

EXHIBIT 6



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

5720
Ser DNS-H FOIA
AK/23U113850
October 25, 2023

Sent via email to: lawofficesofdavidpsheldon@militarydefense.com

Mr. David P. Sheldon
100 M. Street SE, Suite 600
Washington, D.C. 20003

Dear Mr. Sheldon:

This letter is a final response to your Freedom of Information Act (FOIA)/Privacy Act (PA) request dated December 5, 2022. Your request was received in our office on the same day and assigned FOIA tracking number DON-NAVY-2023-002479.

You requested, "...Department of the Navy provide my office with any and all documents the Navy maintains, including but not limited to letters, emails, notes of conversations, forms, notes of meetings, and any other documented related to the decision by the Navy to recommend against the United States asserting jurisdiction in the case, as well as the ultimate decision by the Secretary of Defense to have the Navy assert jurisdiction. The initial incident took place on October 8, 2015. The Navy search should include the range from that date through February 2, 2018, which is 30 days after the Secretary of Defense directed the Navy to assert jurisdiction....".

The following offices were contacted to conduct a search for responsive records: The Assistant Secretary of the Navy (ASN), Manpower and Reserve Affairs (MR&A), The Chief of Naval Operations (CNO), The Office of the Vice Chief of Naval Operations (VCNO), the Office of the Judge Advocate General (OJAG) Code 13, Navy Criminal Investigative Service (NCIS), the Naval Legal Service Command (RLSO), the Department of the Army Northern Law Center, United States Sixth Fleet (C6F), Commander, Navy Region Europe, Africa, and Central (EURSWA), and the Navy Chief of Information (CHINFO).

Accordingly, please note, the MR&A, CNO, VCNO, NCIS, RLSO, C6F, and CHINFO advised this office that they did not located any responsive records to your request.

The OJAG Code 13 conducted a search of their local and electronic files and located 723 pages of documents responsive to your request. Upon review of the OJAG's documents it was determined that 492 pages of those documents are redacted pursuant to FOIA exemptions (b)(5) and (b)(6). 93 pages of those documents were duplicative and have previously been released to you by the Office of the Judge Advocate General (OJAG), National Security Law Division (Code 10). 138 pages of those documents are withheld in their entirety pursuant to FOIA exemption (b)(5). The documents contain instances of deliberative process privileged material, are predecisional in nature, and/or contain working versions of documents, and are thus exempt from disclosure under 5 U.S.C. § 552(b)(5). These records contain frank and open discussion on predecisional matters. Due to the sensitive nature of such discussions, disclosure could discourage such forthright discussion on future reviews, impairing the decision-making process. Therefore, those portions are exempt from disclosure.

The document also contains instances of personally identifiable information (PII), such as the names, email addresses, and telephone 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. Accordingly, a copy of the nonexempt portions of the records are provided at enclosure (1).

Because your request is partially denied, you have the right to an appeal. Appeals can be filed via email or through the U.S. mail. In both cases, send the appellate authority the following items:

1. An email/letter requesting an appeal with reasons why it should be granted.
2. A copy of your initial request.
3. A copy of this letter.

An appeal sent by email must be received within 90 calendar days from the date of this letter. In the subject line of the email, type "FOIA Appeal" and your case number DON-NAVY-2023-002479. Send the appeal to usn.ncr.dns.mbx.don-foia-pa@us.navy.mil.

An appeal sent by mail must be postmarked within 90 calendar days from the date of this letter. Make sure to mark the envelope "FOIA Appeal". For issues related to the military, mail your appeal to The Judge Advocate General (Code 14). For all non-military related matters, mail your appeal to the Office of General Counsel (OGC). The appropriate addresses have been provided below.

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

General Counsel of the Navy
1000 Navy Pentagon, Room 5A532
Washington, D.C. 20350-1000

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

In this instance, fees are not applicable.

Please direct questions to the FOIA Service Center regarding the actions taken to process your request by phone (202) 685-0412 or via email usn.ncr.dns.mbx.don-foia-pa@us.navy.mil.

Sincerely,


R. Strong
Director
NAVY FOIA/PA Program Office