



OFFICE OF INSPECTOR GENERAL
DEPARTMENT OF DEFENSE
4800 MARK CENTER DRIVE
ALEXANDRIA, VIRGINIA 22350-1500

March 7, 2024
Ref: DODOIG-2024-000205

SENT VIA EMAIL TO: john@greenewald.com

Mr. John Greenewald
The Black Vault, Inc.
27305 W. Live Oak Road, Suite 1203
Castaic, CA 91384-4520

Dear Mr. Greenewald:

This responds to your Freedom of Information Act (FOIA) request for “all records and materials submitted or communicated to the Department of Defense Inspector General by David Charles Grusch,” to exclude those already provided to you under DODOIG-2023-001013, from January 1, 2020, through to the date of processing this request. We received your request on January 12, 2024, and assigned it case number DODOIG-2024-000205.

For your information, Congress excluded three discrete categories of law enforcement and national security records from the requirements of the FOIA. See 5 U.S.C. 552(c). This response is limited to those records that are subject to the requirements of the FOIA. This is a standard notification that is given to all our requesters and should not be taken as an indication that excluded records do, or do not, exist.

The Administrative Investigations Component, the Defense Criminal Investigative Service, the Department of Defense Hotline, and the Evaluations Component conducted searches and located records responsive to your request. In order to provide you with the greatest possible access to the responsive records, your request was processed under both the Privacy Act of 1974 (5 U.S.C. § 552a) and the FOIA (5 U.S.C. § 552). However, we have determined that the records responsive to your request are exempt from the access provisions of the Privacy Act. See 32 C.F.R. Part 310. For this reason, we have processed your request under the FOIA.

Upon review, we determined that 25 pages are exempt from release in their entirety pursuant to the following FOIA exemptions:

- (b)(3), which protects information that has been “specifically exempted from disclosure by statute” in this case, the Inspector General Act of 1978, 5 U.S.C. § 407, which pertains to the confidentiality of employee complaints to the Inspector General;
- (b)(5), which pertains to certain inter-and intra-agency communications protected by the deliberative process privilege. The purpose for withholding such recommendations is to encourage the free and candid exchange of opinions and advice during the decision-making process. In applying the foreseeable harm standard, we determined that disclosure of this information is likely to diminish the candor of agency deliberations in the future;

- (b)(6), which protects information that would constitute a clearly unwarranted invasion of personal privacy;
- (b)(7)(C), which pertains to records or information compiled for law enforcement purposes, the release of which could reasonably be expected to constitute an unwarranted invasion of personal privacy; and
- (b)(7)(E), which pertains to records or information compiled for law enforcement purposes, the release of which would disclose techniques and procedures for law enforcement investigations or prosecutions.

Our review included consideration of the foreseeable harm standard, as stated in DoDM 5400.07. Under this standard, the content of a particular record should be reviewed and a determination made as to whether the DoD Component reasonably foresees that disclosing it, given its age, content, and character, would harm an interest protected by an applicable exemption.

In addition, please be advised that certain documents that may be responsive to your request are compiled for a law enforcement inquiry and release, at this time, could reasonably be expected to interfere with the inquiry. As such, 5 U.S.C. § 552 exemption (b)(7)(A) of the FOIA provides for withholding records or information compiled under these circumstances, as law enforcement inquiries are not limited to criminal actions but include civil actions and regulatory proceedings as well. For this reason, we cannot release certain responsive documents at this time. Once the inquiry is complete however, exemption (b)(7)(A) may no longer apply, and you may re-submit your request. Please note that, even after the inquiry is completed, responsive records may still be exempt from disclosure based on one or more FOIA exemptions.

If you consider this an adverse determination, you may submit an appeal. Your appeal, if any, must be postmarked within 90 days of the date of this letter, clearly identify the determination that you would like to appeal, and reference to the FOIA case number above. Send your appeal via mail to the Department of Defense, Office of Inspector General, ATTN: FOIA Appellate Authority, Suite 10B24, 4800 Mark Center Drive, Alexandria, VA 22350-1500, via email to foiaappeals@dodig.mil, or via facsimile to 571-372-7498. However, please note that FOIA appeals can only examine adverse determinations concerning the FOIA process. For more information on appellate matters and administrative appeal procedures, please refer to 32 C.F.R. Sec. 286.9(e) and 286.11(a).

You may contact our FOIA Public Liaison at FOIAPublicLiaison@dodig.mil, or by calling 703-604-9785, for any further assistance with your request. Additionally, you may contact the Office of Government Information Services (OGIS) at the National Archives and Records Administration to inquire about the FOIA mediation services they offer. The contact information for OGIS is as follows: Office of Government Information Services, National Archives and Records Administration, 8601 Adelphi Road-OGIS, College Park, MD 20740-6001, email at ogis@nara.gov; telephone at 202-741-5770; toll free at 1-877-684-6448; or

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facsimile at 202-741-5769. However, OGIS does not have the authority to mediate requests made under the Privacy Act of 1974 (request to access one's own records).

If you have any questions regarding this matter, please contact our office at 703-604-9775 or via email at foiarequests@dodig.mil.


Sincerely,

A handwritten signature in black ink, appearing to read "Mark Dorgan", with a long horizontal flourish extending to the right.

Mark Dorgan
Director
FOIA, Privacy and Civil Liberties Office

This document is made available through the declassification efforts
and research of John Greenewald, Jr., creator of:

The Black Vault



The Black Vault is the largest online Freedom of Information Act (FOIA)
document clearinghouse in the world. The research efforts here are
responsible for the declassification of hundreds of thousands of pages
released by the U.S. Government & Military.

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