

SUBJECT: Administrative Appeal - F-2025-28917 - Inadequate Search and Improper Withholdings

TO: Appeals Officer, Office of Information Programs and Services

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FROM: David Burger, Covenant for Forgotten Warriors

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DATE: December 8, 2025

RE: FOIA Request F-2025-28917 - Appeal of Inadequate Response

I am writing to appeal the Department of State's December 3, 2025 response to FOIA request F-2025-28917. The response is fundamentally deficient in both scope and substance, violating the Department's obligations under 5 U.S.C. § 552.

I. THE REQUEST

My September 17, 2025 request sought:

"All communications and records concerning U.S. citizen Kelvin Blas, currently stranded in Togo, including **internal emails, memoranda, cables, and other communications** between U.S. Embassy Lomé (Consular Section) and the Bureau of Consular Affairs; **all notes, entries, and documents in his consular case file; any correspondence between consular officials and other U.S. government entities; and any reports, incident logs, or case-status updates** referencing him."

The request covered **January 1, 2020 through present** (September 2025), seeking comprehensive documentation of the Department's handling of Sgt. Blas's case since his stranding in Togo beginning in 2020.

II. THE INADEQUATE RESPONSE

The Department claims to have conducted a search and located "6 records, totaling 20 pages." This response is patently inadequate and demonstrates either a search so narrow as to be unreasonable, or an improper decision to withhold responsive records.

A. Temporal Deficiencies

The 20 pages provided cover only three brief time periods:

- February 2020 (romance scam determination emails)
- September 2021 (OIG complaint forwarding)
- June 2025 (follow-up correspondence)

Completely absent are any records from:

- March 2020 - August 2021 (18 months)
- October 2021 - May 2025 (3.5 years)

For a case spanning **over 5 years** of a U.S. Army combat veteran being stranded in Togo, 20 pages

covering less than 3 months of activity represents an unreasonable and inadequate search.

B. Missing Document Types

The Department provided only email correspondence - primarily external emails with me as the requester. **Completely absent** are:

1. **Internal State Department Communications:** No internal emails between Embassy Lomé and Bureau of Consular Affairs discussing the case. No memoranda analyzing the situation or proposing courses of action.
2. **Embassy Cables:** No diplomatic cables regarding Sgt. Blas's situation - standard documentation for all consular cases of this nature and complexity.
3. **Consular Case File Documentation:** No ACS case notes, no welfare check reports, no internal case status updates. The Welfare and Whereabouts Service Summary (pages 17-20) appears to be a recent compilation (dated November 25, 2025 - **just 8 days before this response**) with no actual case notes attached.
4. **Inter-Agency Correspondence:** No communications with Department of Defense, Department of Veterans Affairs, or other federal agencies regarding a stranded Army veteran - despite my specific request for such records and despite the June 2025 emails showing State officials recommending I contact these agencies.
5. **Reports and Incident Logs:** No embassy incident reports, no consular section logs, no documentation of the alleged "romance scam" determination beyond the emails provided.

C. Document-Specific Deficiencies

The Welfare and Whereabouts Service Summary (dated November 25, 2025, generated just 8 days before the response) shows:

- Service ID: LOM202516724140037
- Service Created: June 16, 2025
- Status: "Open"

This indicates an **active consular case** with associated documentation. Yet the Department provided no:

- Case creation documents
- Activity logs
- Internal assessments
- Status updates
- Communication records beyond the handful of emails

D. Factually Inaccurate Records Suggest Wrong Subject or Fabricated Documentation

The Welfare and Whereabouts Service Summary (pages 17-20) contains critical factual errors that call into question whether the Department even searched for the correct individual:

1. Wrong Name: The summary identifies the subject as "**Kelvin Bill Blas**" (page 20). Sgt. Blas **does not have a middle name**. His legal name is Kelvin Blas. This raises serious questions:

- Did the Department search for the wrong person?
- Was this "welfare check" case created for a different individual?
- If they don't even have his correct name, how can they claim to have conducted a comprehensive search?

2. Grossly Incorrect Age: The summary lists his age as "**30 (est.)**" (page 20). Sgt. Blas's date of birth is August 12, 1983, making him **42 years old** in 2025 - a **12-year discrepancy**. This is not a minor clerical error. This suggests:

- The Department has fundamentally incorrect biographical data
- They may have conflated him with another person
- They never properly verified his identity before denying services

3. No Welfare Check Documentation: Despite being a "Welfare and Whereabouts Service Summary," the document contains:

- No dates of actual welfare checks performed
- No documentation of contact with Sgt. Blas
- No case notes or activity logs
- Empty fields where welfare check information should appear

This appears to be a **shell document created in response to the FOIA** (dated November 25, 2025 - **just 8 days before their response**) rather than documentation of actual services provided.

4. Improper Redaction's: Names are redacted throughout the document under (b)(6), hiding who created this inaccurate summary, who last edited it, and who accessed the case.

These errors are not minor clerical mistakes - they fundamentally undermine the Department's claim to have conducted any meaningful search for records about Sgt. Kelvin Blas. If they don't even have his correct name or age, how can they claim to have located all responsive records?

E. Provision of Requester's Own Communications

Of the 20 pages provided, **at least 14 pages** consist of email correspondence in which I was a direct participant - emails I sent or received in real-time. The Department has:

1. **Redacted official names** from emails I already possess in unredacted form
2. **Applied exemptions** to communications I already have complete access to
3. **Counted these pages** toward their production total despite providing zero new information

For example:

- Pages 1-3: My February 2020 emails with Consular Section Chief (which I possess)
- Pages 10-14: My June 2025 escalation emails (which I sent)
- Pages 15-16: September 2021 correspondence (which I participated in)

This is not a FOIA response - it's administrative theater.

The Department cannot fulfill its FOIA obligations by simply returning the requesters own emails with additional redactions applied. The purpose of FOIA is to provide access to **government records the**

requester does not already possess.

I do not need redacted copies of my own correspondence. I need:

- The **internal** State Department discussions about my emails
- The **government's response** to the issues I raised
- The **decision-making process** behind the "romance scam" determination
- The **communications between government offices** that I was not party to

By padding the production with my own emails, the Department obscures the fact that it has provided **virtually no actual government records** - no internal communications, no decision memoranda, no cables, no case file documentation.

III. IMPROPER WITHHOLDING'S UNDER EXEMPTION (b)(6)

The Department has redacted the **names, titles, and official email addresses** of State Department officials under 5 U.S.C. § 552(b)(6) (personal privacy). This is improper.

A. Official Capacity Communications

All redacted communications were made by government officials **in their official capacity**, performing their official duties, using government email systems, during working hours. There is **no personal privacy interest** in the identity of officials conducting official government business.

See Reporters Committee for Freedom of the Press v. DOJ, 816 F.2d 730, 735 (D.C. Cir. 1987) (officials' names in official capacity not protected by (b)(6)); *Forest Service Employees for Environmental Ethics v. USFS*, 524 F.3d 1021, 1025 (9th Cir. 2008) (names of government employees in official documents not covered by (b)(6)).

B. Public Interest in Accountability

There is substantial public interest in knowing **which officials** made the determination that Sgt. Blas was a "romance scam" rather than a stranded American requiring assistance. This determination has resulted in **over 5 years** of denial of consular services to a U.S. Army combat veteran stranded in Togo.

The public has a right to know:

- Who made this determination
- What position they held
- What authority they exercised
- Whether they followed proper procedures
- Why this determination has never been reconsidered despite years of evidence to the contrary
- Who created the factually inaccurate Welfare and Whereabouts Service Summary with wrong name and age

C. No Privacy Interest Outweighs Public Interest

Even if some minimal privacy interest existed (it does not), it would be far outweighed by the public interest in accountability for government decisions affecting a stranded American veteran, particularly when the records contain fundamental factual errors about his identity.

IV. INADEQUATE SEARCH

Under 5 U.S.C. § 552(a)(3)(C), an agency must conduct a search "reasonably calculated to uncover all relevant documents." *Weisberg v. DOJ*, 745 F.2d 1476, 1485 (D.C. Cir. 1984).

The search here was manifestly inadequate. A reasonable search for records concerning Sgt. Kelvin Blas would locate:

1. Embassy Lomé Records:

- Consular case file (ACS99 case - Service ID: LOM202516724140037)
- All email communications
- Cable traffic
- Incident reports
- Welfare check documentation (if any actual checks were performed)

2. Bureau of Consular Affairs Records:

- CA/OCS case management records
- Policy guidance provided to Embassy
- Internal assessments
- Coordination with other bureaus

3. Inter-Agency Records:

- Communications with DoD regarding veteran status
- Communications with VA regarding benefits
- Any coordination with DHS, FBI, or other agencies

4. Records from Multiple Time Periods:

- 2020: Ambassador Stromayer Allegedly telling Sgt. Blas "American's aren't Black"
- 2020-2021: Arrival in Togo, "romance scam" determination, denial of services
- 2021-2025: Ongoing advocacy efforts, welfare checks, case status
- 2025: Recent case activity (June on-wards, welfare and whereabouts case opened)

The Department's production of 20 pages - mostly my own emails - combined with a Welfare and Whereabouts Service Summary containing the **wrong name and wrong age** suggests either:

- **Inadequate search locations:** Did not search Embassy Lomé files, cable databases, case management systems, or inter-agency correspondence
- **Overly narrow search terms:** Used terms that would not capture relevant responsive records
- **Wrong search subject:** Searched for "Kelvin Bill Blas" (incorrect name) and age 30 (incorrect age)
- **Improper withholding:** Responsive records exist but were improperly withheld in full

V. REQUESTED RELIEF

I respectfully request that the Appeals Officer:

1. Order a comprehensive search of all reasonably likely locations, including:

- Embassy Lomé consular section files and email systems
- Bureau of Consular Affairs case management systems
- Department cable databases

- Inter-agency correspondence files
 - **Correct search parameters using accurate name (Kelvin Blas, no middle name) and correct birth date (August 12, 1983)**
2. **Release all improperly withheld records**, including:
 - Names, titles, and official contact information of all State Department officials acting in official capacity
 - All internal communications, memoranda, and cables
 - Complete consular case file documentation (ACS99 case)
 - All inter-agency correspondence
 - All actual welfare check documentation (if any checks were performed)
 - Explanation of who created the inaccurate November 25, 2025 summary with wrong name and age
 3. **Provide a detailed explanation of:**
 - What search terms were used
 - What systems/locations were searched
 - Why the Welfare and Whereabouts Service Summary contains wrong name and age
 - Whether the Department has been maintaining records under incorrect identifying information
 - What specific records were withheld in full and why
 4. **Apply proper FOIA standards**, recognizing that:
 - This involves a matter of significant public interest (abandoned American veteran)
 - Official capacity communications have no (b)(6) protection
 - The requester is a nonprofit organization advocating for veteran welfare
 - The foreseeable harm standard requires release of records unless specific harm can be identified

VI. CONCLUSION

The Department's response - 20 pages of mostly my own emails covering less than 3 months of a multi-year case, plus a Welfare and Whereabouts Service Summary containing the **wrong name and wrong age** - is so inadequate as to suggest either profound incompetence in conducting the search or deliberate evasion of FOIA obligations.

Sgt. Kelvin Blas is a **U.S. Army combat veteran** who has been stranded in Togo since 2020. The Department's determination that he is a "romance scam" has resulted in denial of consular assistance for **over 5 years**.

The American people - and especially American veterans - have a right to know:

- How this determination was made
- By whom
- Based on what evidence
- Why it has never been reconsidered despite years of advocacy and evidence
- Why a combat veteran has been abandoned by his government for over 5 years
- Why the Department's records contain the wrong name and wrong age for this veteran

I request that this appeal be granted in full and that a proper, comprehensive search be conducted using correct identifying information.

This concerns a stranded American veteran. Five years is long enough.

PUBLIC ACCOUNTABILITY AND TRANSPARENCY

Covenant for Forgotten Warriors maintains comprehensive public documentation of all FOIA requests and appeals filed on behalf of abandoned American veterans. This includes tracking response times, procedural compliance, and agency obstruction.

The public tracking of this request and appeal, along with all other State Department FOIAs concerning Sgt. Kelvin Blas, is available at:

<https://truesignalmedia.news/foia-tools>

This transparency ensures public accountability for agency compliance with FOIA's statutory obligations and documents patterns of obstruction that may warrant Congressional oversight or Inspector General review.

Respectfully submitted,

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Founder and Director

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Enclosure: Copy of December 3, 2025 Final Response Letter