



**UNITED STATES DEPARTMENT OF EDUCATION**

OFFICE OF THE SECRETARY

FOIA Service Center

July 31, 2020

Mr. Austin R. Evers  
Executive Director  
American Oversight  
1030 15th Street  
Suite B255  
Washington, DC 20002

RE: FOIA Request No. 20-02080-F

Dear Austin R. Evers:

This letter is a final response to your request for information pursuant to the Freedom of Information Act (FOIA), 5 U.S.C. § 552, dated July 21, 2020 and received in this office on July 21, 2020. Your request was forwarded to the Office of Finance and Operations (OFO) to search for documents that may be responsive to your request.

You requested the following:

- Copies of any SF-50 forms for any political appointees\* at the GS-13 level or higher at your agency reflecting a change to a permanent competitive, non-political excepted service, or career SES position.
- Records sufficient to identify any requests to OPM (including any approvals, rejections, or other responses from OPM) to appoint any current or former (within five years) Executive Branch political appointees\* at the GS-13 level or higher to permanent competitive, non-political excepted service, or career SES position (including but not limited to any pre-appointment request checklist forms OPM 5000 or 5001, or other forms used for the requests, documentation submitted with the requests, and decisions conveyed in response to the request).
- Records sufficient to identify any requests to OPM (including any approvals, rejections, or other responses from OPM) under 5 CFR § 3318(a), (c)(1), for approval to pass over a preference eligible or object to an eligible (including but not limited to any forms SF-62 or other forms used for the request, documentation submitted with the requests, and decisions conveyed in response to the request).
  - Please consider any employee in the following positions to be a “political appointee”:
    - a. Political appointees requiring Senate confirmation (PAS);
    - b. Political appointees not requiring Senate confirmation (PA);

- c. Political appointees, as defined under 5 U.S.C. sections 5312 through 5316 (relating to the Executive Schedule);
- d. Political Schedule A;
- e. Appointments made by the President without confirmation by the Senate [5 CFR § 13.3102(c)].
- f. Assistants to top-level Federal officials if the position is being filled by a person designated by the President as a White House Fellow [5 CFR § 213.3102(z)].
- g. Schedule C [5 CFR §§ 213.3301-3302];
- h. Noncareer SES [5 U.S.C. § 3132(a)(7); and 5 CFR § 317, subpart F];
- i. Limited Term SES [5 U.S.C. § 3132(a)(5); and 5 CFR § 317, subpart F];
- j. Limited Emergency SES [5 U.S.C. § 3132(a)(6); and 5 CFR § 317, subpart F];
- k. Appointees serving in a political capacity under agency-specific authority; and
- l. Provisional Political Appointments [applicable to positions listed above].

Staff from OFO informed this office (FSC) that after a search of their files, they were unable to locate any documents that were responsive to your request.

You have the right to seek assistance and/or dispute resolution services from the Department's FOIA Public Liaison or the Office of Government Information Services (OGIS). The FOIA Public Liaison is responsible, among other duties, for assisting in the resolution of FOIA disputes. OGIS, which is outside the Department of Education, offers mediation services to resolve disputes between FOIA requesters and Federal agencies as a non-exclusive alternative to litigation.

They can be contacted by:

|        |                                                                                                                                                             |                                                                                                                                                          |
|--------|-------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------|
| Mail   | FOIA Public Liaison<br>Office of the Executive Secretariat<br>U.S. Department of Education<br>400 Maryland Ave., SW, LBJ 7C132<br>Washington, DC 20202-4500 | Office of Government Information Services<br>National Archives and Records Administration<br>8601 Adelphi Road, Room 2510<br>College Park, MD 20740-6001 |
| E-mail | <a href="mailto:robert.wehausen@ed.gov">robert.wehausen@ed.gov</a>                                                                                          | <a href="mailto:OGIS@nara.gov">OGIS@nara.gov</a>                                                                                                         |
| Phone  | 202-205-0733                                                                                                                                                | 202-741-5770; toll free at 1-877-684-6448                                                                                                                |
| Fax    | 202-401-0920                                                                                                                                                | 202-741-5769                                                                                                                                             |

Lastly, you have the right to appeal this determination. You must submit any appeal within 90 calendar days after the date of this letter. Using the services described above does not affect your right, or the deadline, to pursue an appeal. An appeal must be in writing and must include a detailed statement of all legal and factual bases for the appeal; it should be accompanied by a copy of this letter, the initial letter of request, and any documentation that serves as evidence or supports the argument you wish the Department to consider in resolving your appeal.

Appeals may be submitted using the on-line form available at [www.ed.gov/policy/gen/leg/foia/foia-appeal-form.pdf](http://www.ed.gov/policy/gen/leg/foia/foia-appeal-form.pdf).

Appeals can also be submitted by:

E-mail: [EDFOIAappeals@ed.gov](mailto:EDFOIAappeals@ed.gov)  
Fax: 202-401-0920  
Mail: Appeals Office  
Office of the Executive Secretariat  
U.S. Department of Education  
400 Maryland Avenue, SW, LBJ 7W106A  
Washington, DC 20202-4500

If you have any questions, please contact the FSC at (202) 401-8365 or via email at [EDFOIAMANAGER@ed.gov](mailto:EDFOIAMANAGER@ed.gov).

Sincerely,

*Arthur Caliguiran*

Arthur Caliguiran  
FOIA Analyst  
Office of the Executive Secretariat