



UNITED STATES DEPARTMENT OF EDUCATION

OFFICE OF THE SECRETARY

FOIA Service Center

December 13, 2019

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

RE: FOIA Request No. 19-02214-F

Dear Austin R. Evers:

This letter is an interim response to your request for information pursuant to the Freedom of Information Act (FOIA), 5 U.S.C. § 552, dated September 9, 2019 and received in this office on September 10, 2019.

You requested:

- a. Copies of any SF-50 forms for Kathleen Smith, former Education official in the Office of Postsecondary Education and the Federal Student Aid Office, reflecting any change in position or title, including when the employee entered or left each position. We have no objection to the redaction of home addresses, telephone numbers, or social security numbers from the SF-50s.
 - b. Any Ethics Pledge signed by Kathleen Smith, former Education official in the Office of Postsecondary Education and the Federal Student Aid Office. As this request seeks discrete, readily identifiable records, American Oversight expects that this request will be assigned to the Simple processing track.
- Please provide all responsive records from January 20, 2017, through the date of the search.

Attached to this e-mail are 5 pages of documents responsive to your request. The documents provided are:

- 19-02214-F K Smith

However, certain information has been withheld according to FOIA exemption (b)(6), specified below:

- Records or portions of records relating to personal information is exempt pursuant to 5 U.S.C. §552 (b)(6) of the FOIA. Disclosure of this information would constitute a clearly unwarranted invasion of personal privacy.

At this time, the Department is continuing to process your request. You will receive any additional documents under a separate cover letter.

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 appeals or litigation. They can be contacted by:

Mail	FOIA Public Liaison Office of the Executive Secretariat U.S. Department of Education 400 Maryland Ave., SW, LBJ 7C132 Washington, DC 20202-4500	Office of Government Information Services National Archives and Records Administration 8601 Adelphi Road Room 2510 College Park, MD 20740-6001
E-mail	robert.wehausen@ed.gov	OGIS@nara.gov
Phone	202-205-0733	301-837-1996; toll free at 1-877-684-6448
Fax	202-401-0920	301-837-0348

You have the right to appeal this decision by writing to the address below, 90 calendar days from the date of this letter. Using the services described above does not affect your right or the deadline to file an appeal. Your appeal must be in writing and must include detailed statement of all legal and factual bases for the appeal; it should be accompanied by this letter, a copy of your initial letter of request, and any documentation that serves as evidence or supports the argument you wish the Department to consider in making an administrative determination on your appeal.

Appeals may be submitted using the on-line form available at
www.ed.gov/policy/gen/leg/foia/foia-appeal-form.pdf.

E-mail: 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

Sincerely,

Tiffany Tucker
Tiffany Tucker
Government Information Specialist
Office of the Executive Secretariat

Enclosure

NOTIFICATION OF PERSONNEL ACTION

1. Name (Last, First, Middle) SMITH, KATHLEEN A.				2. Social Security Number (b)(6)		3. Date of Birth		4. Effective Date 04/05/19			
FIRST ACTION				SECOND ACTION							
5-A. Code 317		5-B. Nature Of Action RESIGNATION		6-A. Code		6-B. Nature of Action					
5-C. Code RPM		5-D. Legal Authority REG 715.202		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 DEPUTY CHIEF OPERATING OFFICER EN1 N80022N				15. TO: Position Title and Number							
8. Pay Plan AD		9. Occ. Code 0340		10. Grade/Level 00		11. Step/Rate 00		12. Total Salary \$192300		13. Pay Basis PA	
12A. Basic Pay \$192300		12B. Locality Adj. \$ 0		12C. Adj. Basic Pay \$192300		12D. Other Pay \$ 0		16. Pay Plan		17. Occ. Code	
18. Grade/Level		19. Step/Rate		20. Total Salary/Award		21. Pay Basis		20A. Basic Pay		20B. Locality Adj.	
20C. Adj. Basic Pay		20D. Other Pay		22. Name and Location of Position's Organization							
14. Name and Location of Position's Organization FEDERAL STUDENT AID CHIEF OPERATING OFFICER WASHINGTON, DC											
EMPLOYEE DATA											
23. Veterans Preference 1 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 B0 WAIVED FEGLI COVERAGE				28. Annuitant Indicator 9 NOT APPLICABLE				29. Pay Rate Determinant 0			
30. Retirement Plan K FERS & FICA				31. Service Comp. Date (Leave) 09/20/07				32. Work Schedule F FULL-TIME		33. Part-Time Hours Per Biweekly Pay Period	
POSITION DATA											
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 8888	
38. Duty Station Code 11-0010-001				39. Duty Station (City - County - State or Overseas Location) WASHINGTON, DISTRICT OF COLUMBIA							
40. Agency Data CLC		41. VET-STAT 00		42. EDUC LVL X		43. SUPV STAT 17		44. POSITION SENSITIVITY 2 CRITICAL-SENSITIVE			
45. Remarks FORWARDING ADDRESS: (b)(6) EMPLOYEE GAVE NO REASON FOR RESIGNATION. LUMP-SUM PAYMENT TO BE MADE FOR ANY UNUSED ANNUAL LEAVE.											
46. Employing Department or Agency ED - STUDENT FINANCIAL AID						50. Signature/Authentication and Title of Approving Official QUASSETTE CROWNER DIR, HR & WORKFORCE SERVICES 190749308					
47. Agency Code EDEN		48. Personnel Office ID 1306		49. Approval Date 04/04/19							
1 - Employee Copy - Keep for Future Reference											

NOTIFICATION OF PERSONNEL ACTION

1. Name (Last, First, Middle) SMITH, KATHLEEN A. FIRST ACTION						2. Social Security Number (b)(6)		3. Date of Birth		4. Effective Date 01/11/19																																					
5-A. Code 930						5-B. Nature Of Action DETAIL NTE 05-11-20						6-A. Code		6-B. Nature of Action																																	
5-C. Code						5-D. Legal Authority						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 DEPUTY CHIEF OPERATING OFFICER EN1 N80022N						15. TO: Position Title and Number DEPUTY CHIEF OPERATING OFF EA N80022N						16. Pay Plan AD		17. Occ. Code 0340		18. Grade/Level 00		19. Step/Rate		20. Total Salary/Award		21. Pay Basis PA																									
12A. Basic Pay \$189600						12B. Locality Adj. \$ 0						12C. Adj. Basic Pay \$189600						12D. Other Pay \$ 0						20A. Basic Pay						20B. Locality Adj.						20C. Adj. Basic Pay						20D. Other Pay					
14. Name and Location of Position's Organization FEDERAL STUDENT AID CHIEF OPERATING OFFICER WASHINGTON, DC EMPLOYEE DATA						22. Name and Location of Position's Organization OFFICE OF THE SECRETARY WASHINGTON, DC						23. Veterans Preference 1 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 B0						28. Annuitant Indicator 9 NOT APPLICABLE						29. Pay Rate Determinant 0						30. Retirement Plan K FERS & FICA POSITION DATA						31. Service Comp. Date (Leave) 09/20/07						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 8888																													
38. Duty Station Code 11-0010-001						39. Duty Station (City - County - State or Overseas Location) WASHINGTON, DISTRICT OF COLUMBIA						40. Agency Data CLC 00						41. VET-STAT X						42. EDUC LVL 17						43. SUPV STAT 2						44. POSITION SENSITIVITY CRITICAL-SENSITIVE											
45. Remarks																																															

46. Employing Department or Agency ED - IMMEDIATE OF OF SECY						50. Signature/Authentication and Title of Approving Official DENISE L. CARTER DEPUTY ASSISTANT SECRETARY 190031286					
47. Agency Code EDEN		48. Personnel Office ID 1306		49. Approval Date 03/11/19							

1 - Employee Copy - Keep for Future Reference

NOTIFICATION OF PERSONNEL ACTION

1. Name (Last, First, Middle) SMITH, KATHLEEN A.		2. Social Security Number (b)(6)	3. Date of Birth	4. Effective Date 01/28/18
FIRST ACTION		SECOND ACTION		
5-A. Code 571	5-B. Nature Of Action CONV TO EXC APPT NTE 01-28-22	6-A. Code	6-B. Nature of Action	
5-C. Code ZLM	5-D. Legal Authority P.L. 105-244 SEC 141 (E) (1)	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 SR ADVISOR TO THE ASST SECRETARY OFFICE OF POST SECONDARY EDUCATION EP ES03475						15. TO: Position Title and Number DEPUTY CHIEF OPERATING OFFICER EN1 N80022N							
8. Pay Plan ES	9. Occ. Code 0301	10. Grade/Level 00	11. Step/Rate 00	12. Total Salary \$161900	13. Pay Basis PA	16. Pay Plan AD	17. Occ. Code 0340	18. Grade/Level 00	19. Step/Rate 00	20. Total Salary/Award \$189600	21. Pay Basis PA		
12A. Basic Pay \$161900		12B. Locality Adj. \$ 0		12C. Adj. Basic Pay \$161900		20A. Basic Pay \$189600		20B. Locality Adj. \$ 0		20C. Adj. Basic Pay \$189600		20D. Other Pay \$ 0	
14. Name and Location of Position's Organization OFC OF PSTSCNDY ED WASHINGTON, DC						22. Name and Location of Position's Organization FEDERAL STUDENT AID CHIEF OPERATING OFFICER WASHINGTON, DC							

23. Veterans Preference 1 1 - None 3 - 10-Point/Disability 5 - 10-Point Other 2 - 5-Point 4 - 10-Point Compensable 6 - 10-Point/Compensable/30%				24. Tenure 3 0 - None 2 - Conditional 1 - Permanent 3 - Indefinite		25. Agency Use		26. Veterans Preference for RIF ☐ YES ☒ NO	
27. FEGLI WAIVED FEGLI COVERAGE B0				28. Annuitant Indicator 9 NOT APPLICABLE				29. Pay Rate Determinant 0	
30. Retirement Plan K FERS & FICA				31. Service Comp. Date (Leave) 09/20/07		32. Work Schedule F FULL-TIME		33. Part-Time Hours Per Biweekly Pay Period	
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 8888	
38. Duty Station Code 11-0010-001				39. Duty Station (City - County - State or Overseas Location) WASHINGTON, DISTRICT OF COLUMBIA					
40. Agency Data CLS 00		41. VET-STAT X		42. EDUC LVL 17		43. SUPV STAT 2		44. POSITION SENSITIVITY CRITICAL-SENSITIVE	

45. Remarks
CREDITABLE MILITARY SERVICE: NONE
PREVIOUS RETIREMENT COVERAGE: PREVIOUSLY COVERED
FROZEN SERVICE NONE
EMPLOYEE IS AUTOMATICALLY COVERED UNDER FERS, FERS-RAE OR FERS-FRAE.
APPOINTMENT IS SUBJECT TO COMPLETION OF TWO YEAR TRAIL PERIOD

46. Employing Department or Agency ED - STUDENT FINANCIAL AID			50. Signature/Authentication and Title of Approving Official STEPHANIE V. STANARD, PH.D. DIR, HR & WORKFORCE SERVICES 180514020	
47. Agency Code EDEN	48. Personnel Office ID 1306	49. Approval Date 01/28/18		

1 - Employee Copy - Keep for Future Reference

NOTIFICATION OF PERSONNEL ACTION

1. Name (Last, First, Middle) SMITH, KATHLEEN A.				2. Social Security Number (b)(6)		3. Date of Birth		4. Effective Date 05/28/17				
FIRST ACTION				SECOND ACTION								
5-A. Code 546		5-B. Nature Of Action CONV TO SES NONCAREER APPT				6-A. Code		6-B. Nature of Action				
5-C. Code V4L		5-D. Legal Authority 5 U.S.C. 3394 (A) NONCAREER				6-C Code		6-D. Legal Authority				
5-E. Code AWM		5-F. Legal Authority OPM FORM 1652 DATED 05/17/17				6-E. Code		6-F. Legal Authority				
7. FROM: Position Title and Number SPECIAL ASSISTANT TO THE SECRETARY EA GS60547						15. TO: Position Title and Number SR ADVISOR TO THE ASST SECRETARY OFFICE OF POST SECONDARY EDUCATION EP ES03475						
8. Pay Plan GS		9. Occ. Code 0301		10. Grade/Level 15		11. Step/Rate 10		12. Total Salary \$161900		13. Pay Basis PA		
12A. Basic Pay \$134776		12B. Locality Adj. \$ 27124		12C. Adj. Basic Pay \$161900		12D. Other Pay \$ 0		20A. Basic Pay \$161900		20B. Locality Adj. \$ 0		
20C. Adj. Basic Pay \$161900		20D. Other Pay \$ 0		16. Pay Plan ES		17. Occ. Code 0301		18. Grade/Level 00		19. Step/Rate 00		
14. Name and Location of Position's Organization OFFICE OF THE SECRETARY WASHINGTON, DC						22. Name and Location of Position's Organization OFC OF PSTSCNDY ED WASHINGTON, DC						
EMPLOYEE DATA												
23. Veterans Preference 1 1 - None 2 - 5-Point 3 - 10-Point/Disability 4 - 10-Point Compensable 5 - 10-Point Other 6 - 10-Point/Compensable/30%						24. Tenure 0 0 - None 1 - Permanent 2 - Conditional 3 - Indefinite			25. Agency Use		26. Veterans Preference for RIF ☐ YES ☒ NO	
27. FEGLI B0 WAIVED FEGLI COVERAGE						28. Annuitant Indicator 9 NOT APPLICABLE			29. Pay Rate Determinant 0			
30. Retirement Plan K FERS & FICA				31. Service Comp. Date (Leave) 09/20/07		32. Work Schedule F FULL-TIME			33. Part-Time Hours Per Biweekly Pay Period			
34. Position Occupied 3 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 8888	
38. Duty Station Code 11-0010-001				39. Duty Station (City - County - State or Overseas Location) WASHINGTON, DISTRICT OF COLUMBIA								
40. Agency Data CLS 00		41. VET-STAT X		42. EDUC LVL 17		43. SUPV STAT 2		44. POSITION SENSITIVITY HIGH RISK				
45. Remarks TENURE AS USED FOR 5 U.S.C. 3502 IS NOT APPLICABLE TO THE SENIOR EXECUTIVE SERVICE. CREDITABLE MILITARY SERVICE: NONE PREVIOUS RETIREMENT COVERAGE: PREVIOUSLY COVERED EMPLOYEE SUBJECT TO POST-EMPLOYMENT RESTRICTIONS UNDER 18 U.S.C. 207(C) FROZEN SERVICE NONE EMPLOYEE IS AUTOMATICALLY COVERED UNDER FERS, FERS-RAE OR FERS-FRAE. SUBJECT TO SATISFACTORY COMPLETION OF ONE YEAR SES PROBATIONARY PERIOD BEGINNING 20170528. OPM FORM 1652 DATED 05/17/2017.												
46. Employing Department or Agency ED - OFC OF POST SEC EDUC						50. Signature/Authentication and Title of Approving Official CASSANDRA CUFFEE-GRAVES CHIEF, HUMAN CAPITAL OFFICER 170855944						
47. Agency Code EDEP		48. Personnel Office ID 1306		49. Approval Date 06/06/17								

1 - Employee Copy - Keep for Future Reference

NOTIFICATION OF PERSONNEL ACTION

1. Name (Last, First, Middle) SMITH, KATHLEEN A.		2. Social Security Number (b)(6)	3. Date of Birth	4. Effective Date 02/19/17
FIRST ACTION		SECOND ACTION		
5-A. Code 190	5-B. Nature Of Action PROVISIONAL APPT NTE 06-19-17	6-A. Code	6-B. Nature of Action	
5-C. Code Y9K	5-D. Legal Authority SCH C, 213.3302(A)	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						15. TO: Position Title and Number SPECIAL ASSISTANT TO THE SECRETARY EA GS60547									
8. Pay Plan GS	9. Occ. Code 0301	10. Grade/Level 15	11. Step/Rate 10	12. Total Salary \$161900	13. Pay Basis PA	16. Pay Plan GS	17. Occ. Code 0301	18. Grade/Level 15	19. Step/Rate 10	20. Total Salary/Award \$161900	21. Pay Basis PA				
12A. Basic Pay		12B. Locality Adj.		12C. Adj. Basic Pay		12D. Other Pay		20A. Basic Pay \$134776		20B. Locality Adj. \$ 27124		20C. Adj. Basic Pay \$161900		20D. Other Pay \$ 0	
14. Name and Location of Position's Organization						22. Name and Location of Position's Organization OFFICE OF THE SECRETARY WASHINGTON, DC									

EMPLOYEE DATA				23. Veterans Preference				24. Tenure				25. Agency Use		26. Veterans Preference for RIF									
1				1 - None 2 - 5-Point 3 - 10-Point/Disability 4 - 10-Point Compensable 5 - 10-Point Other 6 - 10-Point/Compensable/30%				3				0 - None 1 - Permanent 2 - Conditional 3 - Indefinite		☐ YES ☒ NO									
27. FEGLI				WAIVED FEGLI COVERAGE				28. Annuitant Indicator				29. Pay Rate Determinant											
B0								9				NOT APPLICABLE											
30. Retirement Plan				31. Service Comp. Date (Leave)				32. Work Schedule				33. Part-Time Hours Per Biweekly Pay Period											
K				FERS & FICA				09/20/07				F											
POSITION DATA																							
34. Position Occupied				35. FLSA Category				36. Appropriation Code				37. Bargaining Unit Status											
2				1 - Competitive Service 2 - Excepted Service 3 - SES General 4 - SES Career Reserved				E				E - Exempt N - Nonexempt											
38. Duty Station Code				39. Duty Station (City - County - State or Overseas Location)																			
11-0010-001				WASHINGTON, DISTRICT OF COLUMBIA																			
40. Agency Data				41. VET-STAT				42. EDUC LVL				43. SUPV STAT				44. POSITION SENSITIVITY							
CLS				00				X				17				8				HIGH RISK			

45. Remarks
APPOINTMENT IS ON A PROVISIONAL BASIS. YOU ARE ELIGIBLE FOR RETIREMENT COVERAGE AND FOR HEALTH BENEFITS AND LIFE INSURANCE. IF YOUR PERFORMANCE IS SATISFACTORY, AND YOU MEET ALL LEGAL QUALIFICATIONS, AND OTHER APPLICABLE REQUIREMENTS, YOU MAY BE CONVERTED TO A NONTEMPORARY APPOINTMENT BEFORE THIS APPOINTMENT EXPIRES.
APPOINTMENT AFFIDAVIT EXECUTED 02/19/17.
CREDITABLE MILITARY SERVICE: NONE
PREVIOUS RETIREMENT COVERAGE: PREVIOUSLY COVERED
FROZEN SERVICE NONE
EMPLOYEE IS AUTOMATICALLY COVERED UNDER FERS, FERS-RAE OR FERS-FRAE.
REASON FOR TEMPORARY APPOINTMENT TO SERVE UNDER TTC.
PAY SET USING THE SUPERIOR QUALIFICATIONS AND SPECIAL NEEDS PAY-SETTING AUTHORITY UNDER 5 CFR 531.212

46. Employing Department or Agency ED - IMMEDIATE OF OF SECY			50. Signature/Authentication and Title of Approving Official CASSANDRA CUFFEE-GRAVES CHIEF, HUMAN CAPITAL OFFICER 170422310		
47. Agency Code EDEA	48. Personnel Office ID 1306	49. Approval Date 02/21/17			

1 - Employee Copy - Keep for Future Reference