

Subject: DOJ-EOIR FOIA Request # 2021-07047
Date: Tuesday, August 10, 2021 at 2:27:16 PM Eastern Daylight Time
From: O'Hara, Shelley
To: FOIA
Attachments: 2021-07047.zip

Dear Mr. Evers:

This letter constitutes our supplemental response to your Freedom of Information Act (FOIA) request dated November 17, 2020 to the Executive Office for Immigration Review (EOIR) in which you seek:

1. Copies of any SF-50 forms for Tracy Short, reflecting any change in position or title, including when Mr. Short entered or left a position.
2. Records sufficient to identify any requests to OPM (including any approvals, rejections, or other responses from OPM) to appoint Mr. Short to a 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 any such request, documentation submitted with any such request, and decisions conveyed in response to any such request).
3. 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 for the position of EOIR Chief Immigration Judge (including but not limited to any forms SF-62 or other forms used for any such request, documentation submitted with any such request, and decisions conveyed in response to any such request).
4. Records sufficient to identify the number of applicants to the position of EOIR Chief Immigration Judge.
5. The resume or curriculum vitae (CV) submitted by Tracy Short in connection with any application or consideration for the position of EOIR Chief Immigration Judge.
6. Records reflecting all postings soliciting applications for the position of EOIR Chief Immigration Judge.

from January 1, 2020 through the date of search.

As you will recall, we issued a first response to you dated December 14, 2020 responding to paragraph 2 of your request, and a final response to you dated February 18, 2021 responding to paragraphs 1, 3, 4, 5, and 6 of your request.

With respect to paragraph 1 of your request, an additional search was conducted and records responsive to your request were located. We are granting partial access to the responsive records.

Portions of the enclosed records have been redacted in accordance with FOIA Exemption 6, 5 U.S.C. § 552(b)(6), which concerns material the release of which would constitute a clearly unwarranted invasion of the personal privacy of third parties.

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 that is given to all our requesters and should not be taken as an indication that excluded records do, or do not, exist. See <http://www.justice.gov/oip/foiapost/2012foiapost9.html>.

You may contact the EOIR FOIA Public Liaison at (703) 605-1297 or EOIR.FOIArequests@usdoj.gov for any further assistance and to discuss any aspect of your request. Alternatively, 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, Room 2510, 8601 Adelphi Road, College Park, Maryland 20740-6001; e-mail at ogis@nara.gov; telephone at (202) 741-5770; toll free at (877) 684-6448; or facsimile at (202) 741-5769.

If you are not satisfied with the Executive Office for Immigration Review's determination in response to this request, you may administratively appeal by writing to the Director, Office of Information Policy (OIP), United States Department of Justice, 441 G Street, NW, 6th Floor, Washington, D.C. 20530, or you may submit an appeal through OIP's FOIA STAR portal by creating an account following the instructions on OIP's website: <https://www.justice.gov/oip/submit-and-track-request-or-appeal>. Your appeal must be postmarked or electronically transmitted within 90 days of the date of this response to your request. If you submit your appeal by mail, both the letter and the envelope should be clearly marked "Freedom of Information Act Appeal."

Sincerely,

Shelley M. O'Hara

Attorney Advisor (FOIA)

NOTIFICATION OF PERSONNEL ACTION

1 Name (Last, First, Middle) SHORT, TRACY L	2 Social Security Number (b)(6)	3 Date of Birth (b)(6)	4 Effective Date 03/08/03
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FIRST ACTION

5-A Code 352	5-B Nature of Action TERMINATION APPT IN HS	6-A Code	6-B Nature of Action
5-C Code PDM	5-D Legal Authority REG 351.302	6-C Code	6-D Legal Authority
5-E Code	5-F Legal Authority	6-E Code	6-F Legal Authority

7. FROM: Position Title and Number GEN ATTY 02001254 HCEN9A	15. TO: Position Title and Number
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8 Pay Plan GS	9 Occ Code 0905	10 Grade/Level 14	11 Step/Rate 01	12 Total Salary 80,271.00	13 Pay Basis PA	16 Pay Plan	17 Occ Code	18 Grade/Level	19 Step/Rate	20 Total Salary/Award	21 Pay Basis
12A Basic Pay 72,381.00	12B Locality Adj 7,890.00	12C Adj Basic Pay 80,271.00	12D Other Pay .00	20A Basic Pay	20B Locality Adj .00	20C Adj Basic Pay	20D Other Pay .00				

14 Name and Location of Position's Organization OFFICE OF THE COMMISSIONER OFF OF THE GEN COUNSEL OFF REGNL CNSL CNTRL REGN OFF LIGTN & LEG ADV STAFF DALLAS	22 Name and Location of Position's Organization
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HS
DJ IN1003004004000000 PP 04 2003

EMPLOYEE DATA

23. Veterans Preference (b)(6) 1-None 3-10 Point/Disability 5-10 Point/Other 2-5 Point 4-10 Point/Compensable 6-10 Point/Compensable/30%	24 Tenure 1 0-None 2-Conditional 1-Permanent 3-Indefinite	25 Agency Use	26 Veterans Preference for RIF YES ☒ NO
27 FEGLI CO BASIC	28 Annuitant Indicator 9 NOT APPLICABLE	29 Pay Rate Determinant 0	

30 Retirement Plan K FERS AND FICA	31 Service Comp Date (Leave) 01/31/00	32 Work Schedule F FULL TIME	33 Part-Time Hours Per Biweekly Pay Period
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34 Position Occupied 2 1-Competitive Service 3-SES General 2-Excepted Service 4-SES Career Reserved	35 FLSA Category E E-Exempt N-Nonexempt	36 Appropriation Code	37 Bargaining Unit Status 0031
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38 Duty Station Code 48-1730-113	39 Duty Station (City - County - State or Overseas Location) DALLAS DALLAS TX
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40 AGENCY DATA	41 SEX: M	42 CITZ: 1	43 VET STAT: X	44 ED LV:15 YR:95 INST PRG:220101
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45 Remarks

46 Employing Department or Agency U.S. DEPARTMENT OF JUSTICE/INS	50 Signature/Authentication and Title of Approving Official ELECTRONICALLY SIGNED DENISE J. ADAMS, PERSONNEL OFFICER	
47 Agency Code DJ IN	48 Personnel Office ID 1146	49 Approval Date 03/08/03

Standard Form 50-B
Rev. 7/81
U.S. Office of Personnel Management
FPM Supp. 298-33, Subch. 4

NOTIFICATION OF PERSONNEL ACTION

1. Name (Last, First, Middle) SHORT, TRACY L		2. Social Security Number (b)(6)	3. Date of Birth (b)(6)	4. Effective Date 07/29/01
5-A. Code 171		5-B. Nature of Action EXC APPT NTE 09/28/02		
5-C. Code WDM		5-D. Legal Authority SCH A 213.3102D		
5-E. Code		5-F. Legal Authority		

7. FROM: Position Title and Number GEN ATTY 01005651 HCE09A					15. TO: Position Title and Number GEN ATTY 01005651 HCE09A								
8. Pay Plan GS	9. Occ Code 0905	10. Grade/Level 13	11. Step/Rate 01	12. Total Salary/Award 62,913.00	13. Pay Basis PA	14. Name and Location of Position's Organization OFFICE OF THE COMMISSIONER OFF OF THE GEN COUNSEL OFF REGNL CNSL CNTRL REGN OFF LIGTN & LEG ADV STAFF DALLAS DJ IN100300400040000000 PP 15 2001	16. Name and Location of Position's Organization OFFICE OF THE COMMISSIONER OFF OF THE GEN COUNSEL OFF REGNL CNSL CNTRL REGN OFF LIGTN & LEG ADV STAFF DALLAS DJ IN100300400040000000 PP 15 2001	17. Pay Plan GS	18. Occ Code 0905	19. Grade/Level 13	20. Step/Rate 01	21. Total Salary/Award 62,913.00	22. Pay Basis PA
12A. Basic Pay 57,345.00	12B. Locality Adj. .00	12C. Adj. Basic Pay .00	12D. Other Pay .00	20A. Basic Pay 57,345.00	20B. Locality Adj. 5,568.00	20C. Adj. Basic Pay 62,913.00	20D. Other Pay .00	23. Name and Location of Position's Organization OFFICE OF THE COMMISSIONER OFF OF THE GEN COUNSEL OFF REGNL CNSL CNTRL REGN OFF LIGTN & LEG ADV STAFF DALLAS DJ IN100300400040000000 PP 15 2001	24. Name and Location of Position's Organization OFFICE OF THE COMMISSIONER OFF OF THE GEN COUNSEL OFF REGNL CNSL CNTRL REGN OFF LIGTN & LEG ADV STAFF DALLAS DJ IN100300400040000000 PP 15 2001	25. Name and Location of Position's Organization OFFICE OF THE COMMISSIONER OFF OF THE GEN COUNSEL OFF REGNL CNSL CNTRL REGN OFF LIGTN & LEG ADV STAFF DALLAS DJ IN100300400040000000 PP 15 2001	26. Name and Location of Position's Organization OFFICE OF THE COMMISSIONER OFF OF THE GEN COUNSEL OFF REGNL CNSL CNTRL REGN OFF LIGTN & LEG ADV STAFF DALLAS DJ IN100300400040000000 PP 15 2001	27. Name and Location of Position's Organization OFFICE OF THE COMMISSIONER OFF OF THE GEN COUNSEL OFF REGNL CNSL CNTRL REGN OFF LIGTN & LEG ADV STAFF DALLAS DJ IN100300400040000000 PP 15 2001	28. Name and Location of Position's Organization OFFICE OF THE COMMISSIONER OFF OF THE GEN COUNSEL OFF REGNL CNSL CNTRL REGN OFF LIGTN & LEG ADV STAFF DALLAS DJ IN100300400040000000 PP 15 2001

23. Veterans Preference (b)(6) 1-None 2-5 Point 3-10 Point/Disability 4-10 Point/Compensable 5-10 Point/Other 6-10 Point/Compensable/30%		24. Tenure 3 0-None 1-Permanent 2-Conditional 3-Indefinite		25. Agency Use		26. Veterans Preference for RIF YES ☒ NO ☐	
27. FEGLI CO BASIC		28. Annuitant Indicator 9 NOT APPLICABLE		29. Pay Rate Determinant 0		30. Retirement Plan K FERS AND FICA	
31. Service Comp Date (Leave) 07/29/01		32. Work Schedule F FULL TIME		33. Part-Time Hours Per Biweekly Pay Period		34. Position Occupied 2 1-Competitive Service 2-Excepted Service 3-SES General 4-SES Career Reserved	
35. FLSA Category E E-Exempt N-Nonexempt		36. Appropriation Code		37. Bargaining Unit Status 0031		38. Duty Station Code 48-1730-113	
39. Duty Station (City - County - State or Overseas Location) DALLAS DALLAS TX		40. AGENCY DATA SEX: M CITZ: 1 VET STAT: X ED LV:15 YR:95 INST PRG:220101		41. 42. 43. 44.		45. Remarks REASON FOR TEMPORARY APPOINTMENT: PENDING COMPLETION OF BACKGROUND INVESTIGATION. OFF MAINTAINED BY: INS, 800 K STREET, NW WASHINGTON, DC 20536 APPOINTMENT AFFIDAVIT EXECUTED: 07/30/01. FROZEN SERVICE: 00 YRS. 00 MOS. CREDITABLE MILITARY SERVICE: 00 YRS. 00 MOS. PREVIOUS RETIREMENT COVERAGE: NEVER COVERED EMPLOYEE IS AUTOMATICALLY COVERED UNDER FERS.	

PLEASE FORWARD EMPLOYEE OPF, EPF
AND MEDICAL FILE TO:

IMMIGRATION & NATZ. SERVICE
TECHWORLD BLDG, RM 5083
800 K STREET, NW
WASHINGTON, DC 20536
ATTN: DORA E. SMITH

46. Employing Department or Agency U.S. DEPARTMENT OF JUSTICE/INS			47. Agency Code DJ IN			48. Personnel Office ID 1146			49. Approval Date 08/07/01			50. Signature/Authentication and Title of Approving Official PERSONNEL OFFICER		
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NOTIFICATION OF PERSONNEL ACTION

1. Name (Last, First, Middle) SHORT, TRACY L FIRST ACTION				2. Social Security Number (b)(6)		3. Date of Birth (b)(6)		4. Effective Date 10/30/01																																																			
5-A Code 570				5-B. Nature of Action CONV TO EXC APPT		5-A Code 570				5-B. Nature of Action CONV TO EXC APPT																																																	
5-C Code WDM				5-D. Legal Authority SCH A 213.3102D		5-C Code WDM				5-D. Legal Authority SCH A 213.3102D																																																	
5-E Code				5-F. Legal Authority		5-E Code				5-F. Legal Authority																																																	
7. FROM: Position Title and Number GEN ATTY 01005651 HCEO9A						15. TO: Position Title and Number GEN ATTY 02001254 HCEO9A																																																					
6. Pay Plan		9. Occ Code		10. Grade/Level		11. Step/Rate		12. Total Salary		13. Pay Basis		16. Pay Plan		17. Occ Code		18. Grade/Level		19. Step/Rate		20. Total Salary/Award		21. Pay Basis																																					
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45. Remarks BACKGROUND INVESTIGATION COMPLETED.																																																											

46. Employing Department or Agency
U.S. DEPARTMENT OF JUSTICE/INS

47. Agency Code
DJ IN

48. Personnel Office ID
1146

49. Approval Date
01/07/02

50. Signature/Authentication and Title of Approving Official

Denise J. Adams
PERSONNEL OFFICER