

Forest Service **Washington Office** 

1400 Independence Avenue, SW Washington, DC 20250

File Code: 6270

2016-FS-WO-01424-F (HRM)

Date:

FEB 1 0 2016

William F. Marshall Judicial Watch, Inc. 425 Third St., SW, Suite 800 Washington, DC 20024

Dear Mr. Marshall:

This letter is in response to your Freedom of Information Act (FOIA) request dated December 23, 2015, which was received in to the Washington Office FOIA Service Center, Office of Regulatory and Management Services on December 30, 2015. Your request was assigned FOIA Case No 2016-FS-WO-01424-F. You requested the following:

"Any and all Standard Forms 50 and 52 (SF-50s and SF-52s) for USDAFS employee, or former employee, Lakeisha Nicole Holloway, also known as Paris Paradise Morton, from 2009 to the present."

We searched for hardcopy and electronic records everywhere a reasonably knowledgeable professional could expect to find responsive records. We found 10 pages that are responsive to your request, one page is being released in its entirety, and nine pages are being released in part pursuant to FOIA Exemption 6.5 U.S.C. § 552(b)(6).

You also request a fee waiver. Pursuant to Title 7 C.F.R. Subtitle A, Part 1, Subpart A, Appendix A, there is no charge for the records because the fees incurred in responding to your FOIA request fall below the \$25.00 threshold.

Exemption 6 protects all information about individuals in "personnel and medical files and similar files," where the disclosure of such information "would constitute a clearly unwarranted invasion of personal privacy." In determining whether a particular disclosure would constitute an unwarranted invasion of personal privacy, the Forest Service must balance the public's right to disclosure against the individuals' right to privacy. The determination as to whether the disclosure of private information is required under Exemption 6 does not rest on the identity of the requester or on the particular purpose for which the record is sought, but on the nature of the information requested and its relationship to the core purpose for which Congress enacted the FOIA: to shed light on an agency's performance of its statutory duties. We have determined that date of birth, social security number, home address, service computation date, and benefit information must be withheld pursuant to FOIA Exemption 6. The release of this information would not shed any light on government activities. Therefore, the privacy interest outweighs the public interest in release of this information, and this information is properly withheld under FOIA Exemption 6.5 U.S.C. §552(b)(6).



The FOIA provides you the right to appeal my response. Any appeal must be made in writing within 45 days from the date of this letter to the Chief, USDA Forest Service. Please send your appeal: 1) by email to wo\_foia@fs.fed.us; 2) by regular mail to 1400 Independence Ave SW, Mail Stop 1143, Washington, DC, 20250-1143; 3) by Fed Ex or UPS to 201 14th Street SW, FOIA 1st Floor, Washington DC 20024; telephone number (202) 205-1542; or 4) by fax at (202) 649-1167. The term "FOIA APPEAL" should be placed in capital letters on the subject line of the email or on the front of the envelope. To facilitate the processing of your appeal, please include a copy of this letter and/or the above FOIA Case No. assigned to your FOIA request.

Sincerely,

MARY BETH LEPORE

Director, Human Resources Management

Enclosures: 10 pages

December 23, 2015

#### VIA CERTIFIED MAIL

USDA Forest Service, FOIA Service Center 1400 Independence Avenue, SW Mail Stop: 1143 Washington, DC 20250-1143

### Re: Freedom of Information Act Request

Dear Freedom of Information Officer:

Pursuant to the Freedom of Information Act (FOIA), 5 U.S.C. § 552, Judicial Watch, Inc. hereby requests that the USDA Forest Service (USDAFS) produce the following records within twenty (20) business days:

Any and all Standard Forms 50 and 52 (SF-50s and SF-52s) for USDAFS employee, or former employee, Lakeisha Nicole Holloway, also known as Paris Paradise Morton, from 2009 to the present.

We call your attention to President Obama's January 21, 2009 Memorandum concerning the Freedom of Information Act, in which he states:

All agencies should adopt a presumption in favor of disclosure, in order to renew their commitment to the principles embodied in FOIA...The presumption of disclosure should be applied to all decisions involving FOIA.<sup>1</sup>

The memo further provides that "The Freedom of Information Act should be administered with a clear presumption: In the case of doubt, openness prevails."

Nevertheless, if any responsive record or portion thereof is claimed to be exempt from production under FOIA, please provide sufficient identifying information with respect to each allegedly exempt record or portion thereof to allow us to assess the propriety of the claimed exemption. *Vaughn v. Rosen*, 484 F.2d 820 (D.C. Cir. 1973), *cert. denied*, 415 U.S. 977 (1974). In addition, any reasonably segregable portion of a responsive record must be provided, after redaction of any allegedly exempt material. 5 U.S.C. § 552(b).

<sup>&</sup>lt;sup>1</sup> Freedom of Information Act. Pres. Mem. of January 21, 2009, 74 Fed. Reg. 4683.

 $\textbf{USDA Forest Service/FOIA} \overset{Obtained \ via \ FOIA \ by \ Judicial \ Watch, \ Inc. } \\ \textbf{Request}$ **December 23, 2015** Page 2 of 3

For purposes of this request, the term "record" shall mean: (1) any written, printed, or typed material of any kind, including without limitation all correspondence, memoranda, notes, messages, letters, cards, facsimiles, papers, forms, telephone messages, diaries, schedules, calendars, chronological data, minutes, books, reports, charts, lists, ledgers, invoices, worksheets, receipts, returns, computer printouts, printed matter, prospectuses, statements, checks, statistics, surveys, affidavits, contracts, agreements, transcripts, magazine or newspaper articles, or press releases; (2) any electronically, magnetically, or mechanically stored material of any kind, including without limitation all electronic mail or e-mail; (3) any audio, aural, visual, or video records, recordings, or representations of any kind; (4) any graphic materials and data compilations from which information can be obtained; and (5) any materials using other means of preserving thought or expression.

Judicial Watch also hereby requests a waiver of both search and duplication fees pursuant to 5 U.S.C. §§ 552(a)(4)(A)(ii)(II) and (a)(4)(A)(iii). Judicial Watch is entitled to a waiver of search fees under 5 U.S.C. § 552(a)(4)(A)(ii)(II) because it is a member of the news media. Cf. National Security Archive v. Department of Defense, 880 F.2d 1381, 1387 (D.C. Cir. 1989)(defining news media within FOIA context). Judicial Watch has also been recognized as a member of the news media in other FOIA litigation. See. e.g., Judicial Watch, Inc. v. U.S. Department of Justice, 133 F. Supp.2d 52 (D.D.C. 2000); and, Judicial Watch, Inc. v. Department of Defense, 2006 U.S. Dist. LEXIS 44003, \*1 (D.D.C. June 28, 2006). Judicial Watch regularly obtains information about the operations and activities of government through FOIA and other means, uses its editorial skills to turn this information into distinct works, and publishes and disseminates these works to the public. It intends to do likewise with the records it receives in response to this request.

Judicial Watch also is entitled to a complete waiver of both search fees and duplication fees pursuant to 5 U.S.C. § 552(a)(4)(A)(iii). Under this provision, records:

> shall be furnished without any charge or at a charge reduced below the fees established under clause (ii) if disclosure of the information is in the public interest because it is likely to contribute significantly to public understanding of the operations or activities of government and is not primarily in the commercial interest of the requester.

5 U.S.C. § 552(a)(4)(A)(iii).

In addition, if records are not produced within twenty (20) business days, Judicial Watch is entitled to a complete waiver of search and duplication fees under Section 6(b) of the OPEN Government Act of 2007, which amended FOIA at 5 U.S.C. § (a)(4)(A)(viii).

USDA Forest Service/FOIA Request

December 23, 2015

Page 3 of 3

Judicial Watch is a 501(c)(3), not-for-profit, educational organization, and, by definition, it has no commercial purpose. Judicial Watch exists to educate the public about the operations and activities of government, as well as to increase public understanding about the importance of ethics and the rule of law in government. The particular records requested herein are sought as part of Judicial Watch's ongoing efforts to document the operations and activities of the federal government and to educate the public about these operations and activities. Once Judicial Watch obtains the requested records, it intends to analyze them and disseminate the results of its analysis, as well as the records themselves, as a special written report. Judicial Watch will also educate the public via radio programs, Judicial Watch's website, and/or newsletter, among other outlets. It also will make the records available to other members of the media or researchers upon request. Judicial Watch has a proven ability to disseminate information obtained through FOIA to the public, as demonstrated by its long-standing and continuing public outreach efforts.

Given these circumstances, Judicial Watch is entitled to a public interest fee waiver of both search costs and duplication costs. Nonetheless, in the event our request for a waiver of search and/or duplication costs is denied, Judicial Watch is willing to pay up to \$350.00 in search and/or duplication costs. Judicial Watch requests that it be contacted before any such costs are incurred, in order to prioritize search and duplication efforts.

In an effort to facilitate record production within the statutory time limit, Judicial Watch is willing to accept documents in electronic format (e.g. e-mail, .pdfs). When necessary, Judicial Watch will also accept the "rolling production" of documents.

If you do not understand this request or any portion thereof, or if you feel you require clarification of this request or any portion thereof, please contact us immediately at 202-646-5170 or bmarshall@judicialwatch.org. We look forward to receiving the requested documents and a waiver of both search and duplication costs within twenty (20) business days. Thank you for your cooperation.

Very respectfully,

William F. Marshall Judicial Watch, Inc.

## NOTHER ATTON OF PERSONNEL ACTION

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YOU HAVE ANY QUESTIONS.

46. Employing Depa	rtment or Agency		50. Signature/Authentication and Title of Approving Official
DEPARTMEN	NT OF AGRICULTURE		E/S BY: ROY M. ROOSEVELT
47. Agency Code	48. Personnel Office ID	49. Approval Date	ACTING DIRECTOR, HUMAN RESOURCES MGM
AG 11	5135	02/26/12	

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45. Remarks

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PAYMENT (OR OTHER GEOGRAPHIC ADJUSTMENT) APPLICABLE IN THIS AREA.

46. Employing Depa	artment or Agency		50. Signature/Authentication and Title of Approving Official	
DEPARTMENT	OF AGRICULTURE		E/S BY: ROBIN D. BAILEY, JR.	
47. Agency Code	48. Personnel Office ID	49. Approval Date	DIRECTOR, HUMAN RESOURCES MGMT	
AG 11	5135	12/23/2009		

#### NOTHER CAPTION OF PERSONNELL ACTION

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#### 45 Remarks

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CONTINUOUS EMPLOYMENT. THEN YOU MAY ELECT HEALTH BENEFITS FOR WHICH Y

OU WILL BE CHARGED THE FULL PREMIUM."

APPOINTMENT AFFIDAVIT EXECUTED 01/30/2011

REASON FOR TEMPORARY APPOINTMENT: STEP APPOINTMENT

OPF MAINTAINED BY USDA FOREST SERVICE, 3900 MASTHEAD ST NE, ALBUQUERQUE

NM 87109

CREDITABLE MILITARY SERVICE: 00 YRS. 00 MOS.

PREVIOUS RETIREMENT COVERAGE: NEVER COVERED

46. Employing Depa	rtment or Agency		50. Signature/Authentication and Title of Approving Official	
DEPARTMEN	NT OF AGRICULTURE		E/S BY: ROBIN D. BAILEY, JR.	
47. Agency Code	48. Personnel Office ID	49. Approval Date	DIRECTOR, HUMAN RESOURCES MGMT	
AG 11	5135	01/13/11		

## NOTIFICATION OF PERSONNEL ACTION

FPM Supp. 296-33, Su	ibch. 4				20-		5. 5000						
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40. Agency Data	a	41.	100	42.	43.		44.						

45. Remarks

46. Employing Depa	nrtment or Agency NT OF AGRICULTURE		50. Signature/Authentication and Title of Approving Official E/S BY: ROY M. ROOSEVELT
47. Agency Code AG 11	48. Personnel Office ID 5135	49. Approval Date 02/16/12	ACTING DIRECTOR, HUMAN RESOURCES MGM

# NOTIFICATION OF PERSONNEL ACTION

FPM Supp. 296–33, Subch. 4	Ci .											
1. Name (Last, First	, Middle)				2. Social S	ecurity Num		te of Birtl	n	4. Effective	e Date	
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46. Employing Depa	rtment or Agency		50. Signature/Authentication and Title of Approving Official
DEPARTMEN	NT OF AGRICULTURE		E/S BY: ROY M. ROOSEVELT
47. Agency Code	48. Personnel Office ID	49. Approval Date	ACTING DIRECTOR, HUMAN RESOURCES MGM
AG 11	5135	06/07/12	

REASON FOR RESIGNATION (b)(6)

## NOTIFICATION OF PERSONNEL ACTION

14. Name and Location of Position's Organization   22. Name and Location of Position's Organization   FOREST SERVICE   PACIFIC NORTHWEST REGION, R-6   DEPUTY REGIONAL FORESTER   FIRE AND AVIATION MANAGEMENT   AG 110657006500000000   PP 12 2011	FPM Supp. 296-	-33, Subch. 4											
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15. TO: Position Title and Number			255	54			6-C. Code 6-D. Legal Authority						
S. 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   GS   0326   02   01   24.090.00	5-E. Code		5-F. Legal Author	ity			6-E. Code 6-F. Legal Authority						
12A, Basic Pay   12B, Locality Adj.   12C, Adj, Basic Pay   12D, Other Pay   20A, Basic Pay   20B, Locality Adj.   20C, Adj, Basic Pay   20D, Oth   24,073.00   24,090.00   20,017.00   20,017.00   24,090.00   20,017.00   24,090.00   20,017.00   24,090.00   24,090.00   20,017.00   24,090.00   24,090.00   24,090.00   20,017.00   24,090.00	7. FROM: 1	Position Titl	e and Number				OFF A	UTOMATION					
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30. Retirement Plan (b)(6)  P PART TIME  31. Service Comp. Date (Leave) (b)(6)  P PART TIME  32. Biweekly Pay Perio  34. Position Occupied  35. FLSA Category 36. Appropriation Code  37. Bargaining Unit S (b) (c) (d) (e) (d) (e) (f) (f) (f) (f) (f) (g) (f) (g) (g) (g) (g) (g) (g) (g) (g) (g) (g					<del>-</del>				RIF			e Determin	nant
34. Position Occupied  35. FLSA Category 36. Appropriation Code  37. Bargaining Unit S  2	-	nent Plan				Comp. Date (Leave)	32. Work So	chedule			33. Part-Ti		
41-1650-051 PORTLAND MULTNOMAH OR	34. Position Occupied  35. FLSA Category  1 - Competitive Service 3 - SES General  (b) E - Exempt					- Exempt	36. Appropriation Code 37. Bargaining Unit Status						tatus
40. Agency Data 41. 42. 43. 44.									Si .				
	40. Agency	Data	41.	4	2.	43.		44.					

45. Remarks

46. Employing Depa DEPARTMEN	rtment or Agency		50. Signature/Authentication and Title of Approving Official E/S BY: ROBIN D. BAILEY, JR.	
47. Agency Code AG 11	48. Personnel Office ID 5135	49. Approval Date 06/02/11	DIRECTOR, HUMAN RESOURCES MGMT	

## NOTHPREATTION OF PERSONNEL ACTION

1. Name (Last, Firs	t, Middle)				2. Social	Security Number	3. Date of Bir	th	4. Effectiv	e Date		
HOLLOWAY, LAKEISHA						(b)(6) 09/25/10						
FIRST ACTI	ON				SECON	D ACTION						
A. Code 355	5-B. Nature of Acti TERMINATION		OF APPT		6-A. Code 6-B. Nature of Action							
-C. Code	5-D. Legal Authori	ty			6-C. Code	6-C. Code 6-D. Legal Authority						
5–E. Code	5-F. Legal Authori	ty			6-E. Code	6–1	. Legal Authority					
7. FROM: Position Title and Number OFF AUTOMATION CLK 90414986 N5277						sition Title and N	umber					
6. Pay Plan 9. Occ. C GS 032	ode 10. Grade/Level	11. Step/Rate 01	12. Total Salary 24,090.00	13. Pay Basis PA	16. Pay Plan	17. Occ. Code	18. Grade/Level	19.Step/Rate	20. Total Sa	dary/Award	21. Pay Basi	
12A. Basic Pay	12B. Locality Adj.		Basic Pay	12D. Other Pay	20A. Basic P	ay	20B. Locality Adj.	20C. Adj.	. Basic Pay	20D. Othe	r Pay	
FOREST SE PACIFIC NO DEPUTY RE	4,073.00  ution of Position's Orga RVICE DRTHWEST REGIONAL FOREST VIATION MANAC	ON, R-6 ER	.00	.00	18		sition's Organiza			.00		
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46. Employing Depa	artment or Agency		50. Signature/Authentication and Title of Approving Official				
DEPARTME	NT OF AGRICULTURE		E/S BY: ROBIN D. BAILEY, JR.				
47. Agency Code	48. Personnel Office ID	49. Approval Date	DIRECTOR, HUMAN RESOURCES MGMT				
AG 11	5135	09/25/10					

#### Obtained via FOIA by Judicial Watch, Inc.

Cambridgen Si Rea Ligh UK Office of Personne Managemen Plus Copp. 294-54, Senda 9

### **REQUEST FOR PERSONNEL ACTION**

PART A - F	Requesting Offi	ce (Also compie	to Part B, No	rms 1, 7-	<b>27</b> , 23, 32,3	3, <b>a</b> nd 3	<b>19</b> )	: 7 mg:	and headers			
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Jan Mathis				David So			1	FOR: Ker	Snell			
Staff Assis	stant		2009	RO Staff	Directo	ЭГ	- Salah Salah Salah Salah S	08/25	/2009			
PARTB - F	or Preparation	of SF 50 (Use o	nly codes in	FFM Su	oplement 2			ates in monti		r order.)		
Holloway,						www.				09/27/		
FIRST ACT	ON %. Nature of Astler				SECOND							
171	EXC APPT		09/25	/2010	SA CVOR	1 42	National A	:::l=:::87				
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PART C - R	eview and App	Ovals (Not to b	o used by re	questing bata	office)	unction		intias/Rig	natura		Dale	
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### PARTD - Remarks by Requesting Office

thinks in Supervisors: Do you know of additional or confecting reasons for the conditional requiremental in "NEE", please state these facts on a coparate about and attach to SF 52.)

#### PART E - Employee Resignation/Retirement

#### Privacy Act Statement

Programme management for transfers an appendic signers to the entropy of the extrement of a forest transfers and appendict signers of the entropy of the ent

Titis information in requirided unider beditestly of sections (60), (300), and (500), or fille 5, U.S. Code. Sections 90) and 150) selborice CFM and agencies to issue requirities. A third plant to displayment of instance in the England son, in one that the one of which seems appropriately because the special transfer that the control seems to the Control

The fundament of the traditional to venturally, fundament, fainte to provide it in any sense of your out of the continue of th

Record for Resignation/Retirement (NOTE) Your remoons are used in determining possible promptograms. Determine Please be specific and evoid generalizations. Your resignation of the end of the end of the day - midnight - press your specify dispersion.)

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	a reservicing metamo	क इंडियान के द्वारत्या	5 Forwanding Address presented Storm, Gorg. Store, Exp. (1964).
PARTE-Rema	rks for SF 50		

M01: Appt Affidavit executed: 09/28/2009 M39: Creditable Military Service 00,00

M40: Previous Retirement Coverage (Never Covered)

M06: STEP Appointment

A30: This appointment does not confer eligibility to be noncompetitively converted to career-conditional or career appointment.

B52: Ineligible for Health Benefits until you complete 1 year of current continuous employment. Then you may elect health benefits for which you will be charged the full premium.

M10: USDA Forest Service 3900 Masthead St. NE Albuquerque, NM 87109

## NOTHPREATTION OF PERSONNEL ACTION

FPM Supp. 296-33.	3, Subch. 4			20, 9 ====2				7 === C = 11						
1. Name (Last, First, Middle) HOLLOWAY, LAKEISHA NICOLE FIRST ACTION						2. Social Security Number   3. Date of Birth   4. Effective Date   (b)(6)   09/28/11								
						SECONI	ACTION							
5-A. Code 849	100	5-B. Nature of Action INDIV CASH AWARD NRB					6-1	6-B. Nature of Action						
5-C. Code	5	5-D. Legal Authority					6-	6-D. Legal Authority						
5-E. Code	5	–F. Legal Authori	ity			6-E. Code	6-	F. Legal Authority	У					
7. FROM: Po	osition Title	and Number				OFF A	ition Title and I UTOMATIO 220 N5277							
8. 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 Sal 371.19	ary/Award	21. Pay Basis		
12A. Basic Pay		2B. Locality Adj.	12C. Adj.	Basic Pay	12D. Other Pay	20A. Basic Pay	0A. Basic Pay 20B. Locality Adj. 20C. A			dj. Basic Pay 20D. Other Pay .00				
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30. Retirement Plan (b)(6)  31. Service Comp. Date (Leave) (b)(6)										33. Part–Time Hours Per  Biweekly Pay Period				
POSITION DATA  34. Position Occupied  35. FLSA Category  1 - Competitive Service 3 - SES General 2 - Excepted Service 4 - SES Career Reserved  (b) E - Exempt N - Nonexempt					36. Appropriation Code 37. Bargaining Unit Status 2009									
38. Duty Stati 41-1650-05					ntion (City – County ND MULTNO			1)						
40. Agency D	Data	41.	- 4	12.	43.		44.							

45. Remarks

46. Employing Depa	artment or Agency		50. Signature/Authentication and Title of Approving Official				
DEPARTMEN	NT OF AGRICULTURE		E/S BY: ROBIN D. BAILEY, JR.				
47. Agency Code	48. Personnel Office ID	49. Approval Date	DIRECTOR, HUMAN RESOURCES MGMT				
AG 11	5135	09/28/11					