criminal Investigative Organization (MCIO) or to command for investigation, or other appropriate command action.)*

In that MMFN [REDACTED] did on board USS HARRY S. TRUMAN (CVN 75), located at sea, on divers occasions from on or about 1 December 2021 to on about 17 May 2022, willfully displaying racially offensive objects and imagery (drawing swastika) within his work center, thereby creating an intimidating, hostile, and offensive environment. There by fail to obey a lawful general order, which was his duty to obey, to wit: paragraph 1(a), OPNAVINST 5354.1H, the Navy harassment prevention and Military Equal Opportunity Program Manual, dated 3 November 2021.

2. Complainant Acknowledgment/Signature. *(By signing, Complainant affirms the above has been read, is understood, and is correct.)*

(a) Name:

ANONYMOUS

(b) Signature:

(c) Date:

CUI (when filled in)

CUI (when filled in)

NAVY EQUAL OPPORTUNITY (EO) AND HARASSMENT COMPLAINT
NAVPERS 5354/2 (Rev. 01-2022)

Supporting Directive OPNAVINST 5354.1H

PART VI. FORMAL COMPLAINT PROCESSING/COMMAND ACTIONS

INTERIM FEEDBACK/ASSISTANCE. Take particular care to avoid re-victimizing complainants (and witnesses). Keep the complainant and alleged offender apprised of the status of the investigation (including any deadline extensions). Provide supplemental counseling, support assistance, and referral as warranted. Ensure that all involved are aware of the retaliation plan of action and know that retaliation against the complainant or alleged offender will not be tolerated. (*Recommend keeping a record of such feedback/assistance. Attach record to the complaint form.*)

RESOLUTION TIME STANDARDS. To the extent practicable, the investigation of a formal harassment and prohibited discrimination complaint must be completed no later than 30 days (14 days for sexual harassment) from the date the investigation commenced. Resolution includes: completion of investigation, determination of validity of complaint, adjudication at non-judicial punishment or courts-martial, initiation of other appropriate action, notification to accused, and notification of complainant and submission of a close-out.

DOCUMENT COMMAND ACTION. The complainant's command is responsible for ensuring parts I and II are complete and providing this to the alleged offender's commander, commanding officer or officer in charge (hereafter referred to as commander), as applicable. Upon completion of part III, with the exception of continuation(s) and close-out date time groups, parts I through III are required to be forwarded within 3 days (72 hours) and parts IV and V upon final disposition of complaint, via appropriate echelon 2 CCS, CMEO program manager in the absence of a CCS, to OPNAV (N1710C) via an unencrypted e-mail to Mill_Navy_EOAdvice@navy.mil. Command records should permit reviewers to clearly ascertain and assess decisions reached. Make appropriate entries in individual personnel records, if applicable. Make any statistical reports required by the chain of command. Retain this completed form and investigation onboard at least 2 years, at which time the entire command investigation shall be sent to OPNAV (N170C). Provide a copy of completed form to complainant as authorized under Freedom of Information Act (FOIA) and governing directives.

1. Command Climate Specialist (CCS) Consultation: CCS consultation is required in all informal, formal, and anonymous complaints of harassment and prohibited discrimination.

I understand that I must provide all appropriate voice reports and required message reports (e.g., *OPREP*) per OPNAVINST F3100.6K within established time lines. I further understand I must initiate an appropriate investigation or ensure that one is being conducted (e.g., by Naval Criminal Investigation Service) within 3 calendar days (72 hours) and notify complainant the same day of investigation commencement. I must ensure a retaliation plan is in place and acknowledged by all involved parties. I also understand that a CCS sufficiency review and a legal sufficiency review are required to be completed prior to making a determination.

Transfer of Complaint: When the complainant and alleged offender are assigned to different commands or services (*when all parties are not assigned to a joint military environment*), the complaint shall be processed as directed by OPNAVINST 5454.1H.

(a) Command Climate Specialist Name: [REDACTED]	(b) Rank/Rate: PSC	(c) Command Name/UIC: USS HARRY S. TRUMAN (CVN 75) 21583
(d) Command Climate Specialist Phone Number: 757 443 [REDACTED]	(e) Command Climate Specialist E-mail Address: [REDACTED]	

2. Commander Directing Investigation:

(a) Name:	(b) Rank/Rate:	(c) Command Name/UIC: USS HARRY S. TRUMAN (CVN 75) 21583
(d) Contact Information:	(e) Signature:	(f) Date:

3. Date-Time-Group (DTG) of OPREP Messages (*Attach a copy of all messages to this form.*)

(a) Initial DTG: 261812Z FEB 22	(b) Close-Out DTG:
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4. Investigating Officer.

(a) Name:	(b) Rank/Rate:
(c) Contact Information	(d) Date Convened:

5. Complainant Acknowledgment/Signature.

(*By signing, complainant affirms the retaliation awareness brief was conducted and investigation was commenced.*)

(a) Name:	(b) Signature:	(c) Date:
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CUI (when filled in)

CUI (when filled in)

NAVY EQUAL OPPORTUNITY (EO) AND HARASSMENT COMPLAINT
NAVPERS 5354/2 (Rev. 01-2022)

Supporting Directive OPNAVINST 5354.1H

PART VI. FORMAL COMPLAINT PROCESSING/COMMAND ACTIONS (continued)

6. Alleged Offender Acknowledgment/Signature. *(By signing, alleged offender affirms the retaliation awareness brief was conducted and investigation was commenced.)*

(a) Name: [REDACTED]	(b) Signature:	(c) Date:
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PART VII. FORMAL NOTIFICATION REVIEW

1. CCS Sufficiency Review

(a) Name:	(b) Signature:	(c) Date:
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2. Legal Sufficiency Review

(a) Name:	(b) Signature:	(c) Date:
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3. Notification of Action Taken to Resolve Complaint.

(a) Complaint was completed on:	(b) Complaint was found to be:	(c) Corrective Action Taken:
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(d) Based on the following findings:

[Large empty box for findings]

(e) Commander Name:	(f) Signature:	(g) Date:
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4. Right to submit an appeal: I acknowledge notice of my right to submit a statement concerning the investigative findings and command action taken, and to request review of those findings and actions by the appellate authority. The appellant's statement and all documentation submitted within 30 duty days after receiving the notice of finding.

(a) Appellate Command:	(b) Appellate Command CCS Contact Information:
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5. Complainant Acknowledgment/Signature. *(By signing, complainant affirms the above has been read and is understood.)*

<input type="checkbox"/> I intend to appeal.		<input type="checkbox"/> I DO NOT intend to appeal.	
(a) Name:	(b) Signature:	(c) Date :	(d) 30 Days:

6. Alleged Offender Acknowledgment/Signature. *(By signing, alleged offender affirms the above has been read and is understood.)*

<input type="checkbox"/> I intend to appeal.		<input type="checkbox"/> I DO NOT intend to appeal.	
(a) Name: [REDACTED]	(b) Signature:	(c) Date :	(d) 30 Days:

CUI (when filled in)

CUI (when filled in)

NAVY EQUAL OPPORTUNITY (EO) AND HARASSMENT COMPLAINT
NAVPERS 5354/2 (Rev. 01-2022)

Supporting Directive OPNAVINST 5354.1H

PART VIII. FORMAL APPEAL

1. First Appeal Results:

CONCUR DO NOT CONCUR

(a) Name of Echelon II Reviewing Authority (Commander/Designee):	(b) Rank/Rate:	(c) Command Name/UIC:
(d) Contact Information:	(e) Signature:	(f) Date:

2. Complainant Acknowledgment/Signature. (By signing, complainant affirms the above has been read and is understood.)

I intend to appeal. I DO NOT intend to appeal.

(a) Name:	(b) Signature:	(c) Date :	(d) 30 Days:
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3. Alleged Offender Acknowledgment/Signature. (By signing, alleged offender affirms the above has been read and is understood.)

I intend to appeal. I DO NOT intend to appeal.

(a) Name:	(b) Signature:	(c) Date :	(d) 30 Days:
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4. SECNAV - Final Appeal Results (action that has been taken to resolve the complaint by reviewing authority):

CONCUR DO NOT CONCUR

(a) Name of SECNAV Reviewing Authority:	(b) Rank/Rate:	(c) Command Name/UIC:
(d) Contact Information:	(e) Signature:	(f) Date:

5. Complainant Acknowledgment/Signature. (By signing, complainant affirms the above has been read and is understood.)

(a) Name: ANONYMOUS	(b) Signature:	(c) Date:
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6. Alleged Offender Acknowledgment/Signature. (By signing, alleged offender affirms the above has been read and is understood.)

(a) Name:	(b) Signature:	(c) Date:
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PART IX. FORMAL COMPLAINT FOLLOW-UP

1. Complainant Follow-Up Survey (Commanders shall conduct a follow-up debrief with the complainant within 45 days after the final action. Command follow-up will include a determination of complainant satisfaction with the effectiveness of corrective action, timeliness, present command climate, and a review to ensure retaliation did not occur.):

(a) Were you subjected to any form of retaliation because of your complaint? _____

(b) Rate your level of satisfaction with the processing of your complaint. _____

(c) Rate your level of satisfaction with the resolution of your complaint. _____

CUI (when filled in)

CUI (when filled in)

NAVY EQUAL OPPORTUNITY (EO) AND HARASSMENT COMPLAINT
NAVPERS 5354/2 (Rev. 01-2022)

Supporting Directive OPNAVINST 5354.1H

PART IX. FORMAL COMPLAINT FOLLOW-UP (continued)

(d) What could have prevented this incident?

2. Complainant Follow-Up Comments:

3. Complainant Acknowledgment/Signature. *(By signing, complainant affirms the above has been read and is understood.)*

(a) Name: ANONYMOUS	(b) Signature:	(c) Date:
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4. Commander Follow-Up Notes. *(Indicate dates/nature of any actions prompted by complainant debrief. Attach additional sheets as necessary.)*

5. Commander Acknowledgment/Signature. *(By signing, commanding officer affirms the above is correct and complaint process is complete.)*

(a) Name:	(b) Signature:	(c) Date:
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CUI (when filled in)



May 4, 2023

VIA FACSIMILE

ATTN: FOIA Appeals Office
Office of the Judge Advocate General
1322 Patterson Ave. SE, Suite 3000
Washington Navy Yard, DC 20374
Fax: (202) 685-5472

Re: Freedom of Information Act Appeal – DON-NAVY-007511

Dear FOIA Appeals Officer:

Pursuant to the Freedom of Information Act (FOIA), 5 U.S.C. § 552(a)(6)(A), and the implementing regulations of the Department of Defense (DOD), 32 C.F.R. pt. 286, American Oversight submits the following administrative appeal.

Background

On March 15, 2023, American Oversight submitted a FOIA request to the Department of Navy seeking the following:

1. Any report of an incident of white supremacist, white nationalist, white separatist, far-right, alt-right, or pro-Nazi activity or ideology among military personnel.
2. Any study concerning incidents of white supremacist, white nationalist, white separatist, far-right, alt-right, or pro-Nazi activity or ideology among military personnel in the possession of or created, utilized, maintained, received, or distributed by the Department of the Navy.
3. Records sufficient to identify the number of incidents or reports of white supremacist, white nationalist, white separatist, far-right, alt-right, or pro-Nazi activity or ideology among military personnel, and any ensuing action recommended or executed by your agency, since February 11, 2020, or the earliest date thereafter for which this information is available.

To the extent that this information is aggregated and maintained in a database or spreadsheet,^[1] we would accept as responsive a printout from the database containing fields reflecting the date and key facts of each incident or report as well as any ensuing action recommended or executed by



the Department of the Navy. American Oversight does not object to the redaction of names, addresses, or other personally identifying information from records responsive to this request.

Please provide all responsive records from February 11, 2020, through the date the search is conducted.

[1] American Oversight requests responsive data in a Microsoft Excel spreadsheet format, to the extent that your agency maintains such data in a database or other format that can be readily exported into such format.

Ex. A.

By letter and email dated April 25, 2023, the Naval Criminal Investigative Service (NCIS) provided a partial response to American Oversight's request, which it assigned tracking number DON-NAVY-2023-007511. Ex. B. According to the letter, the Office of the Chief Naval Operations referred part 1 of the request to NCIS. NCIS noted that it searched its Knowledge Network (KNET) database using search terms "white supremacy, white nationalist, white separatist, far-right, alt-right, and pro-nazi." *Id.* The search resulted in sixteen "investigations,"¹ and NCIS asserted 5 U.S.C. § 552(b)(7)(A) (Exemption 7(A)) to fully withhold five of the investigations, which it stated are pending. *See id.*

The agency's determination that records are exempt constitutes an adverse determination under DOD regulations. *See* 32 C.F.R. § 286.9(e). Pursuant to the requirements of 32 C.F.R. § 286.11, American Oversight submits this administrative appeal of NCIS's following actions:

- (1) Failure to Provide an Adequate Administrative Determination
- (2) Failure to Conduct an Adequate Search for Records
- (3) Withholdings Under Claim of Exemption 7(A)

Failure to Provide an Adequate Administrative Determination

NCIS's response does not provide sufficient detail about its search to allow American Oversight to sufficiently assess the adequacy of the search. The response does not explain, for instance, agency's rationale for excluding parts 2 and 3 of the request from NCIS's search, nor its rationale for referring part 1 of the request to NCIS, but no other Navy offices or components. Similarly, NCIS does not explain why it did not search any other locations besides the KNET database, nor does it confirm the date range applied.

¹ NCIS's response letter stated that the KNET database "identifies investigative reports," and noted that its search of the database resulted in a number of "investigations" Ex. B. It is unclear what type or types of records "investigations" refers to in the response letter—whether investigative reports, another type of record, or some combination.

American Oversight thus cannot appeal the agency's response in a fully adequate manner and reserves the right to challenge search deficiencies and withholdings not described in the agency's response.

Further, DOD regulations require that an adverse determination include “[a]n estimate of the volume of any records or information withheld, such as the number of pages or some other reasonable form of estimation.” 32 C.F.R. § 286.9(f)(3). NCIS has not provided such a page count or similar estimation here. While it identifies five “investigations,” Ex. B, this does not shed any light on the volume and type of records.

Failure to Conduct an Adequate Search for Records

An agency fulfills its obligation under FOIA if it can show “beyond material doubt that its search was reasonably calculated to uncover all relevant documents.” *Ancient Coin Collectors Guild v. U.S. Dep’t of State*, 641 F.3d 504, 514 (D.C. Cir. 2011) (internal quotations omitted). NCIS has not shown that it conducted a search to meet its burden under this standard. An agency's failure to conduct an adequate search amounts to an improper withholding under—and violation of—FOIA. *Rodriguez v. U.S. Dep’t of Def.*, 236 F. Supp. 3d 26, 34 (D.D.C. 2017) (“It is axiomatic that an inadequate search for records constitutes an improper withholding under FOIA.”). As described above, NCIS has not provided sufficient information to show that it conducted an adequate search.

In addition to the deficiencies described above, NCIS's response also suggests that it may have applied an improper date range parameter to the search. The response letter incorrectly describes American Oversight as seeking records from “February 20, 2020 through the date [the] request was received.” Ex. B. American Oversight's request sought the responsive records from “February 11, 2020, through the date the search is conducted.” Ex. A. Again, without sufficient information regarding the date range applied, American Oversight cannot fully assess or appeal the search in a fully adequate manner.

Appeal of Exemption 7(A) Withholdings

FOIA protects from disclosure records compiled for law enforcement purposes to the extent that their disclosure “could reasonably be expected to interfere with enforcement proceedings.” 5 U.S.C. § 552(b)(7)(A). To justify withholdings under Exemption 7(A), an agency must (1) identify an enforcement proceeding that is pending or reasonably anticipated, and then (2) show that the disclosure of those documents would “in some particular, discernible way, disrupt, impede, or otherwise harm” the proceeding. *Bagwell v. U.S. Dep’t of Educ.*, 183 F. Supp. 3d 109, 118 (D.D.C. 2016). NCIS's conclusory assertion that the investigatory records it withheld are exempt from disclosure falls short of the requisite showing.

First, NCIS has not identified a particular law enforcement proceeding. While NCIS's response letter noted that the withheld investigations were “still pending,” Ex. B, it did not identify a law enforcement proceeding. *See Durrani v. Dep’t of Just.*, 607 F. Supp. 2d 77, 89 (D.D.C. 2009) (the agency's “claim of an ongoing investigation, without any

evidence of a pending or potential enforcement proceeding, fails to provide a sufficient basis for withholding records under exemption 7(A)”.

Second, NCIS has not shown how release of responsive records could “reasonably be expected to interfere with” the law enforcement proceeding at issue. *Sussman v. U.S. Marshals Serv.*, 494 F.3d 1106, 1114 (D.C. Cir. 2007). An agency must identify the responsive records and make a particularized assessment about the impact of the disclosures. *See id.*; *see also Crooker v. Bureau of Alcohol, Tobacco & Firearms*, 789 F.2d 64, 66 (D.C. Cir. 1986) (Exemption 7(A) does not “authorize [a] blanket exemption for all records relating to an ongoing investigation” (internal quotations omitted)). NCIS’s conclusory response made no such showing.

An agency is separately obligated to provide any reasonably segregable, nonexempt information in the records. 5 U.S.C. § 552(a)(8)(A)(ii), 552(b). This cannot be done as a blanket matter, but rather the agency must assess each record. *See Bevis v. Dep’t of State*, 801 F.2d 1386, 1389-90 (D.C. Cir. 1986). NCIS’s response provides no indication that it conducted an individualized review of the withheld records. Rather, NCIS appears to inappropriately rely on a blanket assertion that any record related to an ongoing investigation is exempt. NCIS’s response therefore fails to meet its obligations under FOIA.

Finally, NCIS’s response did not meet its burden to show that releasing the withheld portions of the records would result in reasonably foreseeable harm. FOIA requires that an agency may withhold responsive records under a discretionary exemption only if the agency reasonably foresees that disclosure would harm an interest protected by an exemption. *See* 5 U.S.C. § 552(a)(8)(A)(i). In doing so, the agency must go beyond “‘general explanations’ and ‘boiler plate language.’” *Ctr. for Investigative Reporting v. U.S. Customs & Border Prot.*, 436 F. Supp. 3d 90, 106 (D.D.C. 2019). NCIS’s cursorily asserted that its review “included consideration of the ‘foreseeable harm standard,’” but did not provide a substantive or sufficient explanation to support its conclusion.

Conclusion

For the foregoing reasons, NCIS has failed to provide an adequate administrative determination, failed to conduct an adequate search for records, and failed to justify its claim of Exemption 7(A). Accordingly, American Oversight requests that the agency:

- (a) Conduct adequate searches for the records American Oversight has requested;
- (b) Provide American Oversight with information about the search methods and parameters used to identify responsive records;
- (c) Promptly release any responsive, non-exempt records, or portions thereof; and
- (d) Release the portions of the records withheld under claim of Exemption 7(A).

Thank you for your consideration of this appeal. As provided in 5 U.S.C. § 552(a)(6)(A)(ii), we look forward to your determination on our appeal within twenty working days.

For questions regarding any part of this appeal or the underlying request for records, please contact Mehreen Rasheed at foia@americanoversight.org or (202) 848-1320.

Sincerely,

/s/ Mehreen Rasheed
Mehreen Rasheed
on behalf of
American Oversight

EXHIBIT A



March 15, 2023

VIA EMAIL

FOIA Officer
Chief of Naval Operations, DNS-36
2000 Navy Pentagon
Washington, DC 20350-2000
usn.ncr.dns.mbx.don-foia-pa@us.navy.mil

Re: Freedom of Information Act Request

Dear FOIA Officer:

Pursuant to the Freedom of Information Act (FOIA), 5 U.S.C. § 552, and the implementing regulations of your agency, American Oversight makes the following request for records.

Requested Records

American Oversight requests that the Department of the Navy produce the following records within twenty business days:

1. Any report of an incident of white supremacist, white nationalist, white separatist, far-right, alt-right, or pro-Nazi activity or ideology among military personnel.
2. Any study concerning incidents of white supremacist, white nationalist, white separatist, far-right, alt-right, or pro-Nazi activity or ideology among military personnel in the possession of or created, utilized, maintained, received, or distributed by the Department of the Navy.
3. Records sufficient to identify the number of incidents or reports of white supremacist, white nationalist, white separatist, far-right, alt-right, or pro-Nazi activity or ideology among military personnel, and any ensuing action recommended or executed by your agency, since February 11, 2020, or the earliest date thereafter for which this information is available.

To the extent that this information is aggregated and maintained in a database or spreadsheet,¹ we would accept as responsive a printout from the database containing fields reflecting the date and key facts of each incident or report as well as any ensuing action recommended or executed by the Department of the

¹ American Oversight requests responsive data in a Microsoft Excel spreadsheet format, to the extent that your agency maintains such data in a database or other format that can be readily exported into such format.



Navy. American Oversight does not object to the redaction of names, addresses, or other personally identifying information from records responsive to this request.

Please provide all responsive records from February 11, 2020, through the date the search is conducted.

Fee Waiver Request

In accordance with 5 U.S.C. § 552(a)(4)(A)(iii) and your agency's regulations, American Oversight requests a waiver of fees associated with processing this request for records. The subject of this request concerns the operations of the federal government, and the disclosures will likely contribute to a better understanding of relevant government procedures by the general public in a significant way. Moreover, the request is primarily and fundamentally for non-commercial purposes.

American Oversight requests a waiver of fees because disclosure of the requested information is "in the public interest because it is likely to contribute significantly to public understanding of operations or activities of the government."² The public has a significant interest in extremism within the U.S. military.³ Records with the potential to shed light on this issue would contribute significantly to public understanding of operations of the federal government, including whether and to what extent the U.S. military has taken any action in response to service members identified as planning or engaging in criminal activity or other misconduct based on extremist ideologies. American Oversight is committed to transparency and makes the responses agencies provide to FOIA requests publicly available, and the public's understanding of the government's activities would be enhanced through American Oversight's analysis and publication of these records.

This request is primarily and fundamentally for non-commercial purposes.⁴ As a 501(c)(3) nonprofit, American Oversight does not have a commercial purpose and the release of the information requested is not in American Oversight's financial interest. American Oversight's mission is to promote transparency in government, to educate the public about government activities, and to ensure the accountability of government officials. American Oversight uses the information gathered, and its analysis of it, to educate the public through reports, press releases, or other media. American Oversight

² 5 U.S.C. § 552(a)(4)(A)(iii).

³ Will Carless, *13 Investigations, No Court-Martials: Here's How the US Navy and Marine Corps Quietly Discharged White Supremacists*, USA Today (Apr. 13, 2021, 8:00 AM), <https://www.usatoday.com/in-depth/news/nation/2021/04/13/us-navy-marines-white-supremacy-discharged/4566463001/>; Alicia Tatone, *Inside the U.S. Military's Battle with White Supremacy and Far-Right Extremism*, NBC News (May 25, 2019, 8:32 AM), <https://www.nbcnews.com/think/opinion/inside-u-s-military-s-battle-white-supremacy-far-right-ncna1010221>.

⁴ See 5 U.S.C. § 552(a)(4)(A)(iii).

also makes materials it gathers available on its public website and promotes their availability on social media platforms, such as Facebook and Twitter.⁵

American Oversight has also demonstrated its commitment to the public disclosure of documents and creation of editorial content through regular substantive analyses posted to its website.⁶ Examples reflecting this commitment to the public disclosure of documents and the creation of editorial content include the posting of records related to the Trump Administration's contacts with Ukraine and analyses of those contacts;⁷ posting records and editorial content about the federal government's response to the Coronavirus pandemic;⁸ posting records received as part of American Oversight's "Audit the Wall" project to gather and analyze information related to the administration's proposed construction of a barrier along the U.S.-Mexico border, and analyses of what those records reveal;⁹ the posting of records related to an ethics waiver received by a senior Department of Justice attorney and an analysis of what those records demonstrated regarding the Department's process for issuing such waivers;¹⁰ and posting records and analysis of federal officials' use of taxpayer dollars to charter private aircraft or use government planes for unofficial business.¹¹

⁵ American Oversight currently has approximately 16,000 followers on Facebook and 112,700 followers on Twitter. American Oversight, Facebook, <https://www.facebook.com/weareoversight/> (last visited Mar. 10, 2023); American Oversight (@weareoversight), Twitter, <https://twitter.com/weareoversight> (last visited Mar. 10, 2023).

⁶ See generally *News*, American Oversight, <https://www.americanoversight.org/blog>.

⁷ *Trump Administration's Contacts with Ukraine*, American Oversight, <https://www.americanoversight.org/investigation/the-trump-administrations-contacts-with-ukraine>.

⁸ See generally *The Trump Administration's Response to Coronavirus*, American Oversight, <https://www.americanoversight.org/investigation/the-trump-administrations-response-to-coronavirus>; see, e.g., *CDC Calendars from 2018 and 2019: Pandemic-Related Briefings and Meetings*, American Oversight, <https://www.americanoversight.org/cdc-calendars-from-2018-and-2019-pandemic-related-briefings-and-meetings>.

⁹ See generally *Audit the Wall*, American Oversight, <https://www.americanoversight.org/investigation/audit-the-wall>; see, e.g., *Border Wall Investigation Report: No Plans, No Funding, No Timeline, No Wall*, American Oversight, <https://www.americanoversight.org/border-wall-investigation-report-no-plans-no-funding-no-timeline-no-wall>.

¹⁰ *DOJ Records Relating to Solicitor General Noel Francisco's Recusal*, American Oversight, <https://www.americanoversight.org/document/doj-civil-division-response-noel-francisco-compliance>; *Francisco & the Travel Ban: What We Learned from the DOJ Documents*, American Oversight, <https://www.americanoversight.org/francisco-the-travel-ban-what-we-learned-from-the-doj-documents>.

¹¹ See generally *Swamp Airlines: Chartered Jets at Taxpayer Expense*, American Oversight, <https://www.americanoversight.org/investigation/swamp-airlines-private-jets-taxpayer-expense>; see, e.g., *New Information on Pompeo's 2017 Trips to His Home State*, American Oversight, <https://www.americanoversight.org/new-information-on-pompeos-2017-trips-to-his-home-state>.

Accordingly, American Oversight qualifies for a fee waiver.

Guidance Regarding the Search & Processing of Requested Records

In connection with its request for records, American Oversight provides the following guidance regarding the scope of the records sought and the search and processing of records:

- Please search all locations and systems likely to have responsive records, regardless of format, medium, or physical characteristics.
- In conducting your search, please understand the terms “record,” “document,” and “information” in their broadest sense, to include any written, typed, recorded, graphic, printed, or audio material of any kind. We seek records of any kind, including electronic records, audiotapes, videotapes, and photographs, as well as letters, emails, facsimiles, telephone messages, voice mail messages, and transcripts, notes, or minutes of any meetings, telephone conversations, or discussions.
- Our request for records includes any attachments to those records or other materials enclosed with those records when they were previously transmitted. To the extent that an email is responsive to our request, our request includes all prior messages sent or received in that email chain, as well as any attachments to the email.
- Please search all relevant records or systems containing records regarding agency business. Do not exclude records regarding agency business contained in files, email accounts, or devices in the personal custody of your officials, such as personal email accounts or text messages. Records of official business conducted using unofficial systems or stored outside of official files are subject to the Federal Records Act and FOIA.¹² It is not adequate to rely on policies and procedures that require officials to move such information to official systems within a certain period of time; American Oversight has a right to records contained in those files even if material has not yet been moved to official systems or if officials have, by intent or through negligence, failed to meet their obligations.¹³
- Please use all tools available to your agency to conduct a complete and efficient search for potentially responsive records. Agencies are subject to government-wide requirements to manage agency information electronically,¹⁴ and many

¹² See *Competitive Enter. Inst. v. Office of Sci. & Tech. Policy*, 827 F.3d 145, 149–50 (D.C. Cir. 2016); cf. *Judicial Watch, Inc. v. Kerry*, 844 F.3d 952, 955–56 (D.C. Cir. 2016).

¹³ See *Competitive Enter. Inst. v. Office of Sci. & Tech. Policy*, No. 14-cv-765, slip op. at 8 (D.D.C. Dec. 12, 2016).

¹⁴ Presidential Memorandum—Managing Government Records, 76 Fed. Reg. 75,423 (Nov. 28, 2011), <https://obamawhitehouse.archives.gov/the-press-office/2011/11/28/presidential-memorandum-managing-government-records>; Office of

agencies have adopted the National Archives and Records Administration (NARA) Capstone program, or similar policies. These systems provide options for searching emails and other electronic records in a manner that is reasonably likely to be more complete than just searching individual custodian files. For example, a custodian may have deleted a responsive email from his or her email program, but your agency's archiving tools may capture that email under Capstone. At the same time, custodian searches are still necessary; agencies may not have direct access to files stored in .PST files, outside of network drives, in paper format, or in personal email accounts.

- In the event some portions of the requested records are properly exempt from disclosure, please disclose any reasonably segregable non-exempt portions of the requested records. If a request is denied in whole, please state specifically why it is not reasonable to segregate portions of the record for release.
- Please take appropriate steps to ensure that records responsive to this request are not deleted by the agency before the completion of processing for this request. If records potentially responsive to this request are likely to be located on systems where they are subject to potential deletion, including on a scheduled basis, please take steps to prevent that deletion, including, as appropriate, by instituting a litigation hold on those records.

Conclusion

If you have any questions regarding how to construe this request for records or believe that further discussions regarding search and processing would facilitate a more efficient production of records of interest to American Oversight, please do not hesitate to contact American Oversight to discuss this request. American Oversight welcomes an opportunity to discuss its request with you before you undertake your search or incur search or duplication costs. By working together at the outset, American Oversight and your agency can decrease the likelihood of costly and time-consuming litigation in the future.

Where possible, please provide responsive material in an electronic format by email. Alternatively, please provide responsive material in native format or in PDF format on a USB drive. Please send any responsive material being sent by mail to American Oversight, 1030 15th Street NW, Suite B255, Washington, DC 20005. If it will accelerate release of responsive records to American Oversight, please also provide responsive material on a rolling basis.

We share a common mission to promote transparency in government. American Oversight looks forward to working with your agency on this request. If you do not understand any part of this request, please contact Mehreen Rasheed at

Mgmt. & Budget, Exec. Office of the President, Memorandum for the Heads of Executive Departments & Independent Agencies, "Managing Government Records Directive," M-12-18 (Aug. 24, 2012), <https://www.archives.gov/files/records-mgmt/m-12-18.pdf>.

foia@americanoversight.org or (202) 848-1320. Also, if American Oversight's request for a fee waiver is not granted in full, please contact us immediately upon making such a determination.

Sincerely,

/s/ Mehreen Rasheed
Mehreen Rasheed
on behalf of
American Oversight

EXHIBIT B



**DEPARTMENT OF THE NAVY
HEADQUARTERS
NAVAL CRIMINAL INVESTIGATIVE SERVICE
27130 TELEGRAPH ROAD
QUANTICO VA 22134-2253**

5720 2023-007511
SER00LJF/23U0749

Mahreen Rasheed
American Oversight
1030 15th St. NW Suite B255
Washington, D.C. 20005

Dear Sir/Ma'am:

This responds to your March 16, 2023, electronic Freedom of Information Act (FOIA) request, separated into three sections, each seeking various information concerning incidents of white supremacy from February 20, 2020 through the date your request was received. Your request was partially referred to this Service for processing by the Office of the Chief of Naval Operations specifically to address any Naval Criminal Investigative Service (NCIS) regarding your request cited as Number (1). We received this portion of your request on March 23, 2023.

For the portion of your request cited as Number (1), in which you seek reports involving military personnel and white supremacy, please be advised that this Service does not have a case category designated for white supremacy or hate crimes, nor do we track those types of crimes. Therefore, in an effort to locate responsive records, we conducted a search of the NCIS Knowledge Network (KNET) database using the search terms provided in your request. KNET identifies investigative reports created and transmitted by NCIS and NCIS field offices. A search of the KNET using the terms "white supremacy, white nationalist, white separatist, far-right, alt-right, and pro-nazi" resulted in locating sixteen investigation that contained at least one of these phrases. However, as our initial search is limited to a search for specific keywords and not necessarily for context, when processing each record we may determine some of the records to be non-responsive to your request. For example, the term "far right" may be in the context of location (i.e., far right of the room) and not necessarily related to your request.

One investigation has not yet been received at headquarters for retention. Because this record requires coordination with another office, your request falls within "unusual circumstances." See 5 U.S.C. 552 § (a)(6)(B)(i)-(iii). Due to these unusual circumstances, we need to extend the time limit to respond to your request beyond the ten additional days provided by the statute. Once coordination is complete, we will place your request in our routine queue, which is managed on a first-in, first-out basis based on the date of your request.

Five of the sixteen investigations are still pending. Therefore, these five are currently exempt from disclosure. Per the provisions of 5 U.S.C. § 552 (FOIA) at subsection (b)(7)(A), law enforcement records are exempt if the production of the records at the time requested reasonably can be expected to interfere with enforcement proceedings. Our review included consideration of the "foreseeable harm standard" (i.e., that information which might technically fall within an

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SER00LJF/23U0749

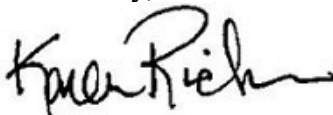
exemption should not be withheld from a FOIA requester unless the agency can identify a foreseeable harm or legal bar to disclosure).

As the official responsible for the partial denial of your request, I am advising you of your right to appeal this determination. Your appeal must be postmarked within 90 calendar days from the date of this letter and should be addressed to the Secretary of the Navy's designee: Office of the Judge Advocate General, (Code 14), 1322 Patterson Avenue, S.E., Suite 3000, Washington Navy Yard, D.C. 20374-5066. The envelope and letter must bear the annotation "FOIA Appeal." A copy of your initial request and a copy of this partial denial letter must accompany the appeal.

If you choose not to appeal, you have the right to seek dispute resolution services. You may contact the Department of the Navy's FOIA public liaison, Mr. Chris Julka, at christopher.a.julka@navy.mil or (703) 697-0031 or the Office of Government Information Services (<https://ogis.archives.gov/>).

Once the remaining 11 investigations have been processed, we will provide a response. If you have any questions regarding this matter, please contact us at ncis_foia@ncis.navy.mil or (571) 305-9092.

Sincerely,

A handwritten signature in black ink, appearing to read "K. Richman". The signature is fluid and cursive, with a long horizontal flourish at the end.

K. RICHMAN
Senior Associate Counsel
Head, Government Information Sharing Unit