

****COVENANT FOR FORGOTTEN WARRIORS****

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December 5, 2025

U.S. Department of State
Office of the General Counsel
FOIAAppeals@state.gov

****RE: URGENT DEMAND - Fee Waiver Appeal F-2025-30284****

****Status Inquiry - 70+ Days Without Response****

To Whom It May Concern:

Covenant for Forgotten Warriors demands immediate status update and resolution of our fee waiver appeal for FOIA Request ****F-2025-30284****, filed September 26, 2025, which has now been pending for over ****70 days**** without any acknowledgment or response.

TIMELINE OF APPEAL

****September 24, 2025:**** Original FOIA request filed (F-2025-30284)

****September 26, 2025:**** Fee waiver denied by processing office

****September 26, 2025:**** Administrative appeal of fee waiver denial filed to FOIAAppeals@state.gov

****September 26, 2025:**** Processing hold notice sent to FOIAStatus@state.gov requesting suspension of processing pending appeal resolution

****December 5, 2025:**** ****Still no acknowledgment, no tracking number, no response of any kind****

Over ****two months**** have passed since this appeal was filed. We have received:

- No confirmation of receipt
- No case tracking number
- No estimated decision timeline
- No substantive communication whatsoever

THE UNDERLYING REQUEST

FOIA Request F-2025-30284 seeks records concerning consular assistance decisions for U.S. Army veteran Kelvin Blas, who has been stranded in Togo for over eight years while systematically denied help by U.S. Embassy Lomé. The fee waiver was requested on grounds of:

1. ****Financial hardship**** - The requester is unemployed and recovering from surgery, with no ability to pay FOIA fees
2. ****Public interest**** - The request seeks to document government failures in assisting an abandoned American combat veteran

Both grounds are well-established bases for fee waiver under 5 U.S.C. § 552(a)(4)(A)(iii) and Department of State regulations.

STATUTORY AND REGULATORY VIOLATIONS

The Department's failure to respond to this appeal violates:

****1. Reasonable processing time frame**** - While FOIA does not specify an exact deadline for fee waiver appeals, 70+ days without even an acknowledgment is unreasonable and contrary to the statute's requirement for prompt processing

****2. 5 U.S.C. § 552(a)(6)(A)(i)**** - The statute requires agencies to make determinations "promptly"

****3. Basic administrative due process**** - Appellants are entitled to know their appeal was received, assigned, and being processed

****4. Department of State's own commitment to transparency**** - Extended delays on fee waiver appeals effectively deny access to requesters who cannot afford to pay, undermining FOIA's purpose

CURRENT STATUS CREATES IMPOSSIBLE SITUATION

The Department has placed us in an untenable position:

- We requested a ****processing hold**** to avoid incurring fees we cannot pay
- The Department has neither granted nor denied the fee waiver appeal
- We cannot proceed with the request without risking financial charges
- The Department's delay effectively ****denies us access**** to public records

This is constructive denial through administrative neglect.

DEMANDS

We demand the following immediate actions:

****1. CONFIRMATION**** that the September 26, 2025 fee waiver appeal was received and assigned a case number

****2. CURRENT STATUS**** of the appeal and name of the reviewing official

****3. DECISION OR TIMELINE**** - Either:

- ****Grant the fee waiver appeal**** and notify the processing office to proceed, OR
- ****Issue a written denial**** with specific reasons, OR
- ****Provide a definite decision date**** within the next 14 days

****4. If no decision is rendered within 7 business days**** of this demand, we will:

- ****Withdraw the processing hold****
- ****Demand that processing proceed immediately without any fees assessed****, on grounds that the Department's failure to timely decide the appeal constitutes constructive waiver
- ****File formal complaint**** with the Office of Government Information Services (OGIS)
- ****Notify the House Committee on Oversight and Accountability**** of systematic appeals process failure

CONSEQUENCES OF CONTINUED NON-COMPLIANCE

If the Office of General Counsel fails to respond within **7 business days** with either a decision or a concrete timeline, Covenant for Forgotten Warriors will:

1. **Withdraw the processing hold** and demand immediate fee-free processing
2. **File OGIS complaint** documenting the appeals process breakdown
3. **Notify Congressional oversight committees** of systematic FOIA appeals obstruction
4. **Pursue all available legal remedies**, including potential litigation for constructive denial
5. **Publish comprehensive documentation** of the Department's failure to administer its appeals process in accordance with law

The Department cannot indefinitely delay fee waiver appeals and effectively deny access to requesters who lack financial means. This violates both the letter and spirit of FOIA.

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.

CONCLUSION

Seventy days without acknowledgment of a fee waiver appeal is unconscionable. The Office of General Counsel must either decide this appeal or provide a concrete timeline. We will not allow administrative delays to indefinitely block access to records documenting government failures.

We expect immediate response.

For questions or to provide the demanded status update and decision, contact us at foia@covenantfowarriors.org.

Respectfully but urgently,

David Burger
Founder and Director
Covenant for Forgotten Warriors

CC:

FOIAStatus@state.gov