

MOTION TO SUPPLEMENT THE RECORD OR, IN THE ALTERNATIVE, FOR REMAND

Case No. 25-1375

IN THE UNITED STATES COURT OF APPEALS FOR THE FEDERAL CIRCUIT

SHERMAN S. STARTZ, JR.,
Petitioner,

v.

DEPARTMENT OF THE ARMY,
Respondent.

MOTION TO SUPPLEMENT THE RECORD OR, IN THE ALTERNATIVE, FOR REMAND

Pursuant to Rule 27 of the Federal Rules of Appellate Procedure and Rule 10(e) of the Federal Rules of Appellate Procedure, Petitioner respectfully moves the Court to supplement the administrative record or, in the alternative, to remand this case to the Merit Systems Protection Board (MSPB) for further proceedings based on newly obtained material evidence that was not available at the time of the original proceedings.

I. BACKGROUND

Petitioner was terminated from his position with the Department of the Army after disclosing systemic procurement fraud, billing abuse, and retaliatory conduct at Fort Wainwright, Alaska. The initial decision of the MSPB was issued without full access to critical documents later obtained through ongoing FOIA litigation and DOD investigative channels. These documents include referral records from the Department of Defense Office of Inspector General (DoD OIG), U.S. Army Criminal Investigation Division (CID), and the Defense Contract Audit Agency (DCAA).

II. BASIS FOR SUPPLEMENTATION OR REMAND

A. Newly Obtained Records Were Material and Unavailable Previously

Under Fed. R. App. P. 10(e)(2)(B), supplementation is appropriate where documents are material to the merits and were unavailable despite due diligence. FOIA disclosures received after the close of the MSPB record contain audit trails, referral confirmations, and

investigative timelines (including DoD OIG Case No. 20230213-083550) that directly contradict DOJ's prior representations that no investigation was conducted.

B. DOJ's Representations to the Court Conflict with Agency Evidence

Respondent's opposition to record supplementation (email dated March 28, 2025) states no such records existed or were relied upon by the MSPB. However, the existence of FOIA-confirmed documents from multiple oversight agencies demonstrates that relevant evidence was actively withheld or not disclosed to Petitioner, necessitating reconsideration under 5 U.S.C. § 7703(c).

C. Remand is Warranted Where Misrepresentation or Suppression Occurred

A remand is warranted where the agency's decision was tainted by material omission, misrepresentation, or bad faith suppression of evidence. See INS v. Ventura, 537 U.S. 12, 16 (2002); McDonnell Douglas Corp. v. United States, 323 F.3d 1006, 1015 (Fed. Cir. 2003). Here, the combination of delayed FOIA responses, inter-agency referrals, and newly surfaced DCAA audit links justify limited remand to allow supplementation or reconsideration of findings.

III. CONCLUSION

Petitioner respectfully requests that this Court grant this motion to supplement the record with newly discovered evidence, or alternatively, remand the case to the Merit Systems Protection Board for reconsideration in light of this material evidence.

Respectfully submitted,

Sherman S. Startz, Jr.
550 Lebo Blvd, #34
Bremerton, WA 98310
shelbystartz@outlook.com
(907) 231-9270

Appendix Index – Motion to Supplement or Remand

Appendix A: USACE FOIA Email Confirmation – Showing delayed response to referred DCAA audits.

Appendix B: DCAA Referral Package (FOIA Case I-25-079-H) – Confirming multiple audit reports referred to USACE and DCMA.

Appendix C: DoD OIG FOIA Final Response (2025-000890) – Showing referral of investigative records to SAIG.

Appendix D: DoD OIG Response for Case #20230213-083550 (2025-000761) – Confirming active referral to Army CID and Army IG.

Appendix E: FOIA Email Log (Fort Wainwright Contracting) – Confirming patterns of agency delay and referral.

Appendix F: MSPB FOIA Confirmation Letter (MSPB-2025-00140) – Acknowledging withheld case file communications.

Appendix G: OSC FOIA Response – Confirming case activity and relevant OSC tracking references.

All appendices are submitted in support of Petitioner's Motion to Supplement the Record or, in the Alternative, for Remand. Each exhibit is referenced by its corresponding label in the motion body.

Appendix A



RE: Subject: FOIA Request Follow-Up – Referral from DCAA (FOIA Case I-25-076-H)

From Thornton, Raye L (Ms.) CIV USARMY CEHEC (USA) <Raye.L.Thornton@usace.army.mil>

Date Mon 5/5/2025 4:59 PM

To Sherman Startz <shelbystartz@outlook.com>

Cc FOIA-LRN <FOIA-LRN@usace.army.mil>; FOIA-EUD <FOIA-EUD@usace.army.mil>; FOIA-SPL <FOIA-SPL@usace.army.mil>; FOIA-SWF <FOIA-SWF@usace.army.mil>

Dear Mr. Startz,

In response to your April 2, 2025, Freedom of Information Act (FOIA) request submitted to the Defense Contract Audit Agency (DCAA), DCAA referred eight documents belonging to the U.S. Army Corps of Engineers (USACE) to this office for review and response to you. The referral was received in this office on April 25, 2025, and was assigned tracking number FP-25-018734.

USACE's FOIA program is decentralized, so I referred the documents to the appropriate USACE FOIA Offices. The eight documents were referred to the following FOIA Offices for review and response to you:

Audit Report No. 4181-2023D17200001 was referred to Nashville District who may be reached at FOIA-LRN@usace.army.mil.

Audit Report No. 4581-2023G17100003 was referred to the Fort Worth District who may be reached at FOIA-SWF@usace.army.mil.

Audit Report Nos. 1191-2023G17200001 and 4281-2023S17200001 were referred to the Europe District who may be reached at FOIA-EUD@usace.army.mil.

Audit Report Nos. 3521-2022N17100002, 3621-2022N17100003, 4181-2022S17100003, and 4671-2022A17100003 were referred to the Los Angeles District who may be reached at FOIA-SPL@usace.army.mil.

You will receive responses from the FOIA Offices directly and each one will provide you with the tracking number for their office.

Although I believe the documents were referred correctly, if any of the FOIA offices determine one or more of the documents belong to another district, we will forward it to the appropriate office and will advise you of the referral.

Sincerely,

Raye
Ms. Raye L. Thornton
Paralegal Specialist
(703) 851-5757
Raye.L.Thornton@usace.army.mil
M – F | 8 am – 5 pm (Central)

Mailing Address:
Office of Counsel (CEHEC-OC)
U.S. Army Corps of Engineers
Humphreys Engineer Center Support Activity

7701 Telegraph Road
Alexandria, VA 22315-3860

NOTICE: FOIA requesters may contact the USACE FOIA Liaison for assistance or to discuss any aspect of their FOIA request. The USACE FOIA Liaison may be reached at foia-liaison@usace.army.mil or (202) 761-0511. Additionally, FOIA requesters may contact the Office of Government Information Services (OGIS) at the National Archives and Records Administration (NARA) to inquire about the FOIA mediation services they offer. OGIS may be reached at ogis@nara.gov, (202) 741-5770, (877) 684-6448.

From: Sherman Startz <shelbystartz@outlook.com>
Sent: Thursday, May 1, 2025 12:49 PM
To: DCMA Ft Gregg-Adams HQ Mailbox DCMA FOIA <dcma.gregg-adams.hq.mbx.dcma-foia@mail.mil>; FOIA <FOIAHQ@usace.army.mil>; usarmy.redstone.acc.mbx.hqaccfoia@mail.mil; NAVSEAFoIA@navy.mil; mary.j.gibson14.civ@usnavy.mil; SAF.AA.HAF.FOIA@state.gov
Cc: Mastromichalis, Keith O CIV (USA) <keith.o.mastromichalis.civ@mail.mil>
Subject: [Non-DoD Source] Subject: FOIA Request Follow-Up – Referral from DCAA (FOIA Case I-25-076-H)
Importance: High

Dear FOIA Officer,

I am writing to follow up on a Freedom of Information Act request originally submitted to the Defense Contract Audit Agency (DCAA) and subsequently referred to your agency for direct response and determination of release. The DCAA FOIA Case Number is I-25-076-H. As noted in their final response dated April 28, 2025, DCAA identified audit reports within their files that fall under your agency's cognizance and stated that they have no objection to release.

To date, I have not received any acknowledgment; except from DCMA, or any records from your office regarding this referral. I respectfully request an update on the status of this request and ask that it be processed as soon as practicable in accordance with FOIA guidelines.

If any additional information or clarification is required from me to facilitate this process, please let me know. I would also appreciate being informed of the tracking number your agency has assigned to this request, if applicable.

Thank you for your time and attention. I look forward to your prompt response.

Sincerely,

Sherman Startz

550 Lebo Boulevard, Apt #34

Bremerton, WA 98310

Email: shelbystartz@outlook.com

Phone: 907-231-9270

Appendix B



DEFENSE CONTRACT AUDIT AGENCY

8725 JOHN J. KINGMAN ROAD, SUITE 2135
FT. BELVOIR, VA 22060-6219

IN REPLY REFER TO:

DL 502.4
I-25-079-H

May 1, 2025

MEMORANDUM FOR DEFENSE CONTRACT MANAGEMENT AGENCY

SUBJECT: Freedom of Information Act Request
Mr. Sherman Startz
FOIA Case Number I-25-079-H

This memorandum refers to the attached subject request. While processing this request we identified information of interest to your agency in our files. The attached information is referred for your review, release determination, and direct response to Mr. Startz. DCAA has no objection to the release of the referred documents. A copy of our final response to the requester is attached. Please furnish this office with a copy of your final response to the requester.

Should you have any questions regarding this matter, please contact me at 571-448-3153.

Sincerely,

Keith Mastromichalis

Keith O. Mastromichalis
Chief FOIA Officer
DCAA Office of General Counsel

Attachments:

1. DCAA I-25-079-H Request Letter
2. DCAA I-25-079-H DCAA Responsive Audit Reports
3. DCAA I-25-079-H Final Response Letter

The following list contains the entire submission submitted April 03, 2025 08:40:02am ET, and is formatted for ease of viewing and printing.

Contact information

First name	Sherman
Last name	Startz
Mailing Address	550 Lebo Blvd Apt. #34
City	Bremerton
State/Province	WA
Postal Code	98310
Country	United States
Phone	9072319270
Company/Organization	SELF -- PRO SE APPEALANT
Email	shelbystartz@outlook.com

Request

Request ID	2051896
Confirmation ID	2055351

Received 4/3/25

Please provide the audit reports for the following audits performed by your office or reported to your office for the following Audit Reports. Audit Report No. 05931-2022J17200001 – Oct 24, 2022 Audit Report No. 02391-2022F10100001 – Dec 9, 2022 Audit Report No. 04671-2022A17100002 – Feb 15, 2022 Audit Report No. 01721-2022D17200001 – Feb 24, 2023 Audit Report No. 03971-2021B10100863 – Feb 28, 2023 Audit Report No. 03451-2022E10100001 – April 12, 2024 Audit Report No. 09541-2023M17900002 – April 22, 2024 Audit Report No. 04281-2024S17200001 – April 29, 2024 Audit Report No. 07911-2022L10100001 – May 16, 2024 Audit Report No. 5211-2022A10100001 – May 29, 2024 Audit Report No. 05941-2022H10100001 – May 29, 2024 Audit Report No. 01451-2022Q10100006 – June 4, 2024 Audit Report No. 06851-2022A10100003 – June 13, 2024 Audit Report No. 09851-2022D10100016 – June 20, 2024 Audit Report No. 01361-2022M10100010 – June 24, 2024 Audit Report No. 09521-2022J10100002 – June 26, 2024 Audit Report No. 03451-2022D101000001 – June 27, 2024 Audit Report No. 01101-2022F10100006 – June 28, 2024 Audit Report No. 05311-2023T17900002 – June 28, 2024 Audit Report No. 09311-2022Q10100004 – July 12, 2024 Audit Report No. 05711-2022A42000009 – July 18, 2024 Audit Report No. 02871-2022A10100003 – Aug 28, 2024 Audit Report No. 02851-2022A10100003 – Sept 7, 2024 Audit Report No. 01881-2015Q10100001 – Sept 26, 2024 Audit Report No. 01881-2023Q10100001 – Sept 27, 2024 Audit Report No. 03531-2022A10100008 – Sept 30, 2024 Thank you

Request description

Supporting documentation

Additional Information

FOIA ATTACHMENT 2.pdf

Fees

Request category ID

other

Fee waiver

yes

Explanation

I am unable to pay any amount, please consider my request for fee waiver.

Willing to pay

0.00

Expedited processing

Expedited Processing no

APPENDIX B: CONTRACT AUDITS

Final Completed Contract or Contract-Related Audits Containing Significant Findings

During the reporting period, the DoD OIG issued one and the Defense Contract Audit Agency (DCAA) issued five final, completed contract audit reports to contracting activities containing significant audit findings.

To view the DoD OIG report, click on the report number.

DoD OIG

Audit Report No. DODIG-2023-006	Date: October 19, 2022
Subject: Audit of Department of Defense Federal Mall Purchases	
Report: \$13.8 Million in Funds Put to Better Use; \$603,335 Wasted Funds; and \$367,081 Questioned Costs	
<p>The DoD OIG issued a report that discussed the Defense Logistics Agency's oversight of the Federal Mall, which is an e-commerce ordering system that allows registered users to acquire products from government and commercial sources. The audit determined that DoD activities purchased items that vendors added to their catalogs without approval and at prices that the Defense Logistics Agency had not approved. The audit identified \$367,081 in questioned costs when Federal Mall vendors violated contract terms by increasing prices without approval. Additionally, the audit determined that the Army may have inappropriately purchased items from the Federal Mall using Military Standard Requisitioning and Issue Procedures. The audit identified \$23.9 million in potential monetary benefits and another \$603,335 in wasted funds. After the DoD OIG issued the final report, the DoD OIG and the Army agreed that the \$23.9 million in purchases were not prohibited; however, the Army identified \$13.8 million in funds that could potentially have been put to better use for readiness needs.</p>	

DCAA

Audit Report No. 05931-2022J17200001	Date: October 24, 2022
Subject: Independent Audit Report on Proposed Amounts in Contractor's Request for Equitable Adjustment Proposal	
Prepared for: Naval Sea Systems Command (NAVSEA)	
Report: \$13.5 Million Total Questioned Costs	
<p>The Defense Contract Audit Agency (DCAA) identified \$13.5 million in questioned costs related to direct labor, direct materials, temp labor, subcontract costs, indirect costs, and profit, in noncompliance with Defense Federal Acquisition Regulation Supplement (DFARS) 252.243-7001, "Pricing of Contract Modifications"; Federal Acquisition Regulation (FAR) 31.201-2, "Determining Allowability"; FAR 31.201-3(a), "Determining Reasonableness"; and FAR 31.201-4, "Determining Allocability." The contractor was unable to provide supporting documentation to show that its proposed costs were incurred for the subject contract.</p>	

Audit Report No. 02391-2020F10100001	Date: December 9, 2022
Subject: Independent Audit Report on Proposed Amounts on Unsettled Flexibly Priced Contracts for Contractor Fiscal Year 2020	
Prepared for: Defense Contract Management Agency (DCMA)	
Report: \$35.2 Million Total Questioned Costs	
<p>The DCAA identified \$35.2 million questioned costs relating to state and local taxes, executive compensation, direct labor, direct material, travel costs, and indirect costs. The DCAA's significant findings included \$32 million related to overstated state and local income taxes that the contractor either did not incur or was unable to support with records such as tax returns, in noncompliance with FAR 31.201-2, "Determining Allowability"; FAR 31.201-3, "Determining Reasonableness"; and FAR 31.205-41, "Taxes." Other significant findings included \$1.6 million in questioned direct materials for which the contractor failed to provide essential supporting documentation, in noncompliance with FAR 31.201-2.</p>	

Audit Report No. 04671-2022A17100002	Date: February 15, 2023
Subject: Independent Audit Report on Proposed Amounts in Contractor's Termination for Convenience Proposal	
Prepared for: U.S. Army Corps of Engineers (USACE)	
Report: \$114.2 Million Total Questioned Costs	
<p>The DCAA identified \$114.2 million in questioned costs related to direct labor, equipment, subcontracts, indirect costs, and profit. The DCAA's significant findings included \$66.6 million of questioned subcontract costs incurred by a wholly owned subsidiary. The contractor was unable to provide sufficient documentation to show that the costs were incurred and allocable to the contract, in noncompliance with FAR 31.201-2, "Determining Allowability," and FAR 31.201-4, "Determining Allocability." Other significant findings included \$37 million of questioned profit the contractor applied to settlement and suspension costs in noncompliance with FAR 49.202(a), "Profit," and FAR 52.242-14(b), "Suspension of Work," and \$9 million of questioned profit associated with related party costs which the contractor transferred at price rather than cost, in noncompliance FAR 31.205-26(e), "Material Costs."</p>	

Audit Report No. 01721-2022D17200001	Date: February 24, 2023
Subject: Independent Audit Report on Proposed Amounts in Contractor's Request for Equitable Adjustment Proposals	
Prepared for: U.S. Army Corps of Engineers (USACE)	
Report: €23.8 Million Total Questioned Costs	
<p>The DCAA identified €23.8 million (Euros) in questioned costs related to labor, other direct costs (ODCs), and subcontract costs. The DCAA's significant findings included €7.4 million of questioned labor costs, €6.4 million of questioned ODCs, and €3.6 million of questioned subcontract costs that the contractor either duplicated or was unable to provide supporting documentation for, in noncompliance with FAR 31.201-2, "Determining Allowability;" FAR 31.201-3, "Determining Reasonableness;" and FAR 31.201-4, "Determining Allocability."</p>	

Audit Report No. 03971-2021B10100863	Date: February 28, 2023
Subject: Independent Audit Report on Proposed Corporate Allocations to Unsettled Flexibly Priced Contracts for Contractor Fiscal Year 2021	
Prepared for: Defense Contract Management Agency (DCMA)	
Report: \$10.8 Million Total Questioned Costs	
<p>The DCAA identified \$15.5 million in questioned corporate allocations and a \$4.7 million upward adjustment to corporate allocations. The DCAA's significant findings included \$14.7 million related to a gain on the contractor's investment in a spin-off company for which the contractor failed to provide a credit to the government, in noncompliance with FAR 31.205-16(a), "Gains and Losses on Disposition or Impairment of Depreciable Property or Other Capital Assets." Other significant findings included \$778,000 in year-end journal entries for which the contractor was unable to provide supporting documentation, in noncompliance with FAR 31.201-2, "Determining Allowability."</p>	

APPENDIX B: CONTRACT AUDITS

Final Completed Contract or Contract-Related Audits Containing Significant Findings

During the reporting period, the DoD OIG issued 5 and the Defense Contract Audit Agency (DCAA) issued 21 final, completed contract audit reports to contracting activities containing significant audit findings.

DoD OIG

Audit Report No. DODIG-2024-083	Date: May 24, 2024
Subject: Audit of the Army's Management of Army Prepositioned Stock-5 Equipment	
Report: \$134.4 Million in Questioned and Unsupported Costs	
<p>The DoD OIG determined that the Army did not consistently or effectively manage the contractor's execution of the storage, maintenance, and accountability of Army Prepositioned Stock-5 (APS-5) equipment in Kuwait according to Army policy. Specifically, the contractor did not protect nearly 5,900 pieces of equipment from environmental conditions, perform required maintenance on equipment and weapons, or accurately account for weapons and sensitive items. As a result, the Army issued APS-5 equipment that was not mission-ready to military units in Syria and the U.S. European Command. In addition, despite issuing 157 nonconformance reports over 6 years, Army contracting officials never enforced a provision of the APS-5 contract intended to hold the contractor accountable for poor performance through reduction of the contractor's fixed fees—fees that, based on the terms of the contract, could total nearly \$1 million. The DoD OIG also determined that Army contracting officials did not review invoices before payment. As a result, the Army does not have assurance that more than \$130 million paid to the APS-5 contractor resulted in receipt of contracted services.</p>	

Audit Report No. DODIG-2024-096	Date: June 13, 2024
Subject: Audit of Financial Improvement and Audit Remediation Contracts for DoD Components	
<p>The DoD OIG determined that DoD Components did not effectively manage Financial Improvement and Audit Remediation (FIAR) contracts, and as a result, DoD Components could not accurately or consistently identify and report contracts as supporting FIAR efforts. Additionally, the DoD Components did not use FIAR contract resources efficiently to meet FIAR goals, and DoD Components reported spending more than \$75 million of FIAR contract funds on non-remediation efforts in FY 2022.</p>	

Audit Report No. DODIG-2024-108	Date: July 15, 2024
Subject: Management Advisory: Audit of Remote Maintenance and Distribution Cell—Ukraine Restructuring Contract Invoice Oversight	
Report: \$29,772 in Questioned Costs	
<p>The DoD OIG issued its third and final management advisory related to the objective. Specifically, the DoD OIG identified issues that resulted in multiple improper payments at the Remote Maintenance and Distribution Cell—Ukraine (RDC-U) in Jasionka, Poland. From February to July 2023, Army contracting personnel did not properly review contractor invoices totaling \$20 million, despite known requirements and established best practices. As a result, the Army did not have assurance that the \$20 million paid to the contractor as of July 2023 resulted in contractually compliant maintenance and labor services, equipment purchases, or travel. Additionally, Army personnel made nearly \$30,000 in improper payments on labor invoices.</p>	

Audit Report No. DODIG-2024-122	Date: August 21, 2024
Subject: Audit of Repair Pricing on the F/A-18 Hornet Radar Systems	
Report: \$3.93 Million in Funds Put to Better Use	
The DoD OIG determined that the Department of the Navy did not obtain fair and reasonable pricing for repairs of the AN/APG-65 and AN/APG-73, all-weather, multimode airborne radar systems on the F/A-18 Hornet. While Naval Supply Systems Command Weapon Systems Support (NAVSUP WSS) followed Federal Acquisition Regulation price reasonableness determination requirements, it failed to obtain fair and reasonable prices for repairing 53 percent of parts worth nearly \$33 million. As a result, NAVSUP WSS overpaid at least \$3.93 million for part repairs.	

Audit Report No. DODIG-2024-123	Date: August 27, 2024
Subject: Audit of Air Force Defective Parts and Contractor Restitution	
Report: \$3.7 Million in Questioned Costs	
The DoD OIG determined that the Air Force did not consistently hold contractors accountable in a timely manner for providing defective spare parts, nor did it obtain restitution from the contractors for those defective parts. Air Force deficiency reporting personnel were unable to provide evidence of contractor restitution for 77 defective parts valued at approximately \$500,000, resulting in questioned costs. In another case, the Air Force did not seek restitution for 45 defective C-130J Super Hercules aircraft parts valued at \$5.9 million. As a result, the Air Force was unable to recover \$3 million for defective parts and paid approximately \$200,000 to repair defective parts that the contractor should have repaired under warranty.	

DCAA

Audit Report No. 03451-2022E10100001	Date: April 12, 2024
Subject: Independent Audit Report on Contractors Proposed Amounts on Unsettled Flexibly Priced Contracts for Contractor Fiscal Year 2022	
Prepared for: United States Coast Guard (USCG)	
Report: \$12.7 Million in Total Questioned Costs	
The DCAA identified \$12.7 million in questioned costs related to direct and indirect labor, executive compensation, subcontracts, bid and proposal costs. The DCAA's significant findings included \$6.0 million in questioned costs related to unreasonable compensation, in noncompliance with Federal Acquisition Regulation (FAR) 31.201-3, Determining Reasonableness. Other significant findings included \$3.6 million in questioned costs related to subcontract costs for which the contractor did not comply with contract terms, in noncompliance with FAR 31.201-2, Determining Allowability. The DCAA's findings also identified \$2.9 million in overtime where the contractor did not request prior approval from the Contracting Officer and the contractor utilized significant overtime as part of its regular business practice, in noncompliance with FAR 31.201-2, Determining Allowability and FAR 31.201-3, Determining Reasonableness.	

Audit Report No. 09541-2023M17900002	Date: April 22, 2024
Subject: Independent Audit Report on Contractor's Government Participation Percentage per CAS 413 Salaried Pension Plan Segment Closing Link Segment Advanced Agreement Proposal	
Prepared for: Defense Contract Management Agency	
Report: \$22 Million Total Questioned Costs	
The DCAA identified \$22 million questioned costs due to the contractor's noncompliance with the requirements of Cost Accounting Standards 413-50(c)(12)(vi), Pension Costs and FAR 52.215-15, Pension Adjustments and Asset Reversions. The DCAA found that the Government's participation in the contractor's business base is 92.14 percent, instead of the 33.84 percent proposed, an upward adjustment of 58.3 percentage points. The contractor's proposed Government participation percentage only considered cost-type contracts and excluded the impact of pension costs allocated to fixed priced Government contracts.	

APPENDIX B

Audit Report No. 04281-2024S17200001	Date: April 29, 2024
Subject: Independent Audit Report on Claimed Amounts in Contractor's Nine Equitable Adjustment Claims	
Prepared for: U.S. Army Corps of Engineers (USACE)-Europe District	
Report: \$13.4 Million Total Questioned Costs	
The DCAA identified \$13.4 million in questioned costs related to labor, Other Direct Costs (ODCs), and subcontract Daily Burn Rates, labor overhead, General and Administration (G&A) costs, builders risk, associated profit/fees, bond costs, and liquidated damages. The DCAA's significant findings include \$9.9 million in questioned costs related to labor, ODC, and subcontract Daily Burn Rates because the contractor did not appropriately allocate costs of maintaining general conditions to the benefiting claims resulting in overlapping and duplicate costs claimed in noncompliance with FAR 31.201-2, Determining Allowability; FAR 31.201-3, Reasonableness; and FAR 31.201-4, Determining Allocability. Other significant findings include \$2.1 million in questioned indirect costs related to labor overhead and G&A costs due to the application final indirect rates to the questioned labor costs, ODCs, and subcontract costs.	

Audit Report No. 07911-2022L10100001	Date: May 16, 2024
Subject: Independent Audit Report on Contractor Proposed Segment Contract Amounts on Unsettled Flexibly Priced Contracts and Facilities Capital Cost of Money for FY 2022	
Prepared for: Defense Contract Management Agency	
Report: \$15.7 Million Total Questioned Costs	
The DCAA identified \$15.7 million in questioned direct costs related to Strategic Partnership Supplier Fees. The DCAA's significant findings include \$15.7 million in questioned costs related to Subcontract Cost fees expressly unallowable as stated in the contract, in noncompliance with FAR 31.201-2(a)(4), Determining Allowability. While the contractor did not bill the Government for the fees, the contractor has continued to include the fees within their incurred cost proposals as a reimbursable cost.	

Audit Report No. 5211-2022A10100001	Date: May 29, 2024
Subject: Independent Audit Report on Proposed Amounts on Unsettled Flexibly Priced Contracts for FY 2022	
Prepared for: Defense Contract Management Agency	
Report: \$60.7 Million Total Questioned Costs	
The DCAA identified \$60.7 million in questioned costs related to freight for noncompliance with FAR 31.201-2(a)(4), Determining Allowability; FAR 52.247-63, Preference for U.S. Flag Carriers; and DFARS 252.247-7023(b)(1) Transportation of Supplies by Sea. The contractor used service by foreign-flag carriers to ship freight. Additionally, the contractor did not provide a justification, as required by Fly America Act (49 U.S.C. 40118) and FAR 52.247-63(b), explaining why service by U.S.-flag air carriers was not available, or why it was necessary to use foreign-flag air carriers.	

Audit Report No. 05941-2022H10100001	Date: May 29, 2024
Subject: Independent Audit Report on Proposed Amounts on Unsettled Flexibly Priced Contracts for FY 2022	
Prepared for: Defense Contract Management Agency	
Report: \$18 Million Total Questioned Costs	
The DCAA identified \$14 million in questioned costs related to Outside Business and Professional Services, Executive Compensation, G&A Base, ODC Miscellaneous Direct, Transportation Allowance Payments, and ODC Direct Travel. The DCAA's significant findings include \$4.8 million in questioned costs related to executive compensation for Global Grades (GG) 14 and above in excess of the calculated reasonable Total Direct Compensation amount, which includes a 10 percent range of reasonableness, in noncompliance with FAR 31.205-6(b)(2), Compensation for Personal Services.	

Audit Report No. 01451-2022Q10100006	Date: June 4, 2024
Subject: Independent Accountant's Report on Proposed Amounts on Unsettled Flexibly Priced Contracts for Fiscal Year Ended March 31, 2022	
Prepared for: Defense Contract Management Agency	
Report: \$13.9 Million Total Questioned Costs	
The independent public accountant (IPA) identified \$13.9 million of questioned costs due to inadequate supporting documentation to substantiate subcontract costs proposed in the Fiscal Year 2022 incurred cost proposal. The IPA questioned \$13.4 million of subcontract costs due to inadequate support in direct costs to in scope contracts, plus additional costs due to applied Subcontractor/Material Handling costs based on FAR 31.201-2, Determining Allowability; FAR 31.201-3, Determining Reasonableness; and FAR 31.201-4, Determining Allocability.	

Audit Report No. 06851-2022A10100003	Date: June 13, 2024
Subject: Independent Audit Report on Contractor's Proposed Local Indirect Costs including Executive and Non-Executive Compensation, Direct Labor, Procurement, Subcontracts, Incoming Intercompany Work Orders (IWOs), and Other Direct Costs (ODCs) Amounts on Unsettled Flexibly Priced Contracts for Calendar Year 2022	
Prepared for: Defense Contract Management Agency	
Report: \$40.8 Million Total Questioned Costs	
The DCAA identified \$40.8 million in questioned costs related to indirect expenses, ODCs, subcontracts, and Intercompany Work Orders. The DCAA's significant findings included \$24.5M of questioned costs related to Independent Research & Development (IR&D) costs resulting from: (1) unallowable IR&D costs due to lack of registration in the Defense Technical Information Center webpage; and (2) unallowable IR&D costs that were not incurred in the calendar year 2022, in noncompliance with FAR 31.205-18, and DFARS 231.205-18, Independent Research and Development and Bid and Proposal Costs. Other significant findings included \$7.9 million in questioned costs related to the proposed loss on disposition of assets on the sale of a portion of impaired buildings and other assets from environmental damages, which have no value to the Government in noncompliance with FAR 31.205-16, Gains and Losses on Disposition or Impairment of Depreciable Property or Other Capital Assets.	

Audit Report No. 09851-2022D10100016	Date: June 20, 2024
Subject: Independent Audit Report on Contractor's Proposed Amounts on Unsettled Flexibly Priced Contracts for FY 2022	
Prepared for: FD Customer	
Report: \$10.5 Million Total Questioned Costs	
The DCAA identified \$10.5 million in questioned cost related to direct contract costs and allocated indirect costs. The DCAA's significant findings included \$10.5 million in questioned costs related to eight labor categories which exceeded the reasonable non-executive compensation amount based on DCAA market analysis in accordance with FAR 31.205-6(b)(2), Compensation for Personal Services.	

APPENDIX B

Audit Report No. 01361-2022M10100010	Date: June 24, 2024
Subject: Independent Audit Report on Proposed Amounts on Unsettled Flexibly Priced Contracts for FY 2022	
Prepared for: Defense Contract Management Agency Cost & Pricing Regional Command	
Report: \$12.4 Million Total Questioned Costs	
The DCAA identified \$12.4 million in questioned costs related to non-qualified retirement benefit costs, annual meeting costs related to entertainment, public relations and advertising costs, operating lease expenses and residual claimed expenses in excess of fixed assets. The DCAA's significant findings included \$10.9 million in questioned costs due to non-qualified retirement benefits for Spillover Pension and the Supplemental Executive Retirement Plan benefits calculated over the compensation limits in noncompliance with FAR 31.201-6(a), Accounting for Unallowable Costs. Other significant findings included \$1.2 million in questioned costs related to annual management meetings and meeting expenses comprised of costs related to entertainment, public relations and advertising, and their associated costs in noncompliance with FAR 31.205-14 Entertainment Costs, FAR 31.201-6 Accounting for Unallowable Costs, FAR 31.201-3 Determining Reasonableness, and FAR 31.201-2 Determining Allowability.	

Audit Report No. 09521-2022J10100002	Date: June 26, 2024
Subject: Independent Audit Report on Contractor's Proposed Amounts on Unsettled Flexibly Priced Contracts for Fiscal Year 2022	
Prepared for: Defense Contract Management Agency	
Report: \$26.1 Million Net Questioned Costs	
The DCAA identified \$29.4 million in questioned costs related to Professional Services. The DCAA's significant findings included \$27.6 million in questioned costs related to internal disputes, lawsuits, and a proxy fight between the Board of Directors, chairman, and president in noncompliance with FAR 31.205-33, Professional and Consultant Service Costs, and FAR 31.201-2, Determining Allowability. Other significant findings included commitment fees to reserve a \$650 million revolving line of credit, with no documented borrowing history or evidence of usage need due to adequate government contracting funding and positive working capital cash, in noncompliance with FAR 31.201-3, Determining Reasonableness.	

Audit Report No. 03451-2022D101000001	Date: June 27, 2024
Subject: Independent Audit Report on Contractor's Proposed Amounts on Unsettled Flexibly Priced Contracts for Contractor Fiscal Year (CFY) 2022	
Prepared for: Supervisory of Shipbuilding Gulf Coast (SUPSHIP)	
Report: \$24.7 Million Total Questioned Costs	
The DCAA identified \$24.7 million in questioned costs related to indirect costs associated with material. The DCAA's significant findings included \$17.1 million in questioned indirect costs related to direct material the contractor failed to issue and/or consume which resulted in material being billed to contracts without a need to fulfill the production plan. Other significant findings included \$7.1 million in questioned indirect costs related to excess material that the contractor billed to contracts without a need to fulfill the production plan and failed to dispose of the excess inventory and credit Government Contracts. All indirect costs associated with material are in noncompliance with FAR 31.201-3, Determining Reasonableness and FAR 31.201-4, Determining Allocability.	

Audit Report No. 01101-2022F10100006	Date: June 28, 2024
Subject: Independent Audit Report on Proposed Amounts on Unsettled Flexibly Priced Contracts for Fiscal Year 2022	
Prepared for: Defense Contract Management Agency	
Report: \$21 Million Total Questioned Costs	
<p>The DCAA identified \$21 million in questioned proposed inter-organizational costs. The DCAA's significant findings included \$11 million in questioned costs related to direct material and \$9 million of questioned costs related to other direct costs plus directly associated indirect costs all related to the inter-organizational costs in noncompliance with FAR 31.201-2(d), Determining Allowability and 31.201-6, Accounting for Unallowable Costs. The DCAA questioned these costs due to the contractor not providing adequate supporting documentation for the proposed inter-organizational costs transferred.</p>	

Audit Report No. 05311-2023T17900002	Date: June 28, 2024
Subject: Independent Audit Report on Compliance with Solicitation Terms Related to Pricing	
Prepared for: Defense Contract Management Agency	
Report: \$12.5 Million Total Questioned Costs	
<p>The DCAA identified \$12.5 million in questioned costs related to direct labor, direct material, and related Cost Estimating Relationship factored material costs, other Interorganizational Work Transfer Agreement costs, and indirect costs. The DCAA's significant findings include \$10.6 million in questioned direct material costs due to costs identified as being in noncompliance with FAR 31.201-3, Determining Reasonableness. Of the questioned amount, \$9.9 million was questioned due to more current data related to proposed subcontractor costs.</p>	

Audit Report No. 09311-2022Q10100004	Date: July 12, 2024
Subject: Independent Audit Report on Contractor's Proposed Amounts on Unsettled Flexibly Priced Contracts for Fiscal Year (FY) 2022	
Prepared for: Defense Contract Management Agency	
Report: \$16 Million Total Questioned Costs	
<p>The DCAA identified \$16 million in questioned costs related to bonuses and home office allocation costs. The DCAA's significant findings included \$15.4 million in questioned costs related to proposed bonus costs that the contractor failed to provide adequate support for the basis of the award, in noncompliance with FAR 31.205-6(f)(1)(ii), Compensation for Personal Services. Other significant findings included \$657,000 in questioned costs related to the home office allocation, in which the contractor claimed more costs than what was identified in the contractor's Home Office incurred cost submission, in noncompliance with FAR 31.201-2, Determining Allowability.</p>	

Audit Report No. 05711-2022A42000009	Date: July 18, 2024
Subject: Independent Audit Report on Certified Cost or Pricing Data CH-53K LRIP LOT 4	
Prepared for: Naval Air Systems Command (NAVAIR)	
Report: \$18.8 Million Recommended Price Adjustment	
<p>The DCAA identified a \$18.8 million recommended price adjustment for contractor proposed cost or pricing data that was not accurate, complete, and current. This resulted in a noncompliance with 10 U.S.C. chapter 271: Truthful Cost or Pricing Data (Truth in Negotiations). Of the recommended price adjustment, \$13.9 million was related to Direct Materials based on the DCAA's review of the contractors' buyer files.</p>	

APPENDIX B

Audit Report No. 02871-2022A10100003	Date: August 28, 2024
Subject: Independent Audit Report on Intermediate Level Home Office Allocations to Unsettled Flexibly Priced Contracts for Contractor Calendar Year 2022	
Prepared for: Defense Contract Management Agency	
Report: \$17.5 Million Total Questioned Costs	
The DCAA identified \$17.5 million in questioned costs related to pension excess, outside legal and state tax costs. The DCAA's significant findings included \$17.2 million in questioned pension excess costs related to pension costs directly associated with unallowable compensation costs in excess of the limitations in FAR 31.205-6, Compensation for Personal Services, that the contractor failed to exclude from its pension excess costs, in noncompliance with FAR 31.201-6, Accounting for Unallowable Costs.	

Audit Report No. 02851-2022A10100003	Date: September 7, 2024
Subject: Independent Audit Report for Military Engines, including Manufacturing Operations, Engineering Technical Services, and Group Home Office Proposed Amounts on Unsettled Flexibly Priced Contracts for Contractor Fiscal Year (CFY) 2022	
Prepared for: Defense Contract Management Agency	
Report: \$23.4 Million Total Questioned Costs	
The DCAA identified \$23.4 million in questioned costs, related to corporate flow-down questioned costs, Group expenses, corporate adjustments, factory overhead, general and administrative (G&A), and engineering overhead expenses. The DCAA's significant findings included \$7.5 million in questioned costs related to Manufacturing Operations factory overhead expenses for which the contractor failed to provide the commercial item determination and did not identify the unallowable costs transferred between divisions, in noncompliance with FAR 31.205-26(e), Material Costs. Other significant findings included \$6.3 million in questioned costs related to the Manufacturing Operations G&A expense pool for which the contractor claimed material and engineering costs that did not benefit the Manufacturing Operations G&A expense pool, in noncompliance with FAR 31.205-22(a)(1), Lobbying and Political Activity Costs.	

Audit Report No. 01881-2015Q10100001	Date: September 26, 2024
Subject: Independent Audit Report on Proposed Amounts on Unsettled Flexibly Priced Contracts for Fiscal Years Ended March 31, 2015, and March 31, 2016	
Prepared for: Defense Contract Management Agency	
Report: \$46.2 Million Total Questioned Costs	
The DCAA identified \$46.2 million in questioned costs related to consulting, travel, independent research and development and bid and proposal costs, indirect labor and direct labor. The DCAA's significant findings included \$23.3 million in questioned costs related to IR&D costs that the contractor failed to comply with reporting requirements in noncompliance with DFARS 231.205-18, Independent Research and Development and Bid and Proposal Costs. Other significant findings included \$5.7 million in indirect labor costs and \$5 million in direct labor costs for which the contractor failed to provide essential supporting documentation, in noncompliance with FAR 31.205-6, Compensation for Personal Services, and FAR 31.201-3, Determining Reasonableness. Additional significant findings included \$8.5 million in questioned costs related to overseas travel for which the contractor failed to provide essential supporting documents, in noncompliance with FAR 31.201-2, Determining Allowability.	

Audit Report No. 01881-2023Q10100001	Date: September 27, 2024
Subject: Independent Audit Report on Proposed Amounts on Unsettled Flexibly Priced Contracts for Contractor Fiscal Year 2023	
Prepared for: Defense Contract Management Agency	
Report: \$22.3 Million Total Questioned Costs	
<p>The DCAA identified \$22.3 million in questioned costs related to excessive direct and indirect labor, state and local taxes, medical expenses, holiday pay, unreasonable compensation and excessive overseas housing expenses. The DCAA's significant findings included \$11.3 million in questioned costs related excessive direct and indirect labor expenses where the contractor's policy did not require employees to work minimum hours in each pay period and were not adjusted to coincide with the actual hours worked, in noncompliance with FAR 31.201-6(a)(3), and Compensation for personal services and FAR 31.201.3, Determining Reasonableness. Other significant findings included \$1.9 million in questioned costs related to out of period medical expenses that exceeded the amount on the vendor invoices and were out of period costs, in noncompliance with FAR 31.201-2(d) Determining Allowability and FAR 31.201-4(b), Determining Allocability.</p>	

Audit Report No. 03531-2022A10100008	Date: September 30, 2024
Subject: Independent Audit Report on Home Office Allocations to Unsettled Flexibly Priced Contracts for Contractor Fiscal Year 2022	
Prepared for: Defense Contract Management Agency	
Report: \$11.5 Million Total Questioned Costs	
<p>The DCAA identified \$11.5 million in questioned costs related to organizational costs and professional services. The DCAA's significant findings included \$2.2 million in questioned costs related to professional services that were accrued before the third-party services were performed, in noncompliance with FAR 31.201-4, Determining Allocability. Other significant findings included \$3.9 million in questioned costs related to a recent contractor merger which are not allowable in accordance with FAR 31.205-27, Organizational Costs.</p>	



DEFENSE CONTRACT AUDIT AGENCY

8725 JOHN J. KINGMAN ROAD, SUITE 2135
FT. BELVOIR, VA 22060-6219

IN REPLY REFER TO:

DL 502.4
I-25-079-H

May 1, 2025

Mr. Sherman Startz
550 Lebo Boulevard
Apartment #34
Bremerton, WA 98310

Dear Mr. Startz:

This is a final response to your Freedom of Information Act request dated April 3, 2025 (DCAA FOIA Case Number I-25-079-H). You are seeking the following DCAA audit reports:

Audit Report No. 05931-2022J17200001 – Oct 24, 2022
Audit Report No. 02391-2022F10100001 – Dec 9, 2022
Audit Report No. 04671-2022A17100002 – Feb 15, 2022
Audit Report No. 01721-2022D17200001 – Feb 24, 2023
Audit Report No. 03971-2021B10100863 – Feb 28, 2023
Audit Report No. 03451-2022E10100001 – April 12, 2024
Audit Report No. 09541-2023M17900002 – April 22, 2024
Audit Report No. 04281-2024S17200001 – April 29, 2024
Audit Report No. 07911-2022L10100001 – May 16, 2024
Audit Report No. 5211-2022A10100001 – May 29, 2024
Audit Report No. 05941-2022H10100001 – May 29, 2024
Audit Report No. 01451-2022Q10100006 – June 4, 2024
Audit Report No. 06851-2022A10100003 – June 13, 2024
Audit Report No. 09851-2022D10100016 – June 20, 2024
Audit Report No. 01361-2022M10100010 – June 24, 2024
Audit Report No. 09521-2022J10100002 – June 26, 2024
Audit Report No. 03451-2022D101000001 – June 27, 2024
Audit Report No. 01101-2022F10100006 – June 28, 2024
Audit Report No. 05311-2023T17900002 – June 28, 2024
Audit Report No. 09311-2022Q10100004 – July 12, 2024
Audit Report No. 05711-2022A42000009 – July 18, 2024
Audit Report No. 02871-2022A10100003 – Aug 28, 2024
Audit Report No. 02851-2022A10100003 – Sept 7, 2024
Audit Report No. 01881-2015Q10100001 – Sept 26, 2024
Audit Report No. 01881-2023Q10100001 – Sept 27, 2024
Audit Report No. 03531-2022A10100008 – Sept 30, 2024

The DCAA audit reports responsive to your request are the property of and are prepared for the use of contracting activities. The contracting activities operate their own FOIA offices and have cognizance over the reports you have requested. Your request and the responsive documents have been sent to the agencies at the address listed below for evaluation and potential release. Those offices will provide you with appeal procedures for any information they withhold from you. Copies of the referral memorandums are enclosed:

Defense Contract Management Agency
DCC, Attn: FOIA Officer
3901 A Avenue
Fort Gregg-Adams, VA 23801

Email: dcma.gregg-adams.hq.mbx.dcma-foia@mail.mil

U.S. Army Corps of Engineers
CELRN-OC
7701 Telegraph Road
Alexandria, VA 22315-3860

Email: foia@usace.army.mil

Naval Sea Systems Command
SEA 00A5, FOIA/Privacy Program Division
1333 Isaac Hull Avenue, SE
Washington Navy Yard, DC 20376-2101

Email: NAVSEAFOIA@navy.mil

Naval Air Systems Command
NAWCAD Operations and Command Staff Office
Attn: FOIA Office
2347 Cedar Point Road
Building 2185, Room 2230
Patuxent River, MD 20670

Email: usn.patuxent.comnavairsyscompax.mbx.navair-nawcad-foia@us.navy.mil

Supervisor of Shipbuilding Gulf Coast
ATTN: FOIA Coordinator, Code 130
P.O. Box 7003
Pascagoula, MS 39568-7003

Email: mary.j.gibson14.civ@us.navy.mil

United States Coast Guard
Attn: FOIA Coordinator
Commandant (CG-611)
2703 Martin Luther King Jr. Avenue, SE
Stop 7710
Washington, DC 20593-7710

Email: efoia@uscg.mil

We are currently consulting with another agency regarding a responsive audit report. We will respond to you once the review is complete and disclosure determinations are finalized.

If you have any questions regarding the processing of this request by DCAA, you may contact the DCAA FOIA Public Liaison, Ms. Temple L. Wilson, at the above address. If you have any further questions regarding this matter, please contact me at 571-448-3153.

Sincerely,

Keith Mastromichalis

Keith O. Mastromichalis
Chief FOIA Officer
DCAA Office of General Counsel

Enclosure:

I-25-079-H Referral Memorandums

Appendix C



OFFICE OF INSPECTOR GENERAL

DEPARTMENT OF DEFENSE

4800 MARK CENTER DRIVE

ALEXANDRIA, VIRGINIA 22350-1500

April 10, 2025

Ref: DODOIG-2025-000890

SENT VIA EMAIL TO: shelbystartz@outlook.com

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

Dear Mr. Startz:

This responds to your Freedom of Information Act (FOIA) request, as enclosed. We received your request on April 10, 2025, and it was assigned case number DODOIG-2025-000890.

This office is responsible for handling all FOIA requests for records maintained by the Department of Defense, Office of Inspector General. The information you are seeking is not maintained by our agency, but it is most likely held by the Department of the Army Office of the Inspector General (DAIG). Upon coordination with DAIG, they advised that they are already in receipt of your FOIA request. To inquire on the status of your request, you may contact the DAIG FOIA Requester Service Center at 703-545-4591/4588 or by email at usarmy.pentagon.hqda-otig.mbx.saig-zxl@army.mil. For further information, you may also visit their website at <http://www.daig.pentagon.mil/foia.aspx>.

With this action, your request is administratively closed. If you have any questions regarding this matter, please contact our office at 703-604-9775 or via email at foiarequests@dodig.mil.

Sincerely,

Eric R. Powers
Government Information Specialist
FOIA, Privacy and Civil Liberties Office

Enclosure(s)

As stated

The following list contains the entire submission submitted April 10, 2025 01:00:01pm ET, and is formatted for ease of viewing and printing.

Contact information

First name	Sherman
Last name	Startz
Mailing Address	550 Lebo Blvd Apt. #34
City	Bremerton
State/Province	WA
Postal Code	98310
Country	United States
Phone	9072319270
Company/Organization	SELF -- PRO SE APPEALANT
Email	shelbystartz@outlook.com

Request

Request ID	2069381
Confirmation ID	2072836

REQUEST 1 - Request all records, emails, personnel records, notice of involvement complaints, litigation documents, or other materials relating disclosures made by Sherman S. Startz, Jr. from 2019 to present, including but not limited to involving the following list of US Army Garrison Alaska - Stacie Mason Keeley, EEO Director US Army Garrison Alaska - David Zrna Chief Contract Management DPW Fort Wainwright Alaska - Matthew Shaffer Engineering Planner DPW FW Alaska and Director DPW Fort Meade Maryland - Dennis Kennedy COR DPW Fort Wainwright Alaska - Tim Sponseller Director DPW Fort Wainwright Alaska - Steve Emerson CCI DPW Fort Wainwright Alaska - Greg Sayer CCI DPW Fort Wainwright Alaska - Matthew Taylor CCI DPW Fort Wainwright Alaska - Troy Stoneking CCI DPW Fort Wainwright Alaska - Tanya Clooten COR DPW Fort Wainwright Alaska - Jason Webb Engineer DPW Fort Wainwright Alaska - Gwendolyn L Smith, Bogus Legal Labor Law Attorney - Nathan Surrey COL GARRISON ALASKA Enlisted - John D. Hammet Maj US ARMY Enlisted Covering topics related to retaliation, whistleblower complaints, contracting irregularities, EEO handling, personnel actions, FRAUD CONSPIRACY to Commit Fraud, Anti Trust, RICO crimes – ORGANIZED CRIME , and any internal discussions referencing Sherman S. Startz, Jr and the outcries associated between 1-31- 2022 and present REQUEST 2 - Request all records, hotline files, investigation reports, interview transcripts, referral memoranda, and correspondence regarding any disclosure submitted by Sherman S. Startz, Jr., or concerning contractor fraud, improper materials, bid manipulation, or procurement misconduct involving Fort Wainwright or Aleut Federal, between 2019 and 2024. REQUEST 3 - Request all investigative reports, referral memos, interview records, and internal communications relating to Fort Wainwright contracting, Aleut Federal, and Sherman S. Startz, Jr.’s disclosures from 2019 to 2024. REQUEST 4 - Request all audits, working papers, findings, and reports generated between 2020 and 2024 related to Fort Wainwright contracts performed by Aleut Federal, Aleut Builders, or affiliated entities, especially audits connected to construction materials, cost irregularities, and related procurement activities. REQUEST 5 - Request all investigative materials, case files, or referral memoranda related to potential criminal activities associated with Fort Wainwright contracting, Aleut Federal, ALEUT CORPORATION and Patrick Constructors and associated Army personnel from 2019 to 2024. REQUEST 6 - Request all documents, contractor responsibility determinations, suspension or

Request description

Supporting documentation

Fees

Request category ID	other
Fee waiver	yes
Explanation	Please consider waiving the fee; this entire event has cost me everything and I am unable to pay any amount

Expedited processing

Expedited Processing	no
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Additional information

attachments_supporting_documentation

Appendix D



OFFICE OF INSPECTOR GENERAL

DEPARTMENT OF DEFENSE

4800 MARK CENTER DRIVE
ALEXANDRIA, VIRGINIA 22350-1500

April 9, 2025

Ref: DODOIG-2025-000761

SENT VIA EMAIL TO: shelbystartz@outlook.com

Mr. Sherman Startz
550 Lebo Boulevard, 34
Bremerton, WA 98310

Dear Mr. Startz:

This responds to your Freedom of Information Act (FOIA) request for records pertaining to case 20230213-083550. We received your request on March 19, 2025, and assigned it case number DODOIG-2025-000761. By email dated March 31, 2025, you agreed to scope out your complaint submission and any records you submitted with your complaint.

For your information, Congress excluded three discrete categories of law enforcement and national security records from the requirements of the FOIA. See 5 U.S.C. 552(c) (2006 & Supp. IV 2010). This response is limited to those records that are subject to the requirements of the FOIA. This is a standard notification given to all our requesters and should not be taken as an indication that excluded records do, or do not, exist.

The Administrative Investigations Component and the Department of Defense Hotline conducted searches and located records responsive to your request. In order to provide you with the greatest possible access to the responsive records, your request was processed under both the Privacy Act of 1974 (5 U.S.C. § 552a) and the FOIA (5 U.S.C. § 552). However, we have determined that the records responsive to your request are exempt from the access provisions of the Privacy Act. See 32 C.F.R. Part 310. For this reason, we have processed your request under the FOIA.

Upon review, we determined that the enclosed 19 pages are appropriate for release in part pursuant to the following FOIA exemptions:

- (b)(5), which pertains to certain inter-and intra-agency communications protected by the deliberative process privilege. The purpose for withholding such recommendations is to encourage the free and candid exchange of opinions and advice during the decision-making process. In applying the foreseeable harm standard, we determined that disclosure of this information is likely to diminish the candor of agency deliberations in the future;
- (b)(6), which pertains to information, the release of which would constitute a clearly unwarranted invasion of personal privacy; and

April 9, 2025
Ref: DODOIG-2025-000761

- (b)(7)(C), which pertains to records or information compiled for law enforcement purposes, the release of which could reasonably be expected to constitute an unwarranted invasion of personal privacy.

Our review included consideration of the foreseeable harm standard, as stated in DoDM 5400.07. Under this standard, the content of a particular record should be reviewed and a determination made as to whether the DoD Component reasonably foresees that disclosing it, given its age, content, and character, would harm an interest protected by an applicable exemption.

If you consider this an adverse determination, you may submit an appeal. Your appeal, if any, must be postmarked within 90 days of the date of this letter, clearly identify the determination that you would like to appeal, and reference to the FOIA case number above. Send your appeal via mail to the Department of Defense, Office of Inspector General, ATTN: FOIA Appellate Authority, Suite 10B24, 4800 Mark Center Drive, Alexandria, VA 22350-1500, via email to foiaappeals@dodig.mil, or via facsimile to 571-372-7498. However, please note that FOIA appeals can only examine adverse determinations concerning the FOIA process. For more information on appellate matters and administrative appeal procedures, please refer to 32 C.F.R. Sec. 286.9(e) and 286.11(a).

You may contact our FOIA Public Liaison at FOIApublicLiaison@dodig.mil, or by calling 703-604-9785, for any further assistance with your request. Additionally, you may contact the Office of Government Information Services (OGIS) at the National Archives and Records Administration to inquire about the FOIA mediation services they offer. The contact information for OGIS is as follows: Office of Government Information Services, National Archives and Records Administration, 8601 Adelphi Road–OGIS, College Park, MD 20740-6001, email at ogis@nara.gov; telephone at 202-741-5770; toll free at 1-877-684-6448; or facsimile at 202-741-5769. However, OGIS does not have the authority to mediate requests made under the Privacy Act of 1974 (request to access one's own records).

If you have any questions regarding this matter, please contact Larry Kirkland at 703-604-9775 or via email at foiarequests@dodig.mil.

Sincerely,



Searle Slutskin
Division Chief
FOIA, Privacy and Civil Liberties Office

Enclosure(s):
As stated

Life Cycle Closure Report

Contact Data			
Contact Number:	Contact-20230210-211789	Triage Date:	2/11/2023
Origin:	Internet	Triaged By:	(b) (6), (b) (7)(C)
Office of Receipt:	Hotline	Days from Contact Received to Triage Date:	1
Investigator:	(b) (6), (b) (7)(C)	Priority:	Priority 2
Processed into Complaint:	20230213-083550	Days from Contact Received to Complaint Creation:	
Contact Status:	Inactive	Restricted?	No
Days to Contact Closure:	3	Contact Closure Date:	2/13/2023

Complaint Data			
Complaint #:	20230213-083550	Status:	Closed
Open Date:	2/13/2023	Investigator:	(b) (6), (b) (7)(C)
Priority:	Priority 2	Complaint Workflow Status:	Complaint Closed
Days Complaint Open:	83	Days from Complaint Creation to Most Recent Case Creation:	0
Most Recent HL Complaint Event:		Non-Processing Reason:	
Consent Information			
Consent Received:	Yes	Date Consent Requested:	
Date Consent Received:		Days from Consent Requested to Consent Received:	

Controlled by: DoD CIO
Controlled by: Administrative Investigations, DoD Hotline
CUI Category: PRINC//INV//WHITL
Distribution/Dissemination Controls: FEDCON
POC: 1-800-424-9098

WARNING: INSPECTOR GENERAL SENSITIVE INFORMATION - CUI. The information contained in this record and any accompanying attachments may contain sensitive information which is protected from mandatory disclosure under the Freedom of Information Act (FOIA), 5 U.S.C. 552. This record, including any attachments, is for the sole use of the intended recipient(s) and should not be released to unauthorized persons. If you are not the intended recipient, please contact the sender by email and destroy all copies of the original message and attachments.

Days from Contact Received to Consent Requested:		Days from Contact Received to Consent Received:	
Days from Complaint Created to Consent Received:			
Additional Information			
Date Additional Info Requested:		Date Additional Info Received:	
Days from Additional Info Requested to Info Received:		Days from Complaint Created to Additional Info Requested:	
Days from Complaint Created to Additional Info Received:			

Case Data			
Case #:	20230213-083550-CASE-03	Case Status:	Closed
Open Date:	5/5/2023	Consent Override:	No
Office of Receipt Investigator:	(b) (6), (b) (7)(C)	Office of Receipt Supervisor:	(b) (6), (b) (7)(C)
Priority:	Priority 2	Inquiry Status:	Referred
Inquiry Type:	Intake	Days from Complaint Created to Case Creation:	81
Days from Contact Received to Case Creation:	84	Days Open:	2
Referral Information			
Referral Date:	5/7/2023	Referral Type:	Info
Referred to Agency:	Army	Referred to Sub Agency:	CID
Accept/Decline:		Referred to Sub-Activity:	
Suspense Date:		Accept/Decline Date:	
Workdays from Contact Received to Initial Case Referral:	61	Days from Contact Received to Initial Case Referral:	86

~~WARNING: INSPECTOR GENERAL SENSITIVE INFORMATION - CUI.~~ The information contained in this record and any accompanying attachments may contain sensitive information which is protected from mandatory disclosure under the Freedom of Information Act (FOIA), 5 U.S.C. 552. This record, including any attachments, is for the sole use of the intended recipient(s) and should not be released to unauthorized persons. If you are not the intended recipient, please contact the sender by email and destroy all copies of the original message and attachments.

Days from Case Creation to Initial Case Referral:	2	Special Handling:	No
Quality Control Review (QCR)			
QCR Approval:	Approved by:		
QCR Approval Date:	Days from Case Creation to QCR Approval:		
Total Workdays in QCR:	Workdays from QCR Approval to Case Referral:		
Days from Contact Received to QCR Approval:	Cumulative Workdays in QCR:		
Office of Approval - Inquiry Results Review			
Days from Initial Referral to First Inquiry Results Received:	First Inquiry Results Received Date:		
First Review Date:	Workdays from First Inquiry Results Received to First Review:		
Most Recent Inquiry Results Received:	Most Recent Review:		
Total Days in Review:	Any Deficient:	No	
MOD Date:	Final Review:	No	
Days from Initial Referral to Final Inquiry Results Received:	Days from Contact Received to First Inquiry Results Received:		
Case Closure			
Date Closed:	5/7/2023	Closed By:	(b) (6), (b) (7)(C)
Result Code:	NA - No Action Required	Corrective Action:	No
Days from Initial Case Referral to Case Closed:	0	Days from Contact Received to Case Closed:	86
Days from First Inquiry Results Received to Case Closed:		Days from Case Creation to Case Closure:	2
Days from Complaint Created to Case Closed:	83		

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Case #:	20230213-083550-CASE-04	Case Status:	Closed
Open Date:	5/5/2023	Consent Override:	No
Office of Receipt Investigator:	(b) (6), (b) (7)(C)	Office of Receipt Supervisor:	
Priority:	Priority 2	Inquiry Status:	Non-Referred
Inquiry Type:		Days from Complaint Created to Case Creation:	81
Days from Contact Received to Case Creation:	84	Days Open:	0
Referral Information			
Referral Date:		Referral Type:	
Referred to Agency:		Referred to Sub Agency:	
Accept/Decline:		Referred to Sub-Activity:	
Suspense Date:		Accept/Decline Date:	
Workdays from Contact Received to Initial Case Referral:		Days from Contact Received to Initial Case Referral:	
Days from Case Creation to Initial Case Referral:		Special Handling:	No
Quality Control Review (QCR)			
QCR Approval:		Approved by:	
QCR Approval Date:		Days from Case Creation to QCR Approval:	
Total Workdays in QCR:		Workdays from QCR Approval to Case Referral:	
Days from Contact Received to QCR Approval:		Cumulative Workdays in QCR:	
Office of Approval - Inquiry Results Review			
Days from Initial Referral to First Inquiry Results Received:		First Inquiry Results Received Date:	

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First Review Date:		Workdays from First Inquiry Results Received to First Review:	
Most Recent Inquiry Results Received:		Most Recent Review:	
Total Days in Review:		Any Deficient:	No
MOD Date:		Final Review:	No
Days from Initial Referral to Final Inquiry Results Received:		Days from Contact Received to First Inquiry Results Received:	
Case Closure			
Date Closed:	5/5/2023	Closed By:	(b) (6), (b) (7)(C)
Result Code:	NA - No Action Required	Corrective Action:	No
Days from Initial Case Referral to Case Closed:		Days from Contact Received to Case Closed:	84
Days from First Inquiry Results Received to Case Closed:		Days from Case Creation to Case Closure:	0
Days from Complaint Created to Case Closed:	81		
Case #:	20230213-083550-CASE-05	Case Status:	Closed
Open Date:	5/5/2023	Consent Override:	No
Office of Receipt Investigator:	(b) (6), (b) (7)(C)	Office of Receipt Supervisor:	(b) (6), (b) (7)(C)
Priority:	Priority 3	Inquiry Status:	Referred
Inquiry Type:	Intake	Days from Complaint Created to Case Creation:	81
Days from Contact Received to Case Creation:	84	Days Open:	2
Referral Information			
Referral Date:	5/7/2023	Referral Type:	Info
Referred to Agency:	Army	Referred to Sub Agency:	Army IG
Accept/Decline:		Referred to Sub-Activity:	

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Suspense Date:		Accept/Decline Date:	
Workdays from Contact Received to Initial Case Referral:	61	Days from Contact Received to Initial Case Referral:	86
Days from Case Creation to Initial Case Referral:	2	Special Handling:	No
Quality Control Review (QCR)			
QCR Approval:	Approved by:		
QCR Approval Date:	Days from Case Creation to QCR Approval:		
Total Workdays in QCR:	Workdays from QCR Approval to Case Referral:		
Days from Contact Received to QCR Approval:	Cumulative Workdays in QCR:		
Office of Approval - Inquiry Results Review			
Days from Initial Referral to First Inquiry Results Received:		First Inquiry Results Received Date:	
First Review Date:		Workdays from First Inquiry Results Received to First Review:	
Most Recent Inquiry Results Received:		Most Recent Review:	
Total Days in Review:		Any Deficient:	No
MOD Date:		Final Review:	No
Days from Initial Referral to Final Inquiry Results Received:		Days from Contact Received to First Inquiry Results Received:	
Case Closure			
Date Closed:	5/7/2023	Closed By:	(b) (6), (b) (7)(C)
Result Code:	NA - No Action Required	Corrective Action:	No
Days from Initial Case Referral to Case Closed:	0	Days from Contact Received to Case Closed:	86

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Days from First Inquiry Results Received to Case Closed:		Days from Case Creation to Case Closure:	2
Days from Complaint Created to Case Closed:	83		
Case #:	20230213-083550-CASE-01	Case Status:	Closed
Open Date:	2/13/2023	Consent Override:	No
Office of Receipt Investigator:	(b) (6), (b) (7)(C)	Office of Receipt Supervisor:	
Priority:	Priority 2	Inquiry Status:	Referred
Inquiry Type:	Investigation	Days from Complaint Created to Case Creation:	0
Days from Contact Received to Case Creation:	3	Days Open:	81
Referral Information			
Referral Date:	2/13/2023	Referral Type:	Action
Referred to Agency:	DoD OIG	Referred to Sub Agency:	INV-DCIS
Accept/Decline:		Referred to Sub-Activity:	
Suspense Date:	2/22/2023	Accept/Decline Date:	
Workdays from Contact Received to Initial Case Referral:	1	Days from Contact Received to Initial Case Referral:	3
Days from Case Creation to Initial Case Referral:	0	Special Handling:	No
Quality Control Review (QCR)			
QCR Approval:		Approved by:	
QCR Approval Date:		Days from Case Creation to QCR Approval:	
Total Workdays in QCR:		Workdays from QCR Approval to Case Referral:	
Days from Contact Received to QCR Approval:		Cumulative Workdays in QCR:	

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Office of Approval - Inquiry Results Review

Days from Initial Referral to First Inquiry Results Received:		First Inquiry Results Received Date:	
First Review Date:		Workdays from First Inquiry Results Received to First Review:	
Most Recent Inquiry Results Received:		Most Recent Review:	
Total Days in Review:		Any Deficient:	No
MOD Date:		Final Review:	No
Days from Initial Referral to Final Inquiry Results Received:		Days from Contact Received to First Inquiry Results Received:	
Case Closure			
Date Closed:	5/5/2023	Closed By:	(b) (6), (b) (7)(C)
Result Code:	RF - Refer to Other Agency	Corrective Action:	No
Days from Initial Case Referral to Case Closed:	81	Days from Contact Received to Case Closed:	84
Days from First Inquiry Results Received to Case Closed:		Days from Case Creation to Case Closure:	81
Days from Complaint Created to Case Closed:	81		
Case #:	20230213-083550-CASE-02	Case Status:	Closed
Open Date:	2/13/2023	Consent Override:	No
Office of Receipt Investigator:	(b) (6), (b) (7)(C)	Office of Receipt Supervisor:	
Priority:	Priority 2	Inquiry Status:	Inquiry Complete
Inquiry Type:	Intake	Days from Complaint Created to Case Creation:	0
Days from Contact Received to Case Creation:	3	Days Open:	3
Referral Information			

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Referral Date:	2/13/2023	Referral Type:	Action
Referred to Agency:	DoD OIG	Referred to Sub Agency:	AI-WRI
Accept/Decline:	Decline	Referred to Sub-Activity:	
Suspense Date:	4/13/2023	Accept/Decline Date:	2/16/2023
Workdays from Contact Received to Initial Case Referral:	1	Days from Contact Received to Initial Case Referral:	3
Days from Case Creation to Initial Case Referral:	0	Special Handling:	No
Quality Control Review (QCR)			
QCR Approval:	Approved by:		
QCR Approval Date:	Days from Case Creation to QCR Approval:		
Total Workdays in QCR:	Workdays from QCR Approval to Case Referral:		
Days from Contact Received to QCR Approval:	Cumulative Workdays in QCR:		
Office of Approval - Inquiry Results Review			
Days from Initial Referral to First Inquiry Results Received:	First Inquiry Results Received Date:		
First Review Date:	Workdays from First Inquiry Results Received to First Review:		
Most Recent Inquiry Results Received:	Most Recent Review:		
Total Days in Review:	Any Deficient:	No	
MOD Date:	Final Review:	No	
Days from Initial Referral to Final Inquiry Results Received:	Days from Contact Received to First Inquiry Results Received:		
Case Closure			
Date Closed:	2/16/2023	Closed By:	(b) (6), (b) (7)(C)

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Result Code:	ED - Evaluated and Declined	Corrective Action:	No
Days from Initial Case Referral to Case Closed:	3	Days from Contact Received to Case Closed:	6
Days from First Inquiry Results Received to Case Closed:		Days from Case Creation to Case Closure:	3
Days from Complaint Created to Case Closed:	3		

Complaint Closure

Days Awaiting Review:		Closed Date:	5/7/2023
Closed By:	(b) (6), (b) (7)(C)	Days from Contact Received to Complaint Closed:	86

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Complaint Description

Complainant reported [REDACTED]

(b) (5)

Complainant alleged [REDACTED]

(b) (5)

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From: (b) (6), (b) (7)(C) [OIG DoD](#)
To: (b) (6), (b) (7)(C) [OIG DoD](#)
Cc: (b) (6), (b) (7)(C) [OIG DoD](#); [List INV-03IB](#)
Subject: CUI/LEI- Notice of Declination – Hotline Case Referral No. 20230213-083550-CASE-01
Date: Sunday, April 30, 2023 7:25:50 PM

DCIS will DECLINE this referral.

DCIS UID: 2023001219

Reason: The complaint appears to be better suited for investigation by another agency/component for their review and evaluation.

Recommendation: Army CID. WRI should continue with review & evaluation.

If criminality is uncovered, this matter should be re-submitted to DCIS for re-evaluation.

DCIS RAC/PM INCLUDED FOR INFORMATIONAL PURPOSES ONLY AND NO ACTION IS REQUIRED.

DCIS RAC/PM: DCIS Seattle RAC

Respectfully - DCIS Investigative Business Operations Division

(b) (6),
(b) (7)(C)

(b) (6), (b) (7)(C)
Defense Criminal Investigative Service

INV Business Operations - 03IB

PH(b) (6), (b) (7)(C)

BB(b) (6), (b) (7)(C)

(b) (6), (b) (7)(C)@dodig.mil

DOD CASE REFERRAL

1. FROM	2. TO	3. PRIORITY	4. CASE NO.
Agency: DoD OIG	Agency: Army	<input type="checkbox"/> Priority 1 - Emergency	20230213-083550-CASE-03
Sub-Agency: Hotline	Sub-Agency: CID	<input type="checkbox"/> Priority 1	5. REFERRAL DATE
	Sub-Activity:	<input checked="" type="checkbox"/> Priority 2	5/7/2023
		<input type="checkbox"/> Priority 3	6. SUSPENSE DATE
			N/A

7. INDEPENDENCE

In all matters relating to investigative work, the investigative organization must be free, both in fact and appearance, from impairments to independence; must be organizationally independent; and must maintain an independent attitude. This standard places upon agencies; audit, inspection, and investigative organizations; and individuals assigned to conduct inquiries the responsibility for maintaining independence, so that findings, judgments, conclusions, and recommendations will be impartial and will be viewed as impartial by knowledgeable third parties. If your organization's independence is impaired, in fact or appearance, take no investigative actions and contact the DoD Point of Contact for this Referral (Item 11 below) immediately.

8. REFERRAL

	a. ACTION REFERRAL. The attached complaint is referred to your Component for ACTION. Conduct an inquiry and provide this office a DoD Hotline Completion Report by the suspense date in Item 6 above. If more time is needed, submit a written extension request to the DoD Hotline Point of Contact for this Referral (Item 11 below) before the suspense date stating the reason for the delay and the anticipated completion date.
X	b. INFORMATION REFERRAL. The attached complaint or disagreement is referred to your Component for INFORMATION. The DoD Component Hotline Coordinator is required to examine the referral to determine if an inquiry is warranted; however, a DoD Hotline Completion Report is not required unless your Component conducts an inquiry resulting in substantiated allegations.
	c. EVALUATE and recommend an appropriate course for the attached complaint. <input type="checkbox"/> Case accepted for Action <input type="checkbox"/> Refer this matter to the following organization(s): <input type="checkbox"/> Other. (Explain in 8d.)
	d. OTHER remarks:

9. ADDITIONAL INFORMATION

	a. SUPPLEMENT. Supplement to previous referral under this case number.
	b. IDENTITY OF THE SOURCE <input type="checkbox"/> Anonymous source. <input type="checkbox"/> The source did not consent to the disclosure of his or her identity. If you need the source's help during an investigation, contact the DoD Point of Contact for this Referral (Item 11 below).
X	c. RETALIATION COMPLAINT. This case is not being sent to you for the retaliation matter. For questions about the retaliation matter, contact the Whistleblower Reprisal Investigations Directorate.
	d. DOD SENIOR OFFICIALS. This case is NOT being sent to you for the senior official matter. In the event you develop a credible allegation of senior official misconduct, you must notify DoD OIG Directorate for Investigation of Senior Officials, IAW DoDD 5505.06.

Controlled by: DoD OIG

Controlled by: Administrative Investigations, DoD Hotline

CUI Category: PRIIG//INV//WHSTL

Distribution/Dissemination Controls: FEDCON

POC: 1-800-424-9098

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10. REFERRAL REMARKS (Use Referral Remarks Continuation Sheet if needed)

Allegations of (b) (5) in the attached document are referred to your component for information and action deemed appropriate. Carefully review the document for allegations warranting investigation. An HCR must be submitted for substantiated allegations that result from an information case referral. Questions pertaining to the information that has been referred should be directed via your assigned Hotline Coordinator at your DoD Component.

Case-01 DCIS/closed

Case-02 WRI/closed

Case-03 CID/info

Case-04 non ref/error

Case-05 DAIG/info

11. DOD HOTLINE POINT OF CONTACT FOR THIS REFERRAL

a. NAME	b. TELEPHONE	c. E-MAIL ADDRESS
(b) (6), (b) (7)(C)	(b) (6), (b) (7)(C)	(b) (6), (b) (7)(C)@dodig.mil

Controlled by: DoD OIG

Controlled by: Administrative Investigations, DoD Hotline

CUI Category: PRIIG//INV//WHSTL

Distribution/Dissemination Controls: FEDCON

POC: 1-800-424-9098

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DOD CASE REFERRAL

1. FROM	2. TO	3. PRIORITY	4. CASE NO.
Agency: DoD OIG	Agency: Army	<input type="checkbox"/> Priority 1 - Emergency	20230213-083550-CASE-05
Sub-Agency: Hotline	Sub-Agency: Army IG	<input type="checkbox"/> Priority 1	5. REFERRAL DATE
	Sub-Activity:	<input type="checkbox"/> Priority 2	5/7/2023
		<input checked="" type="checkbox"/> Priority 3	6. SUSPENSE DATE
			N/A

7. INDEPENDENCE

In all matters relating to investigative work, the investigative organization must be free, both in fact and appearance, from impairments to independence; must be organizationally independent; and must maintain an independent attitude. This standard places upon agencies; audit, inspection, and investigative organizations; and individuals assigned to conduct inquiries the responsibility for maintaining independence, so that findings, judgments, conclusions, and recommendations will be impartial and will be viewed as impartial by knowledgeable third parties. If your organization's independence is impaired, in fact or appearance, take no investigative actions and contact the DoD Point of Contact for this Referral (Item 11 below) immediately.

8. REFERRAL

	a. ACTION REFERRAL. The attached complaint is referred to your Component for ACTION. Conduct an inquiry and provide this office a DoD Hotline Completion Report by the suspense date in Item 6 above. If more time is needed, submit a written extension request to the DoD Hotline Point of Contact for this Referral (Item 11 below) before the suspense date stating the reason for the delay and the anticipated completion date.
X	b. INFORMATION REFERRAL. The attached complaint or disagreement is referred to your Component for INFORMATION. The DoD Component Hotline Coordinator is required to examine the referral to determine if an inquiry is warranted; however, a DoD Hotline Completion Report is not required unless your Component conducts an inquiry resulting in substantiated allegations.
	c. EVALUATE and recommend an appropriate course for the attached complaint. <input type="checkbox"/> Case accepted for Action <input type="checkbox"/> Refer this matter to the following organization(s): <input type="checkbox"/> Other. (Explain in 8d.)
	d. OTHER remarks:

9. ADDITIONAL INFORMATION

	a. SUPPLEMENT. Supplement to previous referral under this case number.
	b. IDENTITY OF THE SOURCE <input type="checkbox"/> Anonymous source. <input type="checkbox"/> The source did not consent to the disclosure of his or her identity. If you need the source's help during an investigation, contact the DoD Point of Contact for this Referral (Item 11 below).
X	c. RETALIATION COMPLAINT. This case is not being sent to you for the retaliation matter. For questions about the retaliation matter, contact the Whistleblower Reprisal Investigations Directorate.
	d. DOD SENIOR OFFICIALS. This case is NOT being sent to you for the senior official matter. In the event you develop a credible allegation of senior official misconduct, you must notify DoD OIG Directorate for Investigation of Senior Officials, IAW DoDD 5505.06.

Controlled by: DoD OIG

Controlled by: Administrative Investigations, DoD Hotline

CUI Category: PRIIG//INV//WHSTL

Distribution/Dissemination Controls: FEDCON

POC: 1-800-424-9098

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10. REFERRAL REMARKS (Use Referral Remarks Continuation Sheet if needed)

Allegations of (b) (5) in the attached document are referred to your component for information and action deemed appropriate. Carefully review the document for allegations warranting investigation. An HCR must be submitted for substantiated allegations that result from an information case referral. Questions pertaining to the information that has been referred should be directed via your assigned Hotline Coordinator at your DoD Component.

Case-01 DCIS/closed

Case-02 WRI/closed

Case-03 CID/info

Case-04 non ref/error

11. DOD HOTLINE POINT OF CONTACT FOR THIS REFERRAL

a. NAME	b. TELEPHONE	c. E-MAIL ADDRESS
(b) (6), (b) (7)(C)	(b) (6), (b) (7)(C)	(b) (6), (b) (7)(C)@dodig.mil

Controlled by: DoD OIG

Controlled by: Administrative Investigations, DoD Hotline

CUI Category: PRIIG//INV//WHSTL

Distribution/Dissemination Controls: FEDCON

POC: 1-800-424-9098

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Appendix E

FROM: dodignorereply@dcatse.mil
TO: shelbystartz@outlook.com;
SUBJECT: Department of Defense (DoD) Hotline Complaint: 20230213-083550/Closed
DATE: 05/07/2023 16:07:27

DO NOT REPLY TO THIS EMAIL. THIS EMAIL BOX IS NOT MONITORED.

Dear Mr. Startz:

This is to notify you that the DoD Hotline closed complaint (20230213-083550).

The DoD Hotline is not authorized to release case information or documents. You may file a Freedom of Information Act request with the Department of the Army Inspector General, Army Criminal Investigative Division, and the DoD Office of Inspector General to obtain case records which are authorized for public release by that organization. Additional information is available at:
<https://www.foia.gov/>.

Sincerely,

The DoD Hotline Team

Controlled by: DoD OIG
Controlled by: Administrative Investigations, DoD Hotline
CUI Category: PRIIG//INV//WHSTL
Distribution/Dissemination Controls: FEDCON
POC: 1-800-424-9098

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FROM: dodignorereply@dcatse.mil
TO: shelbystartz@outlook.com;
SUBJECT: Department of Defense (DoD) Hotline Complaint: 20230213-083550/Closed/202302101638277021_retaliation_webform
DATE: 03/19/2025 12:57:04

DO NOT REPLY TO THIS EMAIL. THIS EMAIL BOX IS NOT MONITORED.

CLOSURE LETTER

Dear Mr. Startz:

This is to notify you that we closed the complaint you filed with the DoD Hotline.

Please note, the complaint number in our system does not match the acknowledgement letter, unique identifier ID number you received if you submitted your complaint via our website. If you submitted supplemental (additional) complaints regarding the same matter, they were supplemented to this singular complaint. This closure letter serves as the singular notice closing the matter.

All cases regarding your complaint to the DoD Hotline have been closed under complaint number (20230213-083550). The DoD Hotline is not authorized to release case information or documents. You may file a Freedom of Information Act request with the Army Inspector General, Army Criminal Investigative Division, and the DoD Office of Inspector General to obtain case records which are authorized for public release by that organization. Additional information is available at <https://www.foia.gov/>.

Controlled by: DoD OIG,
Controlled by: Administrative Investigations, DoD Hotline
CUI Category: PRIIG//INV//WHSTL
Distribution/Dissemination Controls: FEDCON
POC: 1-800-424-9098

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CUI

DoD Hotline

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CUI



RE: FOIA REQUEST FOLLOW UP

From: Mitsuda, Sandy H CIV USARMY 413 CONTR SPT BDE (USA) <sandy.h.mitsuda.civ@army.mil>

Date: Thu 5/1/2025 3:50 PM

To: Sherman Startz <shelbystartz@outlook.com>

Cc: Kiyonaga, Kyle S CIV USARMY 413 CONTR SPT BDE (USA) <kyle.s.kiyonaga.civ@army.mil>

1 attachment (16 KB)

RE: FOIA REQUEST FOLLOW UP;

Hello Mr. Startz,

Confirming receipt of your email. I sent a response last week (see attached), but I received a notice saying that the email was undeliverable to your email address. Please let me know if you receive this message.

Our legal department is currently reviewing the request since we do not have access to all the information being requested. We will get back to you as soon as we hear on a way forward.

v/r,

Sandy H. Mitsuda

Procurement Analyst, Contracting Operations

413th Contracting Support Brigade

536 Palm Circle Dr., BLDG T122, Fort Shafter, HI 96858

Ph: (808) 787-3696

NIPR: sandy.h.mitsuda.civ@army.mil

CONOPS: USArmy.Shafter.413-Contr-SPT-BDE.List.BDE-CONOPS@army.mil

From: Sherman Startz <shelbystartz@outlook.com>

Sent: Thursday, May 1, 2025 12:34 PM

To: Kiyonaga, Kyle S CIV USARMY 413 CONTR SPT BDE (USA) <kyle.s.kiyonaga.civ@army.mil>; Mitsuda, Sandy H CIV USARMY 413 CONTR SPT BDE (USA) <sandy.h.mitsuda.civ@army.mil>; OGIS <ogis@nara.gov>

Cc: usarmy.redstone.acc.mbx.hqaccfoia <usarmy.redstone.acc.mbx.hqaccfoia@mail.mil>

Subject: Fw: FOIA REQUEST FOLLOW UP

Importance: High

Some people who received this message don't often get email from shelbystartz@outlook.com. [Learn why this is important](#)
Good day Kyle S. Kiyonaga and Sandy H. Mitsuda

I am following up on my FOIA request sent to you. Your email was provided to me by USACE Alaska. See the attached.

This is my third email to your office and I have yet to receive any acknowledgement from you. I am also sending this to Army Contracting Command in the hopes of someone taking my FOIA request seriously and demonstrate someone is actually tracking and seriously working on waste fraud and abuse.

My original request was sent to USACE whom informed me I needed contact you and provided me with your email address

From: Sherman Startz
Sent: Friday, April 25, 2025 9:14 AM
To: kyle.s.kiyonaga.civ@army.mil; sandy.h.mitsuda.civ@army.mil
Subject: FOIA REQUEST FOLLOW UP

Good day,

I wanted to follow up on my FOIA request to your office yesterday. Did my requests make it to you?

Respectfully
Sherman Shelby Startz
907-231-9270

Appendix F



U.S. MERIT SYSTEMS PROTECTION BOARD

Office of the Clerk of the Board

1615 M Street, NW
Washington, DC 20419

Phone: 202-653-7200; Fax: 202-653-7130; E-Mail: privacy@mspb.gov

April 25, 2025

SENT VIA EMAIL (shelbystartz@outlook.com)

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

RE: FOIA and Privacy Act Request, MSPB Tracking No.: MSPB-2025-00140

Dear Mr. Startz:

This letter acknowledges your request to the U.S. Merit Systems Protection Board (MSPB) for records, dated April 21, 2025 and received April 22, 2025. In your request, you state the following:

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.

Sincerely,

(Date Range for Record Search: From 01/31/2022 To 01/17/2025)

Your request has been assigned tracking number MSPB-2025-00140 and will be processed pursuant to both the Privacy Act of 1974 (Privacy Act) and the Freedom of Information Act (FOIA).

Because a portion of the records you request are maintained in an MSPB system of records protected by the Privacy Act, your request will be processed under the Privacy Act and we must verify your identity before we may move forward to process your request. Please verify your identity by providing the following information.

- Your address at the time of filing of your MSPB matter;
- Your current address; and
- Your phone number submitted at the time of filing of your MSPB matter.

The above must be 1) certified by a notary public, or 2) declared under penalty of perjury pursuant to 28 U.S. Code § 1746. Please note that we discourage the submission of documents, such as utility bills, medical records, and other personal information, to establish the information that is requested. Rather, please list out the requested information and have it notarized or provide the declaration language below.

If you choose to declare under penalty of perjury, then please include the following after the information requested above: "I declare (or certify, verify, or state) under penalty of perjury that the foregoing is true and correct. Executed on (date). (Signature)". Please note that we need a live (actual) signature.

You may scan and send the documentation by email, fax, or mail, using any one of the addresses contained in the header of this letter. To expedite processing, you might wish to email the information to us. We have provided a sample verification of identity for you below; however, we do not require the information in any specific format.

Sincerely,

//signed//

Aliyah Young
Government Information Specialist
Merit Systems Protection Board

Appendix G

Startz Acknowledgement in FOIA Request #FOIA-2025-186

From jwheeler@osc.gov <jwheeler@osc.gov>

Date Mon 4/21/2025 11:09 AM

To shelbystartz@outlook.com <shelbystartz@outlook.com>



U.S. OFFICE OF SPECIAL COUNSEL

1730 M Street, N.W., Suite 218

Washington, DC 20036-4505

(202) 804-7000

April 21, 2025

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

Via Email: shelbystartz@outlook.com

Re: Freedom of Information Act and/or Privacy Act Request FOIA-2025-186

Dear Mr. Startz:

This letter acknowledges that the U.S. Office of Special Counsel (OSC) received your Freedom of Information Act (FOIA) and/or Privacy Act (PA) request on April 21, 2025 . We understand your request to be "To: FOIA Officer U.S. Office of Special Counsel Subject: FOIA Request – Full Case File for DI-23-000198 and MA-23-000527 Dear FOIA Officer, Pursuant to the Freedom of Information Act, I hereby request copies of the full administrative case files for DI-23-000198 and MA-23-000527, filed by Sherman Shelby Startz. This request includes: - All internal OSC notes, summaries, and communications - Correspondence with Mr. Startz and the Army - Any referrals or coordination with other federal agencies - Closure memos, legal analysis, or determinations Please provide a Vaughn Index for any materials withheld under FOIA exemptions. (Date Range for Record Search: From 07/01/2022 To 04/19/2025)." Your request has been assigned tracking number FOIA-2025-186. Please refer to this tracking number in future communications with OSC regarding this request. OSC generally processes requests in the order in which they were received.

Since you are seeking records contained in a Privacy Act system of records about an individual (self), we will need to receive a copy of an ID as proof of identity by April 28th before we can access records. A driver's license or similar form of identification will suffice. You may attach it in a "Reply" to this email, or you may fax it to my attention at (202) 254-3711.

If you have any questions, would otherwise like to discuss your request, or you require dispute resolution services, please feel free to contact Barbara Wheeler Jones, OSC's Chief FOIA Officer and FOIA Public Liaison, at bwheeler@osc.gov or at (202) 804-7000. Please reference the above-noted tracking number if you call or write. Additionally, you may contact the Office of Government Information Services (OGIS) at the National Archives and Records Administration to inquire about the FOIA mediation services they offer.

Thank you,

/s/

Jennifer Wheeler
FOIA Team
Office of the Clerk

You can reach OGIS by mail at Office of Government Information Services (OGIS), National Archives and Records Administration, 8601 Adelphi Road, Room 2510, College Park, MD, 20740-6001; by email at ogis@nara.gov; by fax at 202-741-5769; or by telephone at 202-741-5770 or toll-free at 1-877-684-6448.



Fw: FOIA request

From Sherman Startz <shelbystartz@outlook.com>

Date Tue 5/6/2025 7:46 PM

To david startz <davidstartz@outlook.com>

THIS EMAIL TOO

From: USARMY Pentagon HQDA OTIG Mailbox SAIG ZXL

Sent: Wednesday, April 16, 2025 7:12 AM

To: Sherman Startz

Subject: Read: FOIA request

Your message

To: USARMY Pentagon HQDA OTIG Mailbox SAIG ZXL

Subject: FOIA request

Sent: Wednesday, April 16, 2025 10:08:05 AM (UTC-05:00) Eastern Time (US & Canada)

was read on Wednesday, April 16, 2025 10:11:31 AM (UTC-05:00) Eastern Time (US & Canada).