

Dear FOIA Appeals Officer,

This is an administrative appeal pursuant to 5 U.S.C. § 552(a)(6)(A)(i) and 22 C.F.R. § 171.11. I appeal the improper administrative closure of Freedom of Information Act request F-2025-30280, which was originally filed and for which a fee waiver denial was appealed on October 1, 2025.

PROCEDURAL DEFECTS IN CLOSURE

On November 25, 2025, I received notification that the Department of State administratively closed request F-2025-30280 with status "Closed." The notification stated:

"If that status is 'Closed' or 'Documents Delivered', then the Department's response will be emailed or mailed (via US Postal Service). Please check your email account (including junk/spam mail) for the Department's response OR allow 7 to 10 business days to receive the Department's response by US Postal Service mail."

As of the date of this appeal (November 27, 2025), I have not received:

1. Any responsive records
2. Any determination letter explaining the closure
3. Any notification of exemptions claimed
4. Any substantive response to the request
5. Any response to the fee waiver appeal filed October 1, 2025

The Department has administratively closed this request without satisfying any of FOIA's statutory requirements for responding to requests or appeals.

LEGAL BASIS FOR APPEAL

The Freedom of Information Act requires agencies to make a determination on FOIA requests and notify the requester of that determination, including the right to appeal. 5 U.S.C. § 552(a)(6)(A)(i).

When a fee waiver is denied and appealed, the agency must:

- Decide the appeal
- Notify the requester of the appeal decision
- If the appeal is denied, explain the basis and provide appeal rights
- If the appeal is granted, process the request and produce records

22 C.F.R. § 171.11 requires that appeals be decided and the requester notified of the decision.

The Department cannot satisfy these obligations by:

- Closing requests without determination letters
- Promising future explanation "within 7-10 days"
- Failing to decide pending appeals
- Providing no substantive response whatsoever

This procedural approach violates FOIA's statutory framework and denies requesters the transparency and accountability the statute requires.

PRIOR FEE WAIVER APPEAL REMAINS UNDECIDED

On October 1, 2025, I filed an administrative appeal of the Department's denial of my fee waiver request for F-2025-30280. That appeal comprehensively demonstrated that:

1. The requested records concern identifiable government operations (consular services and inter-agency coordination regarding an abandoned U.S. veteran)
2. Disclosure will contribute significantly to public understanding of whether the State Department properly executed its consular responsibilities, coordinated with other agencies, and followed protocols for welfare checks and crisis intervention
3. The requester (Covenant for Forgotten Warriors) has the capacity and intent to disseminate findings to inform public understanding
4. Disclosure is not primarily in the commercial interest of a nonprofit advocacy organization

The Department has not responded to that appeal. Instead, the Department closed the request entirely without deciding the appeal, producing records, or providing any determination.

This procedural failure compounds the original fee waiver denial. The Department cannot avoid deciding a fee waiver appeal by administratively closing the underlying request. SUBSTANTIVE

GROUND FOR REVERSAL

This request sought records concerning Sgt. Kelvin Blas, a U.S. Army veteran stranded in Togo, West Africa since March 2020. The request sought documentation of:

- Communications between State Department and other agencies regarding Sgt. Blas
- Inter-agency coordination (or lack thereof) concerning his welfare
- State Department's response to a veteran in crisis overseas

These records are essential to understanding:

- Whether consular services were properly provided to an American citizen abroad
- Whether inter-agency coordination functioned as required
- Whether systemic failures endangered this veteran and potentially others
- Whether the State Department is accountable when Americans are abandoned overseas

Since the filing of this request, Sgt. Blas's situation has deteriorated further:

- On November 11, 2025, embassy security physically assaulted him
- Embassy staff threatened to permanently ban him from embassy premises
- He was denied emergency assistance despite not having eaten for three days
- He remains stranded without consular services, passport assistance, or emergency support

The public interest in these records has intensified as the abandonment has escalated to physical violence and threats. The Department's administrative closure without response or explanation suggests an intent to conceal records documenting this failure.

PATTERN OF IMPROPER CLOSURES

This improper closure is part of a systematic pattern of State Department obstruction regarding records about Sgt. Kelvin Blas:

Request F-2025-30610 (filed September 18, 2025): Administratively closed November 26, 2025 without records or determination - appeal filed November 27, 2025

Request F-2025-30612 (filed September 29, 2025): No substantive response received

Request F-2025-30611 (filed September 29, 2025): No substantive response received

Request F-2025-28917 (filed September 16, 2025): No substantive response received

The Department has now administratively closed at least two FOIA requests concerning Sgt. Blas without producing records or proper determinations, while leaving other requests in indefinite limbo without substantive response.

This pattern raises serious questions about whether the Department is using administrative closures as a mechanism to avoid transparency regarding documented failures in consular services, including:

- Alleged racist statement by former Ambassador Eric Stromayer ("Americans aren't Black")
- Five years of systematic denial of consular services
- Physical assault of an American citizen by embassy security
- Threats to ban an American from accessing his own country's embassy

FOIA exists precisely to prevent agencies from concealing such failures. Administrative closure without determination or records production defeats FOIA's purpose.

REMEDY REQUESTED

I request that the FOIA Appeals Officer:

1. Reverse the improper administrative closure of request F-2025-30280
2. Decide the pending fee waiver appeal filed October 1, 2025
3. If the fee waiver appeal is granted, direct the Department to conduct a comprehensive search and produce all responsive records with any claimed exemptions properly identified and justified
4. If the fee waiver appeal is denied, provide a detailed written explanation of the basis for denial and information about further appeal rights
5. Provide a formal determination letter addressing both the fee waiver appeal and the underlying FOIA request
6. Ensure that responsive records are produced or withheld pursuant to proper FOIA procedures, not administrative closure without explanation

LEGAL STANDARD FOR FEE WAIVER (RESTATED)

Should the fee waiver appeal proceed to decision, I incorporate by reference the comprehensive justification provided in my October 1, 2025 appeal, which demonstrated:

Public Interest: These records will contribute significantly to public understanding of:

- State Department's execution of consular responsibilities for stranded veterans
- Inter-agency coordination (or lack thereof) when Americans are in crisis overseas
- Whether systemic failures exist in consular services
- Accountability when consular officials deny services to U.S. citizens

Requester Capacity: Covenant for Forgotten Warriors is a veteran advocacy organization with demonstrated capacity to analyze government records and disseminate findings through advocacy, public education, and coordination with media outlets.

No Commercial Interest: Covenant for Forgotten Warriors is a nonprofit organization. Records will be used solely for advocacy, oversight, and public accountability purposes.

The original fee waiver denial was erroneous, the appeal remains undecided, and the administrative closure does not moot the fee waiver issue.

CONCLUSION

The Department's administrative closure of request F-2025-30280 without:

- Deciding the pending fee waiver appeal
- Producing any responsive records
- Providing a determination letter
- Explaining the closure at the time it occurred violates FOIA's statutory requirements and denies the requester due process.

The closure appears designed to obstruct legitimate oversight of the Department's handling of an abandoned American veteran whose situation has escalated from service denial to physical assault.

I respectfully request that the FOIA Appeals Officer reverse this improper closure, decide the fee waiver appeal, and direct full compliance with FOIA's statutory obligations.

If any portion of this appeal is denied, I request a detailed written explanation of the legal basis for denial and information about further appeal rights.

Respectfully submitted,

David Burger