

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-2025-30610, filed September 18, 2025 (FOIA.gov submission ID 2397316).

#### PROCEDURAL DEFECTS IN CLOSURE

On or about November 26, 2025, the Department of State administratively closed request F-2025-30610 without:

1. Producing any responsive records
2. Providing a determination letter explaining the closure
3. Identifying any FOIA exemptions claimed
4. Offering any substantive response to the request

The Department indicated that an explanation for the closure would be provided "within 7-10 days." This procedural approach violates FOIA's requirements in multiple respects.

#### 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). Administrative closure without a determination letter does not satisfy this statutory obligation.

An agency's determination must:

- State whether records will be produced
- Identify any exemptions claimed for withholding
- Provide the requester with notice of appeal rights
- Be provided in writing within statutory timeframes

22 C.F.R. § 171.11 permits appeals of adverse determinations. Administrative closure without records production constitutes an adverse determination subject to appeal.

The Department cannot circumvent FOIA's statutory framework by administratively closing requests and promising later explanation. The statute requires determination and notification, not closure followed by delayed justification.

#### SUBSTANTIVE GROUNDS FOR REVERSAL

This request sought records maintained by the Office of Inspector General concerning Sgt. Kelvin Blas, a U.S. Army veteran who has been stranded in Togo, West Africa since March 2020.

The request specifically sought:

- OIG investigations, audits, or reviews concerning Sgt. Blas
- OIG case files regarding Embassy Lomé's treatment of Sgt. Blas

- OIG hotline submissions or complaints naming Sgt. Blas
- Communications between OIG and Embassy Lomé regarding Sgt. Blas
- Inspection reports addressing consular assistance provided (or denied) to Sgt. Blas

These records are directly relevant to ongoing advocacy efforts on behalf of an American citizen who has been denied consular services for over five years, including:

- Denial of passport services despite being a U.S. citizen
- Refusal of emergency assistance despite dire circumstances
- Alleged racist statement by former Ambassador Eric Stromayer ("Americans aren't Black")
- Physical assault by embassy security on November 11, 2025
- Threats to permanently ban Sgt. Blas from embassy premises

The Office of Inspector General has statutory responsibility to investigate allegations of misconduct, waste, fraud, and abuse within the Department of State. OIG records concerning Sgt. Blas's case are essential to understanding:

1. Whether allegations of embassy misconduct were ever reported to OIG
2. Whether OIG investigated these allegations
3. What findings or recommendations OIG made
4. Whether embassy officials were held accountable for documented failures

Administrative closure of this request without explanation or records production suggests the Department seeks to conceal OIG records that may document systemic failures in providing consular services to an American veteran.

## PATTERN OF FOIA OBSTRUCTION

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

Request F-2025-30612 (filed September 29, 2025): Comprehensive request for embassy records about Sgt. Blas - no substantive response received

Request F-2025-30611 (filed September 29, 2025): Bureau of Consular Affairs records - no substantive response received

Request F-2025-28917 (filed September 16, 2025): Consular Affairs records - no substantive response received

Request F-2025-30284 (filed September 24, 2025): Fee waiver improperly denied, appeal filed September 26, 2025

FOIA.gov submission 2397316 (filed September 18, 2025): Briefly appeared in State Department Public Access Link, then vanished without acknowledgment

The Department's systematic failure to respond substantively to multiple FOIA requests concerning the same abandoned American citizen raises serious questions about whether these closures and denials represent retaliation for filing requests that threaten to expose embassy misconduct.

## REMEDY REQUESTED

I request that the FOIA Appeals Officer:

1. Reverse the improper administrative closure of request F-2025-30610
2. Direct the Office of Inspector General to conduct a comprehensive search for responsive records
3. Direct OIG to produce all responsive records, with any claimed exemptions properly identified and justified
4. Provide a formal determination letter explaining any withholdings
5. Waive any search or duplication fees given the public interest in these records and the Department's improper closure

## LEGAL STANDARD FOR FEE WAIVER

Should any fees be assessed, I request a fee waiver pursuant to 5 U.S.C. § 552(a)(4)(A)(iii).

Disclosure is in the public interest because it will contribute significantly to public understanding of government operations. These records concern:

- Whether OIG adequately investigates allegations of embassy misconduct
- How the Department responds when American citizens are abandoned overseas
- Whether accountability exists when consular officials deny services to U.S. citizens
- Whether systemic failures exist in providing consular assistance

The requester operates Covenant for Forgotten Warriors, a veteran advocacy organization dedicated to assisting Americans abandoned overseas. The organization has demonstrated capacity to analyze government records and disseminate findings to inform public understanding.

Disclosure is not primarily in the commercial interest of the requester. Covenant for Forgotten Warriors is a nonprofit organization. Records will be used solely for advocacy, oversight, and public education.

## CONCLUSION

The Department's administrative closure of request F-2025-30610 without records production or proper determination violates FOIA's statutory requirements. The closure appears designed to obstruct legitimate oversight of OIG's handling (or failure to handle) serious allegations of embassy misconduct.

I respectfully request that the FOIA Appeals Officer reverse this improper closure and direct full compliance with the original request.

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**

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*Documenting accountability failures one FOIA at a time*

Sent with [Proton Mail](#) secure email.