



U.S. Department of Justice
Executive Office for Immigration Review
Office of the General Counsel

5107 Leesburg Pike, Suite 2150
Falls Church, Virginia 22041

December 14, 2020

Via Email at foia@americanoversight.org

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

Re: FOIA 2021-07047 First Response

Dear Mr. Evers:

This letter constitutes our first 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.

With respect to paragraph 2 of your request, a search was conducted; however, no records were located.

We are continuing to process the remainder of your request.

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>.

If you need any further assistance or would like to discuss any aspect of your request, please contact the FOIA Officer who processed your request or the EOIR FOIA Public Liaison at (703) 605-1297. Additionally, 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 my 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 O'HARA

Digitally signed by SHELLEY
O'HARA
Date: 2020.12.14 17:33:16 -05'00'

Shelley M. O'Hara
Attorney Advisor (FOIA)