



U.S. Department of Justice
Justice Management Division
Office of General Counsel

Washington, D.C. 20530

Mr. Dan McGrath
American Oversight
1030 15th St NW, Suite B255
Washington, DC 20005-1503
foia@americanoversight.org

RE: JMD FOIA # 125303

Dear Mr. McGrath,

I am responding on behalf of the Justice Management Division (JMD) to your Freedom of Information Act (FOIA) request dated March 1, 2021, for records related to Rachael Tucker.

Enclosed are records responsive to part two of your request with limited redactions under Exemption 6 for certain personally identifiable information. We have determined that the privacy interests outweigh the public interest in disclosure of such information. JMD does not maintain the other records you requested; rather, that information is most likely maintained by the Executive Office for United States Attorneys. Information on sending a request to any DOJ component may be found at the following link: <https://www.justice.gov/oip/find-foia-contact-doj/list>

You may contact our FOIA Public Liaison, Karen McFadden at (202) 514-3101 or JMDFOIA@usdoj.gov for further assistance and to discuss any aspect of your request. 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, 8601 Adelphi Road-OGIS, College Park, Maryland 20740-6001; e-mail at ogis@nara.gov; telephone at 202-741-5770; toll free at 1-877-684-6448; or facsimile at 202-741-5769.

If you are not satisfied with JMD'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,
MORTON
POSNER

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Morton J. Posner
Deputy General Counsel



UNITED STATES OFFICE OF PERSONNEL MANAGEMENT
Washington, DC 20415

Merit System
Accountability and
Compliance

Mr. Shawn Flinn
Human Resources Director
Deputy Chief Human Capital Officer
U.S. Department of Justice
Justice Management Division
145 N Street, NE, Suite 9W.300
Washington, DC 20530

Dear Mr. Flinn:

On September 11, 2020, we received your request for OPM's pre-appointment review and approval to appoint Ms. Rachael Tucker to the position of Assistant United States Attorney, AD-905-27. This position is located at the U.S. Department of Justice (DOJ), Office of the United States Attorney (USAO), Eastern District of Virginia (EDVA). In January 2017, Ms. Tucker joined DOJ on a Schedule C appointment as a Counselor, ES-0905-00, assigned to the Office of the Attorney General. On February 18, 2018, she was appointed to a non-career Senior Executive Service position as Counselor to the Attorney General, ES-905-00. Since February 2019, Ms. Tucker has been detailed to serve as a Special Assistant United States Attorney, USAO, EDVA.

I am pleased to inform you we reviewed the information your office provided and found Ms. Tucker's selection for this position is free from political influence and complies with applicable civil service laws and regulations. Please notify us of Ms. Tucker's entrance on duty date with the proposed rate of basic pay, as OPM now is required to report such information to Congress. If you or your staff have any questions or need further information about this decision, please contact (b) (6) Principal Deputy Associate Director, at (b) (6) (b) (6) or (b) (6)

Sincerely,

MARK
LAMBERT

Mark W. Lambert
Associate Director

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MARK LAMBERT
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