



DEPARTMENT OF THE NAVY
OFFICE OF THE CHIEF OF NAVAL OPERATIONS
2000 NAVY PENTAGON
WASHINGTON, DC 20350-2000

5720
Ser DNS-36MJ/20U113559
June 12, 2020

Sent via email to: foia@americanoversight.org

Austin R. Evers
American Oversight
1030 15th Street NW, Suite B255
Washington, DC 20005

Dear Mr. Evers,

You are receiving this letter because our records show that you submitted a Freedom of Information Act (FOIA)/Privacy Act (PA) request for records related to the events surrounding the COVID-19 outbreak aboard the USS Theodore Roosevelt, and her captain.

In the course of processing these requests, it has been determined that the Acting Secretary of Defense has chosen to pursue a further investigation into these events. Therefore, the requested records are exempt from disclosure under 5 U.S.C. § 552 (b)(7)(A). Exemption 7(A), authorizes the withholding of "records or information compiled for law enforcement purposes, but only to the extent that production of such law enforcement records or information could reasonably be expected to interfere with enforcement proceedings."

However, due to the public interest in these records, once the investigation is no longer exempt under this section, our office will review and **post releasable records publicly on our FOIA Reading Room** located at:

<https://www.secnav.navy.mil/foia/readingroom/SitePages/Home.aspx>

These records will not be sent to individual requesters, but you will receive a letter from this office informing you when this action takes place.

You have the right to an appeal. It must be received within 90 calendar days from the date of this letter. Please provide a letter requesting an appeal, with a copy of your initial request and a copy of the 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 denial was inadequate. Also, please provide a copy of your appeal letter to us at [Name and address of the command or activity which responded to the request].

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

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 FOIAonline (this is a website that will appear as the top hit if you search the internet for "FOIAonline"), 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 to the following address below:

Department of the Navy
Office of the Judge Advocate General (Code 14)
1322 Patterson Avenue SE, Suite 3000
Navy Yard, DC 20374-5066

In this instance, the fees associated with the processing of your request are waived, but this action is not indicative of how future requests will be handled.

For this determination, you 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, via phone: (703) 697-0031; or by contacting the Office of Government Information Services at: (<https://ogis.archives.gov/>), (202) 741-5770, ogis@nara.gov.

Questions regarding the action this office has taken to process your request may be directed to our FOIA Service Center at (202) 685-0412 or via email at donfoia-pa@navy.mil.

Sincerely,

Gregory Cason

G. Cason
By Direction
Deputy Director,
DON FOIA/PA Program Office