



U.S. Department of Justice

Justice Management Division

Washington, D.C. 20530

February 26, 2024

VIA EMAIL

Dan McGrath
American Oversight
1030 15th Street NW, Suite B255
Washington, D.C. 20005
foia@americanoversight.org

RE: JMD FOIA #125304

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 from May 3, 2019, through May 1, 2020, sufficient to identify any requests made to the U.S. Office of Personnel Management (OPM):

(1) to appoint Jordan Von Bokern 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); and

(2) for approval to pass over a preference eligible for the position of Trial Attorney in the Civil Division's Federal Program Branch (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).

We conducted a search within JMD and found records responsive only to part (1) of your request. These records are enclosed with redactions made under Exemption 6 (5 U.S.C. § 552(b)(6)) of information the disclosure of which would constitute an invasion of personal privacy.¹ We have determined that the privacy interests outweigh the public interest in disclosure of such information. Please be advised that we have considered the foreseeable harm standard when reviewing records and applying FOIA exemptions.

¹ JMD conducted a search for, but did not locate, the "[i]nitial documentation" forwarded to OPM by JMD, referenced at the bottom of page 1 of JMD's February 6, 2020 letter to OPM. Nor did JMD locate any response from OPM to JMD's February 6, 2020 letter.

Mr. Dan McGrath, Page 2

In addition, JMD located 386 pages of records which originated with the Civil Division that we have referred to that office for processing and a direct response to you. If you have any questions about this referral, you may contact the Civil Division FOIA Contact as follows:

Kenneth Hendricks
Chief, FOIA and Privacy Office
Civil Division
U.S. Department of Justice
1100 L Street, NW, Room 8314
Washington, D.C. 20530-0001
Phone: (202) 514-2319

You may contact our FOIA Public Liaison, Daniel Wagner at (202) 616-0253 or JMDFOIA@usdoj.gov for further assistance or to discuss your request. Additionally, you may contact the Office of Government Information Services (OGIS) at the National Archives and Records Administration to inquire about FOIA mediation services. The contact information for OGIS is: 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 and toll-free at (877) 684-6448; and facsimile at (202) 741-5769.

If you are not satisfied with JMD's determination in response to your 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 letter. If you submit your appeal by mail, both the letter and the envelope should be clearly marked "Freedom of Information Act Appeal."

Sincerely,

JOHN THOMPSON Digitally signed by JOHN
THOMPSON
Date: 2024.02.26 18:36:54 -05'00'

John E. Thompson
Deputy General Counsel



U.S. Department of Justice

Justice Management Division

Washington, D.C. 20530

July 30, 2020

Mr. Mark W. Lambert
Associate Director
Merit System Accountability and Compliance
U.S. Office of Personnel Management
1900 E Street, N.W.
Washington, DC 20415

Dear Mr. Lambert:

I am writing in response to your recent letter, relating to the Department of Justice's request for Office of Personnel Management (OPM) review of personnel appointments of current or recent political appointees to permanent competitive, career senior executive, or non-political excepted service positions during the period of January 2020 to June 2020.

OPM's record reflecting that DOJ submitted seven requests during the period January through June is accurate. Appointments of Mr. Tracy Short and Mr. Jordan Von Bokern are documented by a Notification of Personnel Action (SF-50) (Attached).

Mr. Prerak Shah was appointed as an Assistant United States Attorney, Northern District of Texas, on July 5, 2020. Mr. Omeed Assefi was approved by OPM for the position of Assistant United States Attorney, Washington, DC, on July 21, 2020. Mr. Curtis Gannon was approved by OPM for the position of Deputy Solicitor General, Washington DC, on July 28, 2020. The entry on duty dates for Mr. Assefi and Mr. Gannon are pending. The SF-50s will be sent when available.

The Merit Staffing Review request for Mr. Gary Barnett was disapproved by OPM on July 21, 2020. The case of Mr. Brett Wible was determined to be out of scope for the OPM review and no further action was required.

Thank you for your assistance in this matter. If you have any questions or concerns, please feel free to contact me at (b) (6) or Denise Howell Parker at (b) (6)

Sincerely,

ROBERT
WILKINSON

Digitally signed by
ROBERT WILKINSON
Date: 2020.07.30
17:55:12 -04'00'

Monty Wilkinson
Deputy Assistant Attorney General
for Human Resources and Administration

Enclosures

AMERICAN
OVERSIGHT

DOJ-JMD-21-0281-A-000001



U.S. Department of Justice

FEB 06 2020

Washington, D.C. 20530

Ms. Deborah A. Vela
Office of Personnel Management
Merit System Accountability and Compliance
700 N. Pear Street, Suite 525
Dallas, TX 75021

Dear Ms. Vela:

Pursuant to the February 23, 2018, Memorandum for Heads of Departments and Agencies, from the Acting Director, Office of Personnel Management, Subject: Political Appointees and Career Civil Service Positions, the Department of Justice (DOJ) requests your approval for the appointment of Mr. Jordan Von Bokern, as a career excepted service Trial Attorney, GS-905-15, Department of Justice (DOJ), Civil Division, Federal Programs Branch.

On July 26, 2018, Mr. Von Bokern joined the DOJ as Counsel, GS-905-14, Office of the Assistant Attorney General (AAG) (Legal Policy) as a Schedule C appointee and was subsequently converted to Senior Counsel, GS-905-15, as a Schedule C appointee, in the same office.

As Senior Counsel, Mr. Von Bokern was responsible for planning, coordinating, and overseeing the execution of special projects on behalf of the AAG to achieve policy and overall program objectives. He also served as a consultant to the AAG on policy, regulatory, and legislative matters leading to the formulation and presentation of new policy recommendations. Additionally, as Senior Counsel he dealt directly with White House staff, Congressional staff, and senior officials in the Department and other executive branch agencies requesting information from the AAG. He also served as a member of the judicial evaluation and selection team and assisted with vetting federal district court and appellate court judge candidates and guiding them through the Senate confirmation process.

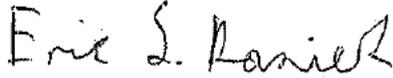
There is no direct relationship between his current or former political appointments and the proposed career excepted service position of Trial Attorney in Civil Division, Federal Programs Branch.

After a review of the selection, I certify that the proposed action meets all merit and fitness requirements in 5 U.S.C. § 2301 and 2302 and Civil Service Rules 4.2 and 7.1.

Initial documentation for support of this case was forwarded to the Office of Personnel Management (OPM) via PoliticalConversions@opm.gov. However, based on your email of January 16, 2020, you identified information that was inadvertently missing from our first submission. The information identified is attached.

Thank you so much for your assistance with this case. If you have any further questions or concerns, please contact Denise Howell-Parker, Assistant Director, Executive Resources, and Human Resource office, Justice Management Division, DOJ, at (b) (6)

Sincerely,



Eric S. Daniels
Acting Director, Human Resources, Justice Management Division
and Acting Chief Human Capital Officer

Attachments

JORDAN L. VON BOKERN

(b) (6)

EXPERIENCE

Hon. Amy Coney Barrett, U.S. Court of Appeals for the Seventh Circuit, South Bend, IN
Judicial Law Clerk December 2017 – August 2018

- Research legal issues and make recommendations in pending cases.
- Write draft opinions.
- Assist newly confirmed judge in establishing chambers.

Jones Day, Washington, DC
Associate, Labor & Employment October 2015 – November 2017

- Represented corporate defendants in actions involving individual plaintiffs, labor unions, and government agencies.
- Authored briefs and motions in the Supreme Court, the federal courts of appeals, and the federal district courts, including multiple petitions for *certiorari* and petitions for rehearing.
- Contributed to pro bono cases challenging human trafficking and seeking habeas relief.

Hon. Jerry E. Smith, U.S. Court of Appeals for the Fifth Circuit, Houston, TX
Judicial Law Clerk August 2014 – September 2015

- Conducted legal research, prepared bench memoranda, and drafted opinions.

Jones Day, Washington, DC
Interim Associate Summer 2014
Summer Associate Summer 2013

- Performed legal research and drafted memoranda on a variety of legal issues.

Foundation for Individual Rights in Education, Philadelphia, PA
Legal Intern Summer 2012

- Conducted legal research relating to free speech and due process on university campuses.

EDUCATION

The University of Chicago Law School, Chicago, IL
J.D., with Honors 2014

- *The University of Chicago Law Review*: Managing Editor, 2013–14; Staffer, 2012–13.
- Activities: Federalist Society, Hemingway Society, Edmund Burke Society.

Colorado State University, Fort Collins, CO
B.A. in Political Science, *summa cum laude* 2011

ADMISSIONS

- District of Columbia; Colorado; U.S. Court of Appeals for the Fifth Circuit; U.S. District Court for the District of Columbia.

INTERESTS

- (b) (6)

Request for Schedule C Appointing Authority

Agency Name: DEPARTMENT OF JUSTICE

Print Date: 11/19/2019

POC: LINDA ROPER

Phone: (b) (6)

Fax: (b) (6)

Request No: DJ200032

Request Type: APPOINTMENT

Position: REGULAR C

Candidate: JORDAN VON BOKERN

Grade/Step: GS15/1

Salary: \$137,849

Position No: DJGS01812

Title: SENIOR COUNSEL

Series: 00905

Desc: GENERAL ATTORNEY

Date PD certified as Schedule C per 5 CFR 213.3301(a): 11/19/2019

Organization ID: 20110

Org. Name: OFFICE OF LEGAL POLICY

Supervisor No: DJEX01006

Supv. Title: ASSISTANT ATTORNEY GENERAL

Supervisor Name: BETH WILLIAMS

Supv. Position Type: PRESIDENTIAL WITH SENATE

GEO Location: WASHINGTON

Schedule C Certification Statement

Under 5 CFR 213.3301(a), the position listed above is excepted from the competitive service because of its confidential or policy-determining character. Per 5 CFR 213.3301(b), I certify that the Schedule C appointment for this position, was not created solely or primarily for the purpose of detailing the appointee to the White House.

Department / Agency Head or Designee: William P. Barr

Signature: W P Barr

Date Signed: _____

Agency White House Liaison

Name: Rachel Bissex

Phone: 5-7378

Signature: Rachel Bissex

Date Signed: 11/20/19

OPM USE ONLY

Approved

Disapproved

Return without Action

OPM Approving Official: Torlanda T. Young

Date Signed: 12/5/19

Email to: Senior Executive Resource Services at SERS@OPM.GOV

Source: Office of Personnel Management

Report 1019, Version March 2018