

# CHALLENGE TO FACIALLY ABSURD "NO RECORDS" CLAIM

I challenge the Department's determination that no records exist responsive to FOIA request F-2025-30283 concerning internal Embassy Lomé records documenting decisions to limit, delay, or deny consular assistance to U.S. Army veteran Kelvin Blas.

## Timeline of Suspicious Closure:

- **September 24, 2025:** F-2025-30283 filed
- **October 1 - November 12, 2025:** Government shutdown
- **December 5, 2025:** Covenant for Forgotten Warriors sends urgent demand letter documenting statutory violations and threatening OGIS referral, congressional notification, and IG complaint
- **December 8, 2025:** Department closes request with "no records" claim - **3 days after receiving escalation threats**

**This 3-day turnaround after threats of oversight is not coincidental - it is retaliatory obstruction.**

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## I. THE REQUEST SEEKS CORE EMBASSY OPERATIONS DOCUMENTATION

This FOIA request is **narrow and specific**, seeking only:

1. Internal memoranda regarding consular assistance decisions
2. Embassy talking points or briefing materials for leadership
3. Cables or emails between identified officials (ACS officers, Consular Chief, DCM, Chargé) discussing rationale
4. Legal clearance notes or guidance providing justification
5. Records documenting escalation to Embassy leadership

**Time frame:** From passport seizure (March 2020) to present - **over 5 years of documented assistance denials**

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## II. RECORDS THAT MUST EXIST - EIGHT YEARS OF POLICY DECISIONS

### A. Leadership-Level Decision Documentation

**The November 11, 2025 incident alone proves leadership involvement:**

- Ambassador's Secretary issued direct order: "Kelvin is not welcomed here"

- Embassy leadership authorized threats of arrest
- Embassy leadership authorized exclusion from embassy premises

**For an Ambassador's Secretary to issue such an order, there MUST be:**

1. **Prior briefings or background papers** explaining who Kelvin Blas is and why he's being denied assistance
2. **Policy guidance from Embassy leadership** (Chargé, DCM) on how to handle his requests
3. **Legal clearance** for denying consular assistance to a U.S. citizen
4. **Coordination with Bureau of Consular Affairs** on such an unusual case

**Embassies do not make ad hoc decisions to deny assistance to U.S. citizens - such decisions require documentation, legal review, and leadership approval.**

## **B. Eight Years of Consular Assistance Denials**

Sgt. Kelvin Blas has been in Togo since **March 2020** (over 5 years). During this time:

- His passport was confiscated by Togolese authorities
- He made **15+ documented attempts** to seek embassy assistance (November 11 alone was his "15th" visit)
- Embassy consistently denied emergency passport replacement
- Embassy refused welfare checks despite homelessness and malaria
- Embassy denied repatriation assistance despite military veteran status

**For 8+ years of systematic denials, records MUST exist:**

6. **Initial case assessment memoranda** when Kelvin first reported his passport seizure
7. **ACS (American Citizens Services) case notes** documenting each visit/contact
8. **Legal guidance sought** on whether embassy can refuse passport replacement to a U.S. citizen
9. **Cables to CA/OCS (Overseas Citizens Services)** reporting the situation and seeking guidance
10. **Policy decisions** on how to classify Kelvin's case (routine, problematic, restricted)
11. **Briefing materials** for incoming Consular Chiefs or DCMs explaining the "Kelvin Blas situation"
12. **Internal discussions** among ACS officers about why assistance is being withheld

## **C. Recent Escalations Requiring Documentation**

**November 11, 2025 incident:** 13. **Post-incident reports** documenting the physical assault and exclusion order 14. **Legal review** of whether embassy can threaten arrest for seeking consular assistance 15. **Communications with security** regarding implementation of exclusion order

**November 13, 2025 threat:** 16. **Documentation of threat** that Kelvin will be arrested if he returns without his passport (which Togolese authorities confiscated) 17. **Legal guidance** on this legally absurd threat

## **D. Coordination Records**

18. **Emails/cables with Bureau of Consular Affairs** - Unusual cases like this require headquarters coordination
  19. **Consultation with Office of the Legal Adviser** - Denying assistance to a U.S. military veteran requires legal clearance
  20. **Congressional inquiry responses** - If any member of Congress inquired about Kelvin's case
  21. **Internal embassy discussions** when Kelvin makes repeated attempts to seek help
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## **III. FEDERAL RECORDS ACT COMPLIANCE**

**44 U.S.C. § 3101** requires agencies to create and maintain records documenting:

- Policy decisions
- Actions affecting individuals
- Justifications for withholding services

**If the Department claims no internal records exist for 8+ years of denying consular assistance to a U.S. military veteran, that constitutes:**

1. **Federal Records Act violations** - failure to document policy decisions
2. **Consular accountability failure** - no documentation of why services were denied
3. **Lack of oversight** - no way to review whether denials were proper

**The Department cannot both:**

- Claim it properly denied assistance to Kelvin for valid reasons, AND
- Claim no records exist explaining those reasons

**One of these statements must be false.**

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## **IV. SELECTIVE PROCESSING PATTERN - TOPIC-BASED DISCRIMINATION**

**The Department's "no records" claim continues a documented pattern of obstruction in Kelvin Blas cases:**

**Jeffrey Epstein Requests (TSM):**

- F-2026-06079: Professional acknowledgment, standard processing
- Proper communication, timely responses
- **Why:** Congressional pressure (H.R. 4405), media scrutiny

### **Kelvin Blas Requests (CFW):**

- **F-2025-30283 (this request): Closed with "no records" 3 days after escalation threat**
- F-2026-03441: Closed with "no records" for November 11 incident with witnesses
- Plus 7 other Kelvin FOIAs closed yesterday
- Appeals ignored for months on other Kelvin requests
- Fabricated wellness check forms (F-2026-05989 investigating)

### **This pattern demonstrates:**

1. **Retaliation for oversight threats** - Closed 3 days after December 5th demand letter
  2. **Topic-based discrimination** - Epstein processed properly, Kelvin systematically obstructed
  3. **Capacity is not the issue** - State can search and process when politically motivated
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## **V. THE INADEQUATE SEARCH IS EVIDENT**

**The Department's search was inadequate because basic record systems were not checked:**

### **Embassy Lomé Systems That Should Have Been Searched:**

1. **Consular Section case files** - ACS maintains files on American citizens seeking assistance
2. **Consular Chief email** - Communications with staff about handling Kelvin's case
3. **DCM and Chargé email** - Leadership awareness of the situation
4. **Cable traffic** - Communications with State Department headquarters
5. **Legal clearance files** - Justification for denying services
6. **Briefing materials database** - Background papers for leadership transitions
7. **Security/RSO files** - Instructions to security on how to handle Kelvin

### **State Department Headquarters Systems:**

8. **Bureau of Consular Affairs files** - CA/OCS coordination on unusual cases
9. **Office of the Legal Adviser files** - Legal guidance provided to Embassy Lomé
10. **Executive Secretariat files** - If escalated to senior State leadership

**A proper search would have identified responsive records in multiple systems.**

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## VI. DEMANDS

### I demand that the Department:

1. **Conduct an adequate search** of all record systems identified above
  2. **Provide a detailed search affidavit under penalty of perjury** describing:
    - Which custodians' files were searched (Consular Chief, ACS officers, DCM, Chargé)
    - Which record systems were checked
    - Search terms and methodology used
    - Timeframe searched (should be March 2020 - present)
    - Why the Department believes no internal memoranda, cables, emails, or briefing materials exist for 8+ years of assistance denials
    - Whether the November 11, 2025 incident generated any internal documentation
  3. **Explain the suspicious timing** - Why was this request closed 3 days after receiving a demand letter threatening OGIS referral, congressional notification, and IG complaints?
  4. **Explain the Federal Records Act compliance** - If no records exist documenting 8+ years of consular assistance denials to a U.S. military veteran, how does the Department justify this lack of documentation?
  5. **Explain the selective processing** - Why does the Department properly process Epstein requests while systematically closing Kelvin Blas requests with "no records" claims?
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## VII. PRESERVATION OF RIGHTS

**If the Department maintains its "no records" determination**, I preserve my right to:

1. File administrative appeal with the Office of the General Counsel
2. Refer this matter to the Office of Government Information Services (OGIS) for mediation
3. File formal complaint with the Department of State Office of Inspector General
4. Notify the House Committee on Oversight and Accountability of systematic FOIA violations
5. Notify the Senate Committee on Veterans' Affairs of obstruction
6. Include this closure in True Signal Media's investigative reporting on State Department FOIA failures
7. Pursue all available legal remedies under 5 U.S.C. § 552(a)(4)(B)

**The Department's claim that no internal records exist for 8+ years of denying consular assistance to a U.S. military veteran is facially absurd and demonstrates either:**

- Deliberately inadequate search
- Willful withholding of responsive records
- Federal Records Act violations (failure to create required documentation)

**All three scenarios warrant immediate correction and investigation.**

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## **CONTACT INFORMATION**

Please respond within 10 business days addressing each demand above.

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Covenant for Forgotten Warriors

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**CC:** True Signal Media (for public FOIA tracking database)

**Public Database:** <https://truesignalmedia.news/foia-tools/>