

Jerry T. Blackburn
1286 Remus
Kalamazoo, Michigan 49004

July 19, 2000

VIA FACSIMILE

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Chief Postal Inspector
United States Postal Inspection Service
475 L'Enfant Plaza, S.W. - Room 3100
Washington, D.C. 20260-2100

Re: Denise P. Blackburn
1286 Remus
Kalamazoo, Michigan 49004
Social Security No. 375-58-0626

Dear Sir or Madame:

This letter is being written for and on behalf of Denise P. Blackburn, my wife, who has provided me with a Durable Power of Attorney, a copy of which is enclosed.

For the period from January 1, 1991 to and including the date of the last production of records made pursuant to this request under the Freedom of Information Act (FOIA), 5 U.S.C. § 552, and applicable amendments thereto and implementing regulations, and the Privacy Act, 5 U.S.C. § 552a, and applicable amendments thereto and implementing regulations, this letter is to request copies of all records in the care, custody or control of the United States Postal Inspection Service that may in any way relate to Denise P. Blackburn. Her social security number is 375-58-0626, and her date of birth is May 29, 1952.

So that there is no misunderstanding, these records shall include but not be limited to:

1. Any and all records in support of the statement made by Postal Inspector Brett M. Schwartz in a letter, dated May 18, 2000, a copy of which is enclosed, to Robert M. Sullivan:

Chief Postal Inspector
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Our investigation indicates in reviewing Ms. Blackburn's medical information as compared to video surveillance and observation there appears to be numerous inconsistencies between her stated inabilities and her observed physical activities.

2. Any and all records in support of the Investigative Memorandum signed by Brett M. Schwartz, dated May 18, 2000, a copy of which is enclosed, concerning Denise P. Blackburn.
3. Any and all records relating to Case No. 902-1311464FWC(1);
4. Any and all records relating to Case No. A9-361981;
5. Any and all photographs, undeveloped photographs, and video tapes (including the audio portions thereof), portions of video tapes edited out (including the audio portions thereof);
6. Records of any communications with the U.S. Department of Labor or any entity or individuals associated with the U.S. Department of Labor, including but not limited to:
 - 1.) Office of Workers' Compensation Programs;
 - 2) Robert M. Sullivan;
 - 3) Karen R. Spence; and
 - 4) Aimee Brosch;
7. Records of any communications with Mr. John Rideout or anyone associated with his office;
8. Records of any communications with Ms. Helen R. Boberek or anyone associated with her office;
9. Records of any communications with any physicians, including but not limited to Dr. Magdi Gabriel, Dr. John Milcu, Dr. George Fuksa, or their staffs, or both;
10. Records of any communications with anyone else associated with the U.S. Postal Service.
11. Records of any authorization for the surveillance referenced in the Investigative

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Memorandum identified in part "2." hereof.

For the purpose of this request, "record" includes any recorded matter whatsoever, regardless of the form in which such record may have been made or kept, and shall include but not be limited to e-mails, photographs, videos, videos with audio, tape recordings, handwritten notes, memoranda, correspondence, records on hard drives or floppy disks, telephone logs and telephone bills. It should be further noted and emphasized that "record" also includes records that have been placed in storage and records maintained by subcontractors, consultants, physicians employed, retained by or under some sort of contract, whether written, verbal or informal, with the United States Postal Inspection Service or any of its subsidiary offices and, in this regard, shall include but not be limited to all responsive records in the care, custody or control of any of the foregoing.

I request that responsive records be produced in their entirety, including all attachments, enclosures and exhibits. In the event that you determine that a record contains material or information that falls within the statutory exemptions to mandatory disclosure, it is requested that such material or information be reviewed for possible discretionary disclosure. Similarly, in the event that you determine that a record contains material or information that falls within the statutory exemptions to mandatory disclosure, it is requested that, in accordance with the provisions of 5 U.S.C. § 552(b), and any other applicable law, that all segregable portions of such records be produced.


Additionally, please provide me with your position as to which exemption you believe covers the material that you are not releasing, your reasons for invoking the exemption in each particular case, and an index of the withheld records. My wife has an urgent need for the requested records, which are for a personal and not a commercial use. Accordingly, pursuant to 5 U.S.C. § 552(a)(6)(A), we request your determination on release within twenty (20) days of receipt of this request.

If you have any questions relative to this request, any inquiries should be directed to our attorney, Stuart H. Deming of Inman Deming LLP, who we have had to retain for the purpose of pursuing my wife's claim and now to secure full access to all of her records. Mr. Deming's address and telephone numbers are as follows:

259 East Michigan Avenue, Suite 406
Kalamazoo, Michigan 49007-5902
(616) 382-8080/(616) 382-8083 - Fax
(202) 347-6800/(202) 347-6013 - Fax

Chief Postal Inspector
July 19, 2000
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Sincerely,


Jerry T. Blackburn

Enclosures

cc: (w/encl.)

Denise P. Blackburn
Stuart H. Deming, Esq.

**DURABLE POWER OF ATTORNEY OF
DENISE P. BLACKBURN**

KNOW ALL MEN BY THESE PRESENTS, that I, Denise P. Blackburn, with social security number 375-58-0626, of 1286 Remus, Kalamazoo, Michigan 49004, have made, constituted and appointed, and by these presents, do make, constitute and appoint Jerry T. Blackburn, my husband, of Kalamazoo County, Michigan, my true and lawful attorney, for me, and in my name, place and stead, giving and granting unto the said Jerry T. Blackburn, full power and authority to do and perform every act and thing whatsoever requisite and necessary to be done as fully and to all intents and purposes as I might and could do if personally present, here by ratifying and confirming all that my said attorney shall lawfully do or cause to be done by virtue hereof, and without intending to limit the foregoing, giving and granting unto my said attorney full power and authority:

1. To demand, collect and receive any and all monies and other property which may be due me or to which I may be otherwise entitled including monies or property from estates and/or trusts in which I am a beneficiary.
2. To endorse, negotiate or cash any check, bill of exchange, note or other instrument made payable to me.
3. To deal with, manage, control and supervise any and all property, real, personal, or mixed, which I may own, and to pay all taxes and special assessments thereon; to provide such insurance thereon as my said attorney shall deem best, and pay the premiums on such insurance; and to make any repairs, improvements or betterments to any property, real or personal, which I may own.
4. To sell and convey, or to rent or lease, or to option any and all property, real, personal or mixed, of every kind and description owned by me on such terms, prices, covenants and conditions as my said attorney shall deem best; and to execute any and all listing agreements, deed, contracts of sale, bills of sale, assignments, leases, options, land contracts, or any other papers or documents necessary or desirable in connection therewith.
5. To invest and reinvest any money belonging to me in any property, real or personal, of any kind whatsoever, and on such terms, prices, covenants and conditions as my said attorney shall deem best.
6. To borrow from time to time for my benefit from any bank or anyone else, and to secure the loan or loans by mortgage on any real estate which I may own, the pledge of any

**Durable Power of Attorney
of Denise P. Blackburn
Page 2 of 5 pages**

securities which I may own, or otherwise.

7. To adjust and compromise any and all claims or demands of every kind and nature which I may have, and, as well, to pay, adjust or compromise any and all obligations or liabilities which may be at any time owing by me.

8. In my name, to open and maintain, draw on and close, any bank, savings and loan association, credit union, money market or mutual fund account, including savings accounts, certificates of deposit, checking accounts, share draft accounts, savings certificates, daily liquidity accounts and the like; and to have access to and remove any of the contents of any safe deposits box of which I may be a depositor or less or place items in the same.

9. To vote in person or by proxy, discretionary or otherwise, all stock or other securities owned by me regarding which voting rights may exist at any and all meetings of stockholders or other security holders for any and all purposes, including the power to vote for one or more of said attorney's agents as director or directors, officer or officers; to participate in such manner and to such extent as my said attorney shall see fit in the management of or in any merger, reorganization, recapitalization, receivership or any other action of similar nature as applied to any corporation or business entity in which I may hold stocks, bonds, or other securities or interests; to receive from any such corporation or business entity reasonable compensation for services rendered in connection with any such business entity reasonable compensation for services rendered in connection with any such activities; and not to be held liable if my said attorney acted in good faith even though my said attorney may have a personal or other interest in such corporation or business entity.

10. To institute any legal proceedings or suit of any kind whatsoever which my said attorney may deem necessary or desirable in connection with any matter whatsoever.

11. To employ any attorneys, accountants, brokers, agents or other persons, firms or corporations, when deemed necessary or desirable by my said attorney, and pay the reasonable costs or expenses thereof.

12. To obtain, deal with, manage, control and supervise all insurance upon my life to pay the premiums on such insurance, to borrow against such policies, to cash in policies and to secure further and other life insurance coverage upon me and to change beneficiaries upon such policies and assign such policies.

13. To obtain, deal with, manage, control and supervise all other insurance providing coverage for sickness and accident, major medical expenses, supplements to Medicare, disability income and otherwise as my attorney shall determine is in my best interests.

**Durable Power of Attorney
of Denise P. Blackburn**
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14. To deal with all retirement benefit plans of which I may be a present or future beneficiary or in which I may have vested or contingent rights and all retirement accounts of which I may be a present or future beneficiary or of which I may be an owner, including the right to make and execute elections, waivers and contributions on my behalf, and to receive the benefits or entire proceeds under such plans or accounts.
15. To make application to any government agency for any benefits payable to me, and to endorse any checks or drafts made payable to me by any such agency including Social Security checks.
16. To cause to be drafted and/or to sign income tax returns, local, state and federal, and to endorse all tax refund checks, local, state and federal, and execute such other instruments with relations to the foregoing as may require my signature. This Power of Attorney shall be deemed to apply to all of the following types of taxes: Federal Income, Gift & Estate Taxes; State of Michigan Income, Intangibles, and Inheritance Taxes, due, reportable, refundable or payable; and all returns to be filed on, within, or between the following years: 1985 through and inclusive 2085; and shall include authority to sign Internal Revenue Service Power of Attorney forms.
17. To obtain, deal with, manage, control and supervise all insurance providing coverage for sickness disability and accident, major medical expenses, supplements to Medicare, disability income and otherwise as my attorney shall determine is in my best interests.
18. To provide for my needs, including but not limited to, medical, hospital, nursing and other health care, and to execute waivers, medical authorizations and such other approvals as may be required to permit or authorize care which I may need.
19. To make all decisions regarding my health care if I am unable so to do, including the decision to forego or terminate any treatment, procedure, therapy or nourishment (including food, water and oxygen) which serves only to prolong my life without reasonable prospects that the quality of my life will be enhanced by the same and upon the conclusion, if ever, of the same. Said decision to forego or terminate any treatment, procedure, therapy or nourishment shall not be made until extensive efforts have been made to assure that no feasible alternative exists or is likely to become feasible within a timely period and through means which would be reasonably available. I specifically direct that no heroic measures be taken to prolong my life without the reasonable prospects of improving the quality of my life if my death, with or without such measures, is inevitable or probable in the near future, or in the event that my mental or physical condition has deteriorated to the point that were I to recover the best could be hoped for is that I would be either permanently disoriented or totally dependent upon artificial means to sustain my life. My attorney-in-fact shall have the sole and absolute discretion to reach such conclusions, make such decisions and implement the same either by way of action or inaction.

**Durable Power of Attorney
of Denise P. Blackburn**
Page 4 of 5 pages

20. To assign to any Trust of which I am the Settlor and a beneficiary during my lifetime any or all of my assets, and to make gifts to persons who are natural objects of my and otherwise to continue any gifting program which I have begun.

21. To request medical records as well as any other records whether it be through a formal or informal request or whether it be through the Privacy Act or the Freedom of Information Act, or both, or the equivalent of one or the other, or both, under any federal, state or local law.

This Durable Power of Attorney shall be governed by the laws of the State of Michigan.

This Durable Power of Attorney shall not be affected by my disability, except as provided by statute.

The powers herein given may be exercised in relation to any and all property, rights or privileges and obligations or liabilities which I now have, or may at any time hereafter have, either singly, or together with anyone else.

Xerographic or photostatic copies hereof shall be as valid for all purposes as the original.

IN WITNESS WHEREOF, I have hereunto set my hand this 13 th day of July, 2000.

Signed in the presence of:

Kandis R. Wood

Denise P. Blackburn
Denise P. Blackburn

Shela M. Nye



UNITED STATES POSTAL INSPECTION SERVICE

MICHIANA DIVISION

Rebecca
MAY 2000
RECEIVED

May 18, 2000

Case No. 902-1311464 FWC (1)
Claim No. A9-361981

Subject: KALAMAZOO, MI: Investigation of Conduct of clerk, Ms. Denise
Blackburn; DOB: 5-29-52; SSN: 375-58-0626

Mr. Robert M. Sullivan
District Director
U. S. Department of Labor
Office of Workers' Compensation Programs
1240 E. 9th Street, Room 842
Cleveland, OH 44199-2802

Dear Mr. Sullivan:

Herewith is an investigative memorandum relating to the conduct of Ms. Denise Blackburn, Department of Labor (DOL) claim number A9-361981. Our investigation indicates in reviewing Ms. Blackburn's medical information as compared to video surveillance and observation there appears to be numerous inconsistencies between her stated inabilities and her observed physical activities. This information is submitted for your consideration and decision as whether administrative action is warranted.

Please advise me in writing, of your decision in this matter. If you have any questions, please contact me at 313-226-8207.

Brett M. Schwartz
Postal Inspector

Enclosure: Investigative Memorandum

cc: John Rideout - Manager, Injury Compensation Greater Michigan District

DIVISION HEADQUARTERS
P. O. BOX 330118
DETROIT MI 48232-6118
TELEPHONE: 313-226-6184
FAX: 313-226-8220



UNITED STATES POSTAL INSPECTION SERVICE

MICHIANA DIVISION

May 18, 2000

Case No. 902-1311464-FWC (1)

Subject: KALAMAZOO, MI: Investigation of the Conduct of clerk, Ms. Denise Blackburn; DOB: 5-29-52; SSN: 375-58-0626

INVESTIGATIVE MEMORANDUM

1. The basis for this investigation was the receipt of information obtained through Mr. John Rideout, Injury Compensation, Manager, Greater Michigan District, concerning the physical activities of Ms. Denise Blackburn. Ms. Blackburn has been receiving benefits under the Federal Employee Compensation Act (F.E.C.A.) as a result of an alleged on-the-job injury. Ms. Blackburn is currently on the periodic rolls.
2. A review of the Department of Labor's (DOL) Statement of Accepted Facts indicates on December 31, 1991, Ms. Blackburn sustained an alleged on-the-job injury when she lifted a tub from the top of a cage and felt something pull in her back. She sought medical attention the day of the injury and was released to return to work with the restrictions of no lifting, bending, twisting and was instructed to alternate between sitting and standing. Ms. Blackburn later stopped work on February 28, 1992 and returned to limited-duty on March 21, 1992. She again stopped work on April 21, 1992 and has not returned to work. After the work injury, Ms. Blackburn began to develop non work-related cervical problems. The claim has been accepted by the Department of Labor (DOL) for the following conditions: low back strain and protruding disc at L4-L5.
3. Based on this information and under the direction of the Postal Inspection Service, Ms. Blackburn was under surveillance during the months of January through May 2000. Her activities for the months of January through March were videotaped. Surveillance over two days in April and six days in May revealed no activities beyond her restrictions. An edited 6-minute VHS videotape of Ms. Blackburn's activities is submitted for your review (Exhibit 1).
4. On Monday, January 10, 2000, Ms. Blackburn was observed going to her second opinion examination with Dr. Magdi Gabriel, 320 West Fourth Street, Mishawaka, Indiana 46544. Ms. Blackburn was observed ambulating from her vehicle to the doctor's office and returning to her vehicle. Later that day, Ms. Blackburn was observed exiting her vehicle, ambulating to a McDonald's restaurant, eating at the restaurant, throwing trash from a tray into a trash receptacle and ambulating from the McDonald's restaurant to her vehicle (Exhibit 2).

DIVISION HEADQUARTERS
P. O. BOX 330119
DETROIT MI 48232-6119
TELEPHONE: 313-226-8184
FAX: 313-226-8220

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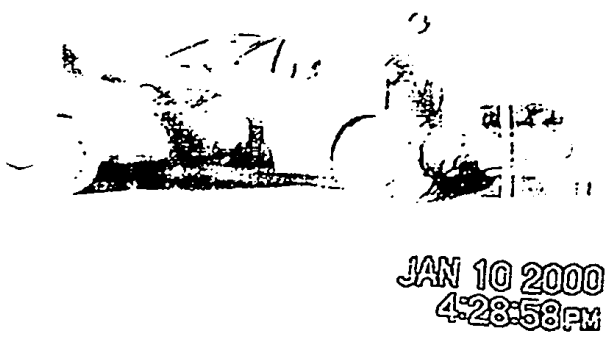
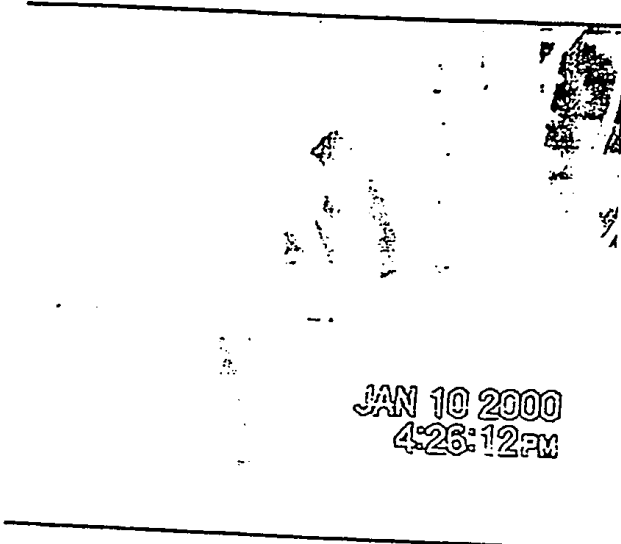
5. On Tuesday, January 11, 2000, Ms. Blackburn was observed driving her vehicle to a local Harding's Supermarket. Ms. Blackburn parked her vehicle and ambulated while carrying her purse and grocery bags into the supermarket (Exhibit 3). She ambulated from the supermarket and entered her vehicle from the driver's side. She was observed driving back to her residence.
6. On Thursday, February 24, 2000, Ms. Blackburn was observed driving her vehicle to Parchmant Library. Ms. Blackburn parked her vehicle and ambulated into the library. She exited the library, ambulated to her vehicle, entered her vehicle from the driver's side and was observed driving to 5068 Keyes Street. A female exited the residence and entered the passenger side of Ms. Blackburn's vehicle. Ms. Blackburn was observed driving to a local Harding's Supermarket where she parked her vehicle. Ms. Blackburn exited her vehicle, carried grocery bags in both hands, and ambulated into the supermarket. A short time later, she exited the supermarket, lifted a grocery bag and assisted an employee who placed the bag into Ms. Blackburn's trunk. Ms. Blackburn also pushed an empty shopping cart across the parking lot (Exhibit 4). The female passenger was observed entering the passenger side of the vehicle and Ms. Blackburn was observed entering the driver's side. Ms. Blackburn drove to 5068 Keyes Street where the female passenger exited the vehicle. Ms. Blackburn drove back to her residence.
7. On Tuesday, March 21, 2000, Ms. Blackburn was observed driving to the local elementary school on Gull Road. Ms. Blackburn parked, exited the vehicle and ambulated into the school. A short time later she was observed ambulating out of the school, then driving to the side of the school. Ms. Blackburn parked, exited the vehicle and again ambulated into the school. A few minutes later, she was observed ambulating out of the school with a young male. Ms. Blackburn, while holding her purse with her right hand; leaned over and pointed with her right arm to the passenger side of the vehicle (Exhibit 5), where she directed the young male to enter. Ms. Blackburn then entered the driver's side of the vehicle and drove back to her residence.
8. In reviewing Ms. Blackburn's medical information as compared to the video surveillance, there appears to be inconsistencies between her stated inabilities and her observed physical activities. The observations of Ms. Blackburn demonstrate she might be exceeding her medical restrictions.


Brett M. Schwartz
Postal Inspector

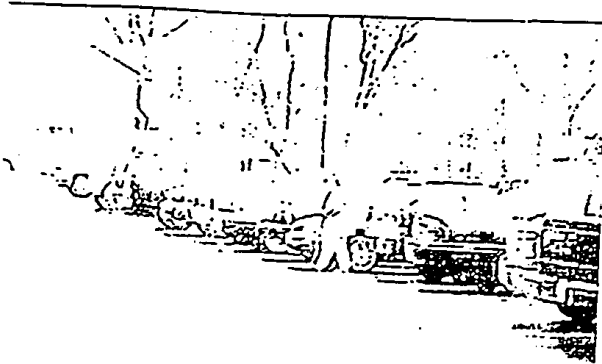
EXHIBITS:

- 1 Edited 6-minute VHS videotape of Ms. Blackburn's activities
- 2-5 Still photographs demonstrating Ms. Blackburn's activities

REFER TO VIDEOTAPE
EXHIBIT 1



On Monday, January 10, 2000, Ms. Blackburn was observed ambulating to and from her doctor's office. She was also observed placing a tray containing trash into a trash receptacle at a McDonalds. Ms. Blackburn was observed ambulating to her vehicle from the McDonalds.



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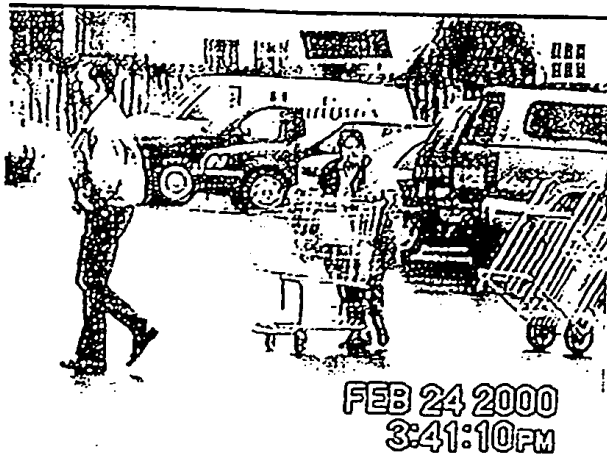


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On Tuesday, January 11, 2000, Ms. Blackburn was observed ambulating to a local Harding's store. While ambulating from her vehicle to the store, she carried bags and a purse. She was also observed ambulating from the store to her vehicle.



On Thursday, February 24, 2000, Ms. Blackburn was observed ambulating to a local Harding's Supermarket. She carried bags and a purse. After exiting the store, she was observed lifting a bag and handing it to an attendant, who placed the bag into the truck of Ms. Blackburn's vehicle. She was also observed pushing an empty shopping cart.



On Tuesday, March 21, 2000, Ms. Blackburn was observed ambulating into a local school, where she exited with a young male. Ms. Blackburn, while holding her purse with her right hand; leaned over and pointed to the passenger side of the vehicle and directed the young male to enter. Ms. Blackburn entered the vehicle and drove away.