

EXHIBIT 4

CUI



**DEPARTMENT OF THE NAVY
OFFICE OF THE JUDGE ADVOCATE GENERAL
1322 PATTERSON AVENUE SE SUITE 3000
WASHINGTON NAVY YARD DC 20374**

**IN REPLY REFER TO:
5720
Ser 10/002
January 12, 2023**

Mr. David P. Sheldon
Law Offices of David P. Sheldon, PLLC
100 M St. SE Ste 600
Washington, DC 20003

Subj: YOUR FOIA REQUEST (DON-NAVY 2023-002479)

Dear Mr. Sheldon:

This letter is in response to your request under the Freedom of Information Act (FOIA), assigned tracking number DON-Navy-2023-002479, dated December 5, 2022, for information pertaining to the decision by the Navy to recommend against the United States asserting jurisdiction in the matter of LT Craig Becker, USN, as well as the ultimate decision by the Secretary of Defense to assert jurisdiction.

This final response is provided on behalf of the Office of the Judge Advocate General (OJAG). Your request was processed in accordance with the Freedom of Information Act (FOIA), 5 U.S.C. § 552; the Privacy Act, 5 U.S.C. § 552a; the Department of the Navy Freedom of Information Act Program, SECNAVINST 5720.42G; and the Department of the Navy Privacy Program, SECNAVINST 5211.5F.

I have identified 428 pages of documents that are responsive to your request. 290 pages of those documents are redacted pursuant to FOIA exemptions (b)(5) and (b)(6). 138 pages of those documents are withheld in their entirety pursuant to FOIA exemption (b)(5).

The FOIA exemption (b)(5) protects from disclosure “inter-agency or intra-agency memorandums or letters which would not be available by law to a party other than an agency in litigation with the agency.” Incorporated in exemption (b)(5) are three primary categories of privileged information: (1) deliberative process privilege; (2) attorney work-product privilege; and (3) attorney-client privilege. I have determined that some of the information contained in the documents responsive to your request should be withheld under exemption (b)(5) pursuant to the deliberative process privilege and the attorney work-product privilege.

The FOIA exemption (b)(6) protects from disclosure information about individuals in “personnel and medical files and similar files,” when the disclosure “would constitute a clearly unwarranted invasion of personal privacy.” I have determined that some of the information contained in the documents responsive to your request should be withheld under exemption (b)(6).

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My review included consideration of the “foreseeable harm standard” (i.e., that information which might technically fall within an exemption should not be withheld from a FOIA requester unless the agency can identify a foreseeable harm or legal bar to disclosure.

I am the official responsible for the processing of your request. This determination may be appealed, in writing, to OJAG, General Litigation Division (Code 14), 1322 Patterson Avenue, SE, Suite 3000, Washington Navy Yard, DC 20374-5066. Should you wish to appeal this matter, I recommend your envelope and statement bear the notation “FOIA/PA Appeal” and include a copy of your initial request and a copy of this letter. Additionally, you are encouraged to provide an explanation of why you believe this determination is inadequate. Your appeal must be postmarked within 90 days of the date of this letter. No fees were generated by this request. You may also appeal via FOIA Online.

For any further assistance and to discuss any aspect of your request, you have the right to contact the DON FOIA Public Liaison at DONFOIAPublicLiaison@navy.mil. Additionally, you have the right to contact the Office of Government Information Services (OGIS) to inquire about the FOIA mediation services they offer. The contact information of OGIS is: Office of Government Information Services, National Archives and Records Administration, 8601 Adelphi Road-OGIS, College Park, Maryland 20740-6001; e-mail at ogis@nara.gov; telephone at 202-741-5770; toll free at 1-877-684-6448; or facsimile at 202-741-5769.

Sincerely,

A handwritten signature in blue ink, appearing to read "TJ Grant".

**TREVOR J. GRANT
Division Director
National Security Law
Office of the Judge Advocate General**