



U.S. MERIT SYSTEMS PROTECTION BOARD

Office of the Clerk of the Board

1615 M Street, N.W.
Washington, D.C. 20419-0002

Phone: 202-653-7200; Fax: 202-653-7130; Email: foia@mspb.gov

May 19, 2025

SENT VIA PAL (shelbystartz)

Mr. Sherman Shelby Startz
550 Lebo Blvd
Apt. #34
Bremerton, WA 98310

RE: Final Response for Request MSPB-2025-00140

Dear Mr. Startz,

This is the final response to your Freedom of Information Act (FOIA) request to the U.S. Merit Systems Protection Board (MSPB) dated April 21, 2025, and received April 22, 2025. In your request, you stated:

Pursuant to the Freedom of Information Act, I request a copy of all records and correspondence associated with the initial complaint filed by Mr. Sherman Shelby Startz with the Oakland MSPB Regional Office around August 1, 2022. This includes:

Office of Special Council Case Numbers
Final Determination on DI-23-000198
Preliminary Determination on MA-23-000527
Merit System Protection Board Cases

SF-315H-22-0532-I-1
SF-1221-23-0258-W-1

Department of Defense Hotline / Department of Army Office of Inspector General
20230213-083550

- Any documents or filings submitted by Mr. Startz
- All email and case tracking communications involving MSPB staff
- Notes, case numbers, or assessments connected to his early filing
- Any internal routing, referrals, or communications with OSC, Army, or DOD officials regarding the filing

Please include a Vaughn Index for any materials withheld under exemptions.

In a letter dated and sent to you on April 25, 2025, we informed you that your request would be processed pursuant to both the Privacy Act of 1974 (Privacy Act) and the Freedom of Information Act (FOIA). In order to move forward with the portions of your request that would be processed pursuant to the Privacy Act, we asked you to verify your identity. As of the date of this letter, we have not received your verification of identity. We are, therefore, unable to fulfill the portion of your request seeking "Merit System Protection Board Cases SF-315H-22-0532-I-1 [and] SF-1221-23-0258-W-1" because they are records protected by the Privacy Act.

For the category of your request seeking "Office of Special Council Case Numbers Final Determination on DI-23-000198 [and] Preliminary Determination on MA-23-000527", we have no responsive records as this portion of your request implicate another agency's records. You may wish to contact the U.S. Office of Special Counsel with your request as MSPB does not maintain the records that you seek.

Similarly, for the category of your request seeking "Department of Defense Hotline /Department of Army Office of Inspector General 20230213-083550 - Any documents or filings submitted by Mr. Startz, - Notes, case numbers, or assessments connected to his early filing, - Any internal routing, referrals, or communications with OSC, Army, or DOD officials regarding the filing", we have no responsive records as this portion of your request implicate another agency's records. You may wish to contact the U.S. Department of Defense as MSPB does not maintain the records you seek.

We conducted a comprehensive search of the departments most likely to have records responsive to only the category of your request seeking "All email and case tracking communications involving MSPB staff". We located one responsive record that is being released to you in full.

- Email entitled Startz Tab 4.

The attachment to the email would have been processed under the Privacy Act, but because we have not received your verification of identity, we have not released the attachment to you.

Along with your FOIA request, you also submitted a request for a fee waiver and a request for expedited processing. As justification for your fee waiver request, submitted April 22, 2025, you stated, "I am unable to pay any amount. I have been left financially devastated by this events requested". Your request was closed on May 14, 2025, with the final disposition of: Not Billable.

As justification for your request for expedited processing, submitted April 22, 2025, you stated, "I have been faced with monumnetal delay created intentionally by the Army using MSPB as a means to deliver more punitive action towards me. This is a chance to change that behavior towards me". Your request for expedited processing was closed with a final disposition of N/A because we could not fully determine the scope of your request during the time that the clock was stopped while we were waiting to obtain your verification.

If you have any questions regarding this request, or if you disagree with this disposition, in whole or part, you have the right to seek assistance from the FOIA Public Liaison, appeal the determination, or contact the Office of Government Information Services to participate in dispute resolution services.

If you wish to contact the FOIA Public Liaison, you may do so via email to foia@mspb.gov or telephone at (202) 653-6772. If you wish to participate in dispute resolution services, you may contact the Office of Government Information Services (OGIS). The contact information for OGIS is as follows:

Office of Government Information Service
National Archives and Records Administration
8601 Adelphi Road-OGIS
College Park, Maryland 20740-6001
E-mail at ogis@nara.gov
Telephone at 202-741-5570
Toll free at 1-877-684-6448

If you wish to appeal the determination, you may do so by submitting your appeal through FOIAXpress or by mailing your appeal to:

Chairman, c/o Clerk of the Board
U.S. Merit Systems Protection Board
1615 M Street, NW
Suite 500
Washington, DC 20419

Your appeal should be identified as a "FOIA Appeal" on both the letter and the envelope, if applicable. It should include a copy of your original request, a copy of this letter and your reasons for appealing this decision. You may also submit your appeal by email to foia@mspb.gov or by fax at (202) 653-7130. Your appeal must be filed within ninety (90) days from the date of this letter.

Sincerely,

//signed//

Karin Kelly
Government Information Specialist
U.S. Merit Systems Protection Board