



U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION
Office of Legal Counsel

131 M St, N. E., Fifth Floor
Washington, D. C. 20507
Free: (833) 827-2920
ASL: (844) 234-5122
FAX: (202) 827-7545
Website: www.eeoc.gov

April 14, 2025

VIA: shelbystartz@outlook.com

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

Re: FOIA No.: **820-2025-009628**

Your Freedom of Information Act (FOIA) request, received on March 30, 2025, is processed. The paragraph(s) checked below apply.

- ☐ Your request for expedited processing is denied.
- ☐ Your request is granted.
- ☒ Your request is denied:
 - ☐ based on exemptions pursuant to the subsections of the FOIA,
 - ☒ as it does not reasonably describe the records you wish disclosed,
 - ☒ as no records fitting the description of the records you seek disclosed exist at the Commission.
 - ☐ because it asks a question which our office is under no legal duty to answer.
- ☐ Your request is granted in part and denied in part. Portions not released are withheld pursuant to the subsections of the FOIA indicated at the end of this letter.
- ☒ You may contact the EEOC FOIA Public Liaison Michael L. Heise for further assistance or to discuss any aspect of your request. In addition, you may contact the Office of Government Information Services (OGIS) 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, Maryland 20740-6001, email at ogis@nara.gov; telephone at (202) 741-5770; toll free 1-877-684-6448.

The contact information for the FOIA Public Liaison is as follows: Michael L. Heise, EEOC FOIA Public Liaison, Office of Legal Counsel, FOIA Division, Equal Employment Opportunity Commission, 131 M. Street, N.E., Fifth Floor, Washington, D.C. 20507, email to FOIA@eeoc.gov, telephone at (202) 921-2542; or fax at (202) 827-7545.

- ☒ If you are not satisfied with the response to this request, you may administratively appeal in writing. Your appeal must be postmarked or electronically transmitted in 90 days from receipt of this letter to the Office of Legal Counsel, FOIA Division, Equal Employment Opportunity Commission, 131 M Street, NE, 5NW02E, Washington, D.C. 20507, email to FOIA@eeoc.gov; online at

<https://eeoc.arkcase.com/foia/portal/login>, or fax at (202) 827-7545. Your appeal will be governed by 29 C.F.R. § 1610.11.

[X] See comments below.

Sincerely,



Michael L. Heise
Assistant Legal Counsel | FOIA Division
FOIA@eeoc.gov

COMMENTS

Your FOIA request is:

Request Title: National FOIA Portal Request

Request Description: THIS IS A NEW REQUEST REGARDING DOD OIG COMPLAINT 20230213-083550 Requesting any notification made to your office regarding the Reasonable Accommodation outcry made by requester while employed by US Army as a civilian on Fort Wainwright, Fairbanks Alaska made 4-2022 to the EAP Michael Patton on Fort Wainwright; or the subsequent EEO action and intervention request after wrongful termination on 6/27/2022 to Stacy Mason Keeley (Director EEO Alaska US ARMY) on 7-1-2022, and denial subsequent reporting by requestor in an IRA supported with a letter from OSC on 3/38/2023; only to be rejected AGAIN by a now fictitious Labor Attorney ; Gwendolyn L Smith; reported to you in any form, letter, email or other wise by the US ARMY? Stacie Mason Keeley; the EEO Director of US ARMY Garrison Alaska was corrupt and engaged in fraud that I was directly trying to expose. working collabertively with David Zrna to obstruct my civil rights

Your request seeks records "regarding DOD OIG Complaint 20230213-083550", and you provided our office with the following email to you from the DoD¹ Hotline dated Wednesday, March 19, 2025:

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/>.

¹ DoD = DEPARTMENT OF DEFENSE.

Your request as written does not describe any records the Commission would have in its custody, possession, and control. As the above email indicates, your FOIA request concerning DoD complaint number 2023-213-083550 should be submitted directly to the ARMY'S INSPECTOR GENERAL, the ARMY'S CRIMINAL INVESTIGATIVE DIVISION, and the DoD's OFFICE OF INSPECTOR GENERAL. The websites for those FOIA offices appear below:

DEPARTMENT OF THE ARMY INSPECTOR GENERAL
DEPARTMENT OF THE ARMY CRIMINAL INVESTIGATIVE DIVISION
DEPARTMENT OF DEFENSE OFFICE OF INSPECTOR GENERAL

<https://ig.army.mil/FOIA/>
<https://www.cid.army.mil/Resources/FOIA-Privacy-Act/>
<https://www.dodig.mil/FOIA/Submit-FOIA/>

Your request is denied because it fails to describe a record the Commission would have. Your request asks our office to search for "any notification made to your office regarding the Reasonable Accommodation [sic] outcry" while you were employed as a civilian in FORT WAINWRIGHT, ALASKA. You failed to define what you mean by "outcry", what kind of "notification" you seek, what office at the Commission you think might have responsive records, or the temporal scope of your request.

The FOIA specifies two requirements for an access request: It must "reasonably describe[]" the records sought and it must be "made in accordance with published rules stating the time, place, fees (if any), and procedures to be followed."² The Court of Appeals for the District of Columbia Circuit has held that the key to determining whether a request satisfies the first requirement is the ability of agency staff to reasonably ascertain exactly which records are being requested and to locate them.³ Courts have recognized that the legislative history of the 1974 FOIA amendments indicates that a description of a requested record is sufficient if it enables a professional agency employee familiar with the subject area to locate the record with a "reasonable amount of effort."⁴

Courts have explained that "[t]he rationale for this rule is that FOIA was not intended to reduce government agencies to full-time investigators on behalf of requesters,"⁵ or to allow requesters to conduct "fishing expeditions" through agency files.⁶ Courts have recognized that an agency's FOIA staff is not required to have "clairvoyant capabilities" to discern the requester's needs,⁷ conduct research, or answer questions posed as FOIA requests.⁸

² DEPARTMENT OF JUSTICE (DOJ), *Guide to the Freedom of Information Act (FOIA Guide), Procedural Requirements, Proper FOIA Requests*, 25 (citing 5 U.S.C. § 552(a)(3)(A) (2018)), <https://www.justice.gov/oip/page/file/1199421/dl?inline#page=25> (last accessed Feb. 6, 2024).

³ *Id.* (citing, *inter alia*, *Wells v. Dep't of Educ. Off. for C.R.*, 450 F. App'x 431, 432 (5th Cir. 2011) ("As we cannot decipher which records the Appellants are seeking, we cannot say that the district court abused its discretion in dismissing the suit on this basis."); and *Stuler v. IRS*, 216 F. App'x 240, 242 (3d Cir. 2007) (per curiam) (affirming district court's finding that requester failed to comply with agency regulations requiring "reasonably described" requests, where requester was not "clear in articulating the documents [she] sought"))).

⁴ *Id.* at 25-26 (citing, *inter alia*, *Ferri v. DOJ*, 573 F. Supp. 852, 859 (W.D. Pa. 1983) (granting summary judgment where plaintiff failed to provide sufficient information to allow agency to retrieve requested information "with a reasonable amount of effort" (citing *Marks*, 578 F.2d at 263))).

⁵ *Id.* at 26-27 (citing, *inter alia*, *Bloeser v. DOJ*, 811 F. Supp. 2d 316, 321 (D.D.C. 2011) (reasoning that "[b]ecause 'FOIA' was not intended to reduce government agencies to full-time investigators on behalf of requesters"); and *Lamb v. IRS*, 871 F. Supp. 301, 304 (E.D. Mich. 1994) (finding requests outside scope of FOIA when they require legal research, are unspecific, or seek answers to interrogatories)).

⁶ *Id.* (citing *Immanuel v. Sec'y of the Treasury*, No. 94-0884, 1995 WL 464141, at *1 (D. Md. Apr. 4, 1995), *aff'd*, 81 F.3d 150 (4th Cir. 1996) (unpublished table decision); and *Dale v. IRS*, 238 F. Supp. 2d 99, 104-05 (D.D.C. 2002) (concluding that request seeking "any and all documents . . . that refer or relate in any way" to requester failed to reasonably describe records sought and "amounted to an all-encompassing fishing expedition of files at [agency's] offices across the country, at taxpayer expense"))).

⁷ *Id.* at 27 (citing *Nurse v. Sec'y of the Air Force*, 231 F. Supp. 2d 323, 330 (D.D.C. 2002); *Amnesty Int'l USA v. CIA*, 728 F. Supp. 2d 479, 499 (S.D.N.Y. 2010) (holding that plaintiffs cannot "rely on the argument that the CIA should have known what information Plaintiffs were seeking, for an agency receiving a FOIA request 'is not required to divine a requester's intent'" (quoting *Landmark Legal Found. v. EPA*, 272 F. Supp. 2d 59, 64 (D.D.C. 2003))); *Benneville v. DOJ*, No. 98-6137, slip op. at 10 (D. Or. June 11, 2003) (rejecting plaintiff's contention that agency should have provided him with information on all environmental groups, rather than just single group specifically named in request letter because "the government should not be expected to determine [unnamed groups'] identit[ies] and determine if they should be involved in the search"); *Kubany v. Bd. of Governors of the Fed. Rsv. Sys.*, No. 93-1428, slip op. at 6-8 (D.D.C. July 19, 1994) (holding that request relying on exhibits containing "multiple, unexplained references to hundreds of accounts, and various flowcharts, and schematics" is "entirely unreasonable"))).

⁸ *Id.* at 30-31 (citing, *inter alia*, *Hall & Assocs. v. EPA*, No. 16-5315, 2018 WL 1896493, at *2 (D.C. Cir. Apr. 9, 2018) (unpublished table decision) (affirming that requests which quoted a statement regarding scientific misconduct and asked EPA to provide all documents proving statement wrong "did not reasonably describe the documents sought [] and would have required EPA to undertake research, analysis, and formulation of opinions – actions not required by FOIA"); *DiViao v. Kelley*, 571 F.2d 538, 542-43 (10th Cir. 1978) (finding that "it is clear that nothing in the Act requires 'answers to interrogatories' but rather and only disclosure of documentary

As explained above, for a FOIA request to be considered proper, requesters must describe the records sought in sufficient detail to enable EEOC personnel to locate them with a reasonable amount of effort. To the extent possible, requesters should include specific information that may help the EEOC identify the requested records, such as the date, title or name, author, recipient, subject matter of the record, case number, file designation, or reference number.

This response does not preclude you from submitting a new FOIA request that comports with the EEOC's applicable regulations for making a proper FOIA request. See 29 C.F.R. § 1610.

matters which are not exempt"); and *Jud. Watch, Inc. v. Dep't of State*, 177 F. Supp. 3d 450, 456 (D.D.C. 2016) (finding that "[a] question is not a request for records under FOIA and an agency has no duty to answer a question posed as a FOIA request."), *aff'd* on other grounds, 681 F. App'x 2 (D.C. Cir. 2017)).