



DEPARTMENT OF THE NAVY
COMMANDER NAVAL AIR FORCE ATLANTIC
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NORFOLK VA 23551-2427

5720
Ser N01L/147
15 Jun 20

Mrs. Teri Caserta
10257 W. White Feather Lane
Peoria, AZ 85383

Dear Mrs. Caserta:

SUBJECT: YOUR FOIA REQUESTS (DON-NAVY-2019-009003; DON-NAVY-2019-009004)

This letter is in response to your request under the Freedom of Information Act (FOIA), dated July 12, 2019, for information pertaining to:

1. "All notes (handwritten, email, typed, recorded, etc) pertaining to PO3 Brandon Caserta during the "investigation" of his death June 25, 2018 through July 12, 2019. I want them unredacted as he is my son and I deserve to have these notes unredacted. These notes would also include the ones from the liaison between Patrick and Teri Caserta and the ones from anyone at Helicopter Sea Combat Squadron 28 (HSC-28) to include Commander Whitmer, Commander Prouty, and Command Master Chief Tokarsky"; and
2. "All notes (whether they are handwritten, email, typed recorded, etc), service records, medical records, chit requests, counseling chits, any type of correspondence pertaining to PO3 Brandon Caserta during the time period of October 19, 2016 through July 12, 2019. I want them unredacted as he is my son and I deserve to have these notes unredacted. These notes or files should include anyone and everyone at Helicopter Sea Combat Squadron 28 (HSC-28) to include Commander Whitmer, Commander Prouty, and Command Master Chief Tokarsky, NC1 Remy Spence, Master Chief Pete Lurette, Senior Chief Doug Delasandro, Chief Sheliah Hennard, AE1 Jared Brose, all of Brandon's LPO's, LCPO's, DSCPO's and DIVO. Unfortunately, I do not have names for these individuals due to them changing all the time. I am requesting any and all correspondence pertaining to Brandon Caserta."

In total, 619 pages of responsive documents were forwarded to this office for release determination. My office conducted a review under applicable portions of the FOIA statute (5 U.S.C. § 552) and Secretary of the Navy Instruction 5720.42G. The enclosed 435 pages of documents are provided with redactions, pursuant to the following FOIA exemptions:

- a. 5 U.S.C. § 552(b)(1)(A), individual items of unclassified information that, when compiled, reveal additional associations or relationships that meet the standard for classification under Executive Order 13526 Section 1.4 because the information pertains to (a) military plans, weapons systems, or operations.

b. 5 U.S.C. § 552(b)(3)(A), names, ranks, duty addresses, official titles, and pay information of Department of Defense (DoD) personnel (civilian and military) in overseas, sensitive, or routinely deployable units which is exempt from release under 10 U.S.C. § 130b.

c. 5 U.S.C. § 552(b)(5), which protects information pursuant to the deliberative process privilege, the attorney work product privilege, and predecisional information.

d. 5 U.S.C. § 552(b)(6), information (name, social security number, date of birth, home address, home phone number) in personnel and medical files, as well as similar personal information in other files, that, if disclosed to a requestor, other than the person about whom the information refers, would result in a clearly unwarranted invasion of personal privacy.

e. 5 U.S.C. § 552(b)(7)(C), information in records compiled for law enforcement purposes when disclosure could reasonably be expected to constitute an unwarranted invasion of the personal privacy of a living person.

Deletions have been indicated by placing the exemption code in place of the redacted material.

184 pages of responsive records have been withheld in their entirety as not reasonably segregable pursuant to the following FOIA exemptions:

a. 5 U.S.C. § 552(b)(5), which protects information pursuant to the deliberative process privilege, the attorney work product privilege, and predecisional information.

b. 5 U.S.C. § 552(b)(6), information (name, social security number, date of birth, home address, home phone number) in personnel and medical files, as well as similar personal information in other files, that, if disclosed to a requestor, other than the person about whom the information refers, would result in a clearly unwarranted invasion of personal privacy.

In responding to this request and making withholding determinations, my office consulted with the Deputy Chief of Naval Operations (N1), U.S. Fleet Forces Command, Navy Personnel Command, and the Naval Criminal Investigative Service (NCIS).

I am the official responsible for the partial denial of your request. If you have any questions, please contact my office at cnal_fja@navy.mil.

You have the right to an appeal. It must be received within 90 calendar days from the date of this letter. You are encouraged (though not required) to provide an explanation why you believe the redactions were inappropriate or our search was inadequate.

There are two ways to file an appeal:

1. Through FOIAonline. This will work only if you set up an account in FOIAonline before you make the request that you would like to appeal. To set up an account, go to FOIAonline (this is a

website that will appear as the top hit if you search the internet for “FOIAonline”), click “Create Account” (a link located within the blue banner at the top in the upper right corner), enter your data into the field that subsequently appears, and click “Save” (at the bottom left of the screen). With your account thereby created, you will have the power to file an appeal on FOIAonline to any request you file on FOIAonline thereafter. To do so, locate your request (enter a keyword or the request tracking number in the “Search for” field on the “Search” tab), click on it, then the “Create Appeal” tab in the left-hand column. Complete the subsequent field, click “Save,” and FOIAonline will submit your appeal.

2. By mail. Please provide a letter requesting an appeal, with a copy of your initial request and a copy of the letter of denial, in an envelope marked “Freedom of Information Act Appeal.” Address your appeal to:

Office of the Judge Advocate General (Code 14)
1322 Patterson Avenue SE, Suite 3000
Washington Navy Yard, DC 20374-5066

Please provide an additional copy of your appeal letter to us at:

Commander, Naval Air Force Atlantic
ATTN: N01L
1562 Mitscher Avenue, Suite 300
Norfolk, VA 23551

If you have any questions, please contact the FOIA Coordinator, Mrs. Wymeka Mahone, at (757) 836-4223 or by e-mail at wymeka.n.mahone@navy.mil. You may also contact the Department of the Navy FOIA Public Liaison, Mr. Christopher Julka, at (703) 697-0031 or by email at christopher.a.julka@navy.mil. In addition, the Office of Government Information Services (OGIS) provides a voluntary mediation process for resolving disputes between persons making FOIA requests and the Department of the Navy. For more information, go to <https://www.archives.gov/ogis/about-ogis/contact-information>.

I again wish to express my most sincere condolences for the loss of your son.

Sincerely,

M. S. ROSEN
Captain, JAGC, U.S. Navy
Force Judge Advocate