

To the Appeals Officer:

This letter constitutes a **second administrative appeal** under the Freedom of Information Act (FOIA), 5 U.S.C. § 552(a)(6)(A)(i), regarding Request F-2025-28025, which seeks records concerning abandoned U.S. Army veteran Kelvin Blas maintained by the U.S. Embassy in Lomé, Togo.

PROCEDURAL HISTORY AND VIOLATIONS

On **August 4, 2025**, Covenant for Forgotten Warriors submitted a FOIA request to the Department of State seeking critical records regarding Mr. Blas, a U.S. Army veteran who has been stranded in Togo since 2020 without consular assistance or repatriation support.

The Department did not acknowledge this request until **September 11, 2025—38 days** after submission, grossly exceeding the statutory 20-day requirement. The acknowledgment itself was sent from an unmonitored email address (A_FOIAacknowledgement@groups.state.gov) that explicitly instructs recipients not to reply, effectively preventing any meaningful communication. The acknowledgment was addressed simply as "Burger:" rather than with basic professional courtesy, suggesting a cavalier institutional attitude toward this life-or-death matter.

On **September 11, 2025**, we immediately filed an administrative appeal challenging both the delay and the Department's claim of "unusual circumstances" to justify indefinite postponement.

The Department never responded to that appeal.

We are now **133 days** from the original request submission. Even accounting for the 42-day government shutdown period (October 1 - November 12, 2025), the Department has had **91 days** to process a straightforward request for embassy file records. The Department has produced **zero pages** and provided **zero substantive communication** beyond the initial late acknowledgment.

CONSTRUCTIVE EXHAUSTION

Under 5 U.S.C. § 552(a)(6)(C)(i), an agency's failure to comply with statutory time limits constitutes a basis for treating administrative remedies as exhausted. The Department's complete non-response to our initial appeal—now more than **three months old**—constitutes constructive exhaustion of administrative remedies.

However, Covenant for Forgotten Warriors believes in providing agencies every reasonable opportunity to comply before seeking judicial intervention. This second appeal serves as final notice that we are prepared to pursue all available remedies if the Department continues its pattern of unlawful delay.

THE RECORDS AT ISSUE ARE NEITHER COMPLEX NOR VOLUMINOUS

The Department's September 11 acknowledgment claimed "unusual circumstances" based on the need to "search for and collect requested records from other Department offices or Foreign Service posts." This justification is pretextual.

The requested records are maintained by a **single Foreign Service post**—the U.S. Embassy in Lomé, Togo—concerning a **single individual** who has been in regular contact with that embassy for **five years**. Mr. Blas has visited the embassy **at least 15 times** seeking consular assistance and protection. These are not dispersed records requiring complex interagency coordination. They are the embassy's

own case management files for an American citizen who has repeatedly, desperately, and documentably sought consular protection.

Far from providing assistance, the Embassy has allegedly escalated its retaliation against Mr. Blas for seeking help. According to recent reports, a secretary—**presumably Kim McClure**—instructed embassy security personnel that "**Kelvin isn't welcome here**" and **threatened him with jail** if he returned to seek assistance.

Read that again: The U.S. Embassy in Lomé, Togo—the institution legally obligated to protect American citizens abroad—has threatened an American veteran with **imprisonment** for the act of seeking protection at his own embassy.

This is not a records management challenge. This is evidence of potential criminal misconduct being hidden behind bureaucratic obstruction. Every day of delay in producing these records allows this pattern of abuse to continue while obscuring the documentary evidence of who authorized the abandonment and threatened retaliation against a stranded U.S. Army veteran.

The Department's inability or unwillingness to retrieve basic consular files from one of its own embassies within four months raises serious questions about either:

1. **Records management competence**, suggesting the Department cannot locate its own files, or
2. **Deliberate obstruction**, suggesting the Department is intentionally withholding records that may reveal embarrassing or legally problematic conduct regarding Mr. Blas's abandonment.

Neither explanation is acceptable.

URGENCY AND PUBLIC INTEREST

This is not a routine historical records request. U.S. Army Sergeant Kelvin Blas has been stranded in Togo since 2020, enduring homelessness, illness, hunger, and ongoing threats to his safety. He is a combat veteran who served his country honorably and is now being systematically abandoned by the very government he defended.

The requested records are believed to contain unverified hearsay from a former commanding officer (Michael Burluson) that may have influenced the Embassy's decision to deny Mr. Blas consular assistance and repatriation support. If such unsupported personal commentary formed the basis for abandoning an American veteran abroad, the public has an immediate and compelling interest in understanding how this occurred and ensuring accountability.

Every day of delay represents another day Mr. Blas remains in danger without the protection he is entitled to as a U.S. citizen and veteran.

DEMANDED RELIEF

Covenant for Forgotten Warriors demands:

1. **Immediate production** of all responsive records within **20 business days** of receipt of this appeal;
2. **Detailed search affidavit under penalty of perjury** describing:
 - All locations searched for responsive records

- All search terms and methods employed
 - The identities and positions of officials who conducted the search
 - The date ranges searched
 - Any records identified but withheld, with specific exemption citations for each document
 - Confirmation that the U.S. Embassy in Lomé, Togo was directly contacted and its files comprehensively searched;
3. **Waiver of all fees** pursuant to 5 U.S.C. § 552(a)(4)(A)(iii) and 22 C.F.R. § 171.16, as disclosure is in the public interest and CFW qualifies as a representative of the news media and educational institution engaged in public advocacy;
 4. **Expedited processing** pursuant to 22 C.F.R. § 171.12, given the urgent humanitarian circumstances and the compelling need to understand how a U.S. veteran was abandoned abroad;
 5. **Written explanation** of the Department's failure to respond to our September 11, 2025 appeal and the specific steps being taken to prevent similar violations in future cases.

NOTICE OF INTENT TO PURSUE ALL AVAILABLE REMEDIES

Should the Department fail to substantively respond to this appeal within **20 business days**, or should the Department deny this appeal in whole or in part, Covenant for Forgotten Warriors will pursue all available legal remedies, including:

- **Federal litigation** under 5 U.S.C. § 552(a)(4)(B) in the U.S. District Court for the District of Columbia;
- **Congressional notification** and oversight requests to the House Committee on Oversight and Accountability, Senate Committee on Homeland Security and Governmental Affairs, and Armed Services Committees;
- **Inspector General complaint** regarding the Department's systematic failure to comply with FOIA obligations and possible misconduct in Mr. Blas's case;
- **Public disclosure** of the Department's stonewalling through media partners and veteran advocacy networks.

The Department's pattern of delay and non-responsiveness in this case is not merely a procedural violation—it is a moral failure. An American veteran who served his country is being abandoned abroad while the bureaucracy that owes him protection hides behind technicalities and ignores legally mandated deadlines.

This must end. **Now.**

CONTACT INFORMATION

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We await the Department's immediate response.

Respectfully submitted,

David Burger

Founder & Director

Covenant for Forgotten Warriors