



DEPARTMENT OF THE NAVY
U.S. FLEET FORCES COMMAND
1562 MITSCHER AVENUE SUITE 250
NORFOLK VA 23551-2487

5720

Ser N01P 2020-29-010541/017

December 7, 2020

Teri Caserta
10257 W. White Feather Lane
Peoria, AZ 85383

Dear Ms. Caserta:

SUBJECT: FREEDOM OF INFORMATION ACT REQUEST DON-NAVY-2020-29-010541

This letter is in response to your Freedom of Information Act (FOIA) request originally submitted to the Department of the Navy (DON) Inspector General's FOIA Office under their case number DON-NAVY-2020-009270. That office referred the case to U.S. Fleet Forces Command (USFF) for additional processing on July 30, 2020, where it was assigned a new case number, DON-NAVY-2020-010541.

In your request, you seek all Navy and DoD IG investigations conducted related to the death of your son, PO3 Brandon Caserta. You also request any notes, emails, handwritten notes, recordings, etcetera, from any and all attorneys, and various other service members.

In accordance with the DON's FOIA regulations, a diligent search was conducted of USFF Fleet Inspector General's files, as well as the Fleet Judge Advocate General's files, the most likely places where responsive material might be found. Of the 534 pages found to be responsive to your request, 57 pages were found to be under the cognizance of the Naval Criminal Investigative Service and were forwarded there for processing and direct response to you. You may follow up on your request with them by sending an email to NCIS_FOIA@ncis.navy.mil or by calling (571) 305-9092. Of the remaining 477 pages, and after consultation with Commander, Naval Air Force, Atlantic, 285 pages from the command investigation into your son's case have already been provided to you in May and June of 2020, making that part of your request duplicative. Finally, a review of the remaining 192 pages determined that portions of those pages were exempt from release under the following exemptions:

5 USC 552 (b)(6), information in personnel and medical files, as well as similar personal information in other files (for example: names of active duty members and Department of Defense personnel, social security numbers, home addresses, email addresses, phone numbers, etc.), that if disclosed would result in a clearly unwarranted invasion of personal privacy; and

5 USC 552 (b)(7)(c), information in records compiled for law enforcement purposes, i.e. civil criminal or military law, including the implementation of Executive Orders or regulations issued under law, where release could reasonably be expected to constitute an unwarranted invasion of personal privacy of a living person, including surviving family members of an individual identified in such a record.

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Releasable portions of the responsive documents are provided as enclosure (1).

There is another Inspector General investigation still in progress. Information related to that investigation is withheld under 5 USC 552(b)(7)(a) until the process is complete. Release of any information before the investigation is complete could reasonably expect to interfere with the conduct of that investigation. The estimated completion date is November 30, 2020. You may submit another FOIA request for that investigation, Navy Inspector General NIGHTS Case Number 201901194, using the Department of the Navy FOIAonline site, <https://foiaonline.gov/foiaonline/action/public/home>, after that date.

In responding to this request and making withholding determinations, my office consulted with the DON FOIA office, CNAL, Naval Inspector General's Office, and NCIS.

There are no assessable fees associated with the processing of your request.

I am the official responsible for this determination. Because your request is partially denied, you are advised of your right, under the cited FOIA statute and Department of the Navy Regulations, to appeal this determination. Your appeal must be received within 90 calendar days from the date of this letter.

There are two ways to file an appeal—through FOIAonline or by mail:

1. Through FOIAonline. This will work only if you set up an account on FOIAonline before you make the request that you would like to appeal. To set up an account, go to the website FOIAonline at: <https://foiaonline.gov/foiaonline/action/public/home>. Click "Create Account" (a link located within the blue banner at the top in the upper right corner), enter your data into the field that subsequently appears, and click "Save" (at the bottom left of the screen). With your account thereby created, you will have the power to file an appeal on FOIAonline to any request you file on FOIAonline thereafter. To do so, locate your request (enter a keyword or the request tracking number in the "Search for" field on the "Search" tab), click on it, then the "Create Appeal" tab in the left-hand column. Complete the subsequent field, click "Save," and FOIAonline will submit your appeal.

2. By mail. Please provide a letter requesting an appeal, with a copy of your initial request and a copy of this letter of denial, in an envelope marked "Freedom of Information Act Appeal." You are encouraged (though not required) to provide an explanation why you believe the redactions were inappropriate or our search was inadequate. Address your appeal to:

The Judge Advocate General (Code 14)
1322 Patterson Avenue SE, Suite 3000
Washington Navy Yard, DC 20374-5066

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Please provide a copy of your appeal letter to us at:

Commander
Attn: FOIA Officer (Code N01P)
U.S. Fleet Forces Command
1562 Mitscher Avenue, Suite 250
Norfolk, VA 23551

You also have the right to seek dispute resolution services from either the DoD Navy Component FOIA Public Liaison, Mr. Chris Julka, at Christopher.a.julka@navy.mil, (703) 697-0031; or by contacting the Office of Government Information Services (<https://ogis.arcives.gov/>), ogis@nara.gov, (202) 741-5770.

You may contact Ms. Linda Alvers at linda.alvers@navy.mil or at phone number (757) 836-3630 if you have questions related to the processing of your request.

Sincerely,


S. SELF-KYLER
Captain, U.S. Navy
Director, Fleet Public Affairs
By direction of the Commander