



DEPARTMENT OF THE NAVY
OFFICE OF THE JUDGE ADVOCATE GENERAL
1322 PATTERSON AVENUE SE SUITE 3000
WASHINGTON NAVY YARD DC 20374

IN REPLY REFER TO:

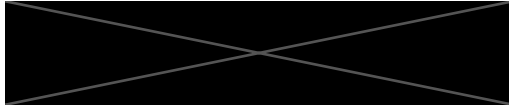
5720

Ser 14/F138

December 20, 2024

SENT VIA EMAIL

Mr. Abbas Dharamsey



SUBJECT: FREEDOM OF INFORMATION ACT (FOIA) REQUEST 2025-NAVYFOIA-002670; FOIA APPEAL 2025-NAVYAPPEAL-000072

This letter responds to your November 7, 2024, FOIA appeal, which was received by my office on December 6, 2024, and assigned tracking number 2025-NavyAPPEAL-000072. Your underlying request was submitted to the Chief of Naval Operations, the initial denial authority (IDA), on March 13, 2024, and assigned tracking number 2024-NavyFOIA-002670. In your request, you sought “records related to recovered unidentified anomalous phenomena (UAP), specifically those recoveries that Jay Straton or David Grusch would have learned about in their capacity on the UAP Task Force.”

The IDA issued its final disposition of your request on October 30, 2024, denying your request and informing you that no records responsive to your request were located.

You now appeal the IDA’s final disposition, contending that the search was inadequate and requesting a “more exhaustive search” be conducted.²

Your appeal is a request for a final agency determination under the FOIA. For the reasons stated below, your appeal is denied.

I. ADEQUACY OF THE SEARCH

Under the FOIA, the adequacy of an agency’s search for information requested is determined by a “reasonableness” test. *Morley v. CIA*, 508 F.3d 1108, 1114 (D.C. Cir. 2007) (“The court applies a ‘reasonableness’ test to determine the ‘adequacy’ of a search methodology, consistent with congressional intent tilting the scale in favor of disclosure”) (quoting *Campbell v. DOJ*, 164 F.3d 20, 27 (D.C. Cir. 1998)); see also *Davis v. DOJ*, 460 F.3d 92, 103 (D.C. Cir. 2006) (“The ‘adequacy of an agency’s search is measured by a standard of reasonableness, and is dependent upon the circumstances of the case.’”) (quoting *Schrecker v. DOJ*, 349 F.3d 657, 663 (D.C. Cir. 2003)). As a general rule, an agency must undertake a search “using methods which can be reasonably expected to produce the information requested.” *Nation Magazine v. U.S. Customs Serv.*, 71 F.3d 885, 890 (D.C. Cir. 1995) (quoting *Oglesby v. U.S. Dep’t of the Army*, 920 F.2d 57, 68 (D.C. Cir. 1990)). Courts have found agencies satisfy the “reasonableness” test when they properly determine where responsive records are likely to be found and search those

² I note that you also provided additional references such as a link to the congressional testimony of Mr. Grusch.

locations. *Lechlitter v. Rumsfeld*, 182 F. App'x 113, 115 (3rd Cir. 2006) (concluding that agency fulfilled duty to conduct a reasonable search when it searched two offices that it determined to be the only ones likely to possess responsive documents (citing *Oglesby*, 920 F.2d, 68); *McKinley v. Bd. of Governors of the Fed. Reserve Sys.*, 849 F. Supp. 2d 47, 55–56 (D.D.C. 2012) (concluding that agency's search was reasonable because agency determined that all responsive records were located in a particular location created for express purpose of collecting records related to subject of request and searched that location)).

II. ANALYSIS

After receipt of your appeal, my office contacted the IDA regarding its response to your requests and the searches that were conducted. The IDA informed my office that it conducted a search for responsive records of the databases within its purview—specifically the UAPTF electronic record holdings—and it also made inquiries with one of the former leads of the UAPTF. The search terms “recovered,” “recoveries,” “crashed,” and “extraterrestrial” were used based on your request. These efforts identified no responsive records.

I find that the IDA's search was adequate. The IDA conducted a search of the location—its UAPTF electronic records database—most likely to contain potentially responsive records. The IDA used search terms based on the language of your request. These search terms would have identified the type of records you sought. Unfortunately, as the IDA informed you, the IDA did not locate any responsive records. An agency's inability to locate a responsive record does not undermine an otherwise reasonable search. *Moore v. FBI*, 366 F. App'x 659, 661 (7th Cir. 2010) (noting that, although agency had years earlier destroyed some potentially responsive records, that fact does not invalidate the search). Additionally, the mere speculation that requested documents exist does not undermine the finding that the agency conducted a reasonable search. *Wilbur v. C.I.A.*, 355 F.3d 675, 678 (D.C. Cir. 2004) (“Likewise, the agency's failure to turn up a particular document, or mere speculation that as yet uncovered documents might exist, does not undermine the determination that the agency conducted an adequate search for the requested records.”). For these reasons, I must deny your appeal.

As the Department of the Navy's designated adjudication official for this FOIA appeal, I am responsible for its denial. You may seek judicial review of this decision by filing a complaint in an appropriate U.S. District Court. My office represents the U.S. Government and is therefore unable to assist you in this process.

You have the right to seek dispute resolution services by contacting the Department of the Navy's FOIA public liaison, Mr. Christopher Julka, at christopher.a.julka@navy.mil or at (703) 697-0031. You may also seek dispute resolution services from the Office of Government Information Services (OGIS), the Federal FOIA Ombudsman's office, at (202) 741-5770 or ogis@nara.gov.

If you have further questions or concerns for my office, my point of contact is Lieutenant

5720
Ser 14/F138
December 20, 2024

Commander Gregory Lines, JAGC, USN, who may be reached at (202) 685-5272 or by email at greggary.e.lines.mil@us.navy.mil.

Sincerely,

A handwritten signature in black ink, appearing to be 'S. D. Schrock', with a long horizontal line extending to the right.

S. D. SCHROCK
Director
General Litigation Division

Copy to:
DON CIO
DNS-36
CNO