



**DEPARTMENT OF THE ARMY**  
OFFICE OF THE ADMINISTRATIVE ASSISTANT TO THE SECRETARY OF THE ARMY  
9301 CHAPEK ROAD  
FORT BELVOIR VA 22060-5527

December 18, 2018

SAAA-LS

Ron Shadrach

Sent via email: [rjshadrach@sbcglobal.net](mailto:rjshadrach@sbcglobal.net)

Dear Mr. Shadrach:

This letter is in response to your Freedom of Information Act (FOIA) request dated March 5, 2018. Your request was referred to this office by the U.S. Army Human Resources Command (HRC). You are seeking a copy of the letter from the Secretary of the Army recommending approval or disapproval of a Medal of Honor in the case for Private Philip G. Shadrach and Private George D. Wilson. Your request was assigned our office tracking number FA-18-0107.

We are releasing to you (3) pages with partial redactions referred to us by (HRC) that are responsive to your FOIA request. Be advised, this response only pertains to documents under the purview of the Office of the Secretary of the Army. All redactions and withholdings have been made pursuant to Exemption (b)(6) of the FOIA, as described below

**Exemption 6 of the FOIA 5 U.S.C. § 552(b)(6)**

Exemption (6) protects from mandatory disclosure “personnel and medical files the disclosure of which would constitute a clearly unwarranted invasion of privacy.” 5 U.S.C. § 552(b)(6). To qualify for protection under Exemption (b)(6), records must: (1) be “personnel and medical files and similar files,” (2) the disclosure of which “would constitute a clearly unwarranted invasion of personal privacy.” *Id.*; *United States Dep’t of State v. Washington Post Co.*, 456 U.S. 595, 599-603 (1982). The first prong is met if the information “appl[ies] to a particular individual” and is “personal” in nature. *New York Times Co. v. NASA*, 852 F.2d 602, 606 (D.C. Cir. 1988). The second prong requires a “balanc[ing] between the protection of an individual’s right to privacy and the public’s right to government information.” *United States Dep’t of State v. Washington Post Co.*, 456 U.S. 595, 599 (1982). The “public interest” in the analysis is limited to the “core purpose” for which Congress enacted the FOIA: to “shed . . . light on an agency’s performance of its statutory duties.” *United States Dep’t of Justice v. Reporters Comm. for Freedom of the Press*, 489 U.S. 749, 773 (1989).

We are withholding the names and contact information, other than Senior Executive Service members and General Officers for all Army personnel (e.g. e-mail addresses and direct-line telephone numbers) under Exemption 6 to protect personal privacy. See *Judicial Watch, Inc. v. United States*, No. 03-1160, 2004 WL 26736, at \*4 (4th Cir. Jan. 6, 2004). Under the Exemption (b)(6) balancing test, the Supreme Court held in a

similar case that disclosure of employee addresses “would not appreciably further the citizens’ right to be informed about what their Government is up to and, indeed, would reveal little or nothing about the employing agencies or their activities.” United States Dep’t of Defense v. Fed. Labor Relations Auth., 510 U.S. 487 (1994). Disclosure of this information would contribute little to the public’s understanding of government activities. By contrast, such disclosure would constitute a “non-trivial” and “not insubstantial” invasion of government employees’ privacy interests. Id. at 500, 501.

Furthermore, Department of Defense policy following 11 September 2001, authorizes the withholding of the names and room numbers of government employees “because of a heightened interest in the personal privacy of DoD personnel that is concurrent with the increased security awareness demanded in times of national emergency.” Memorandum from D.O. Cooke, Director of Administration & Management, Office of the Secretary of Defense, Re: Withholding of Personally Identifying Information Under the Freedom of Information Act (FOIA) (Nov. 9, 2001), available at [http://www.acq.osd.mil/dpap/pdi/pc/docs/Withholding\\_Info\\_that\\_IDs\\_DoD\\_Personnel\\_-\\_Sept\\_2005.pdf](http://www.acq.osd.mil/dpap/pdi/pc/docs/Withholding_Info_that_IDs_DoD_Personnel_-_Sept_2005.pdf). As such, the names of government employees and their e-mail addresses are withheld under Exemption (b)(6).

For any further assistance and to discuss any aspect of your request, you have the right to contact the Army FOIA Public Liaison Officer, Alecia Bolling, by email at [us.army.hqda-oaa-ahs.mbx.rmda-foia-public-liaison@mail.mil](mailto:us.army.hqda-oaa-ahs.mbx.rmda-foia-public-liaison@mail.mil) or by phone at (571) 515-0306. Additionally, you may contact the Office of Government Information Services (OGIS) at the national Archives and Records Administration (NARA) to inquire about the FOIA mediation services they offer. The contact information for OGIS is as follows: NARA-OGIS, 8601 Adelphi Road-OGIS, College Park, MD 20740-6001, email at [ogis@nara.gov](mailto:ogis@nara.gov), telephone number (202) 741-5770 toll free at (877) 684-6448 or by facsimile at (202) 741-5769.

This partial denial has been made on behalf of the Administrative Assistant to the Secretary of the Army, who has designated that this office will act as the Initial Denial Authority for records maintained by the Office of the Secretary of the Army and its serviced activities. You have the right to file an administrative appeal with the Office of the Army General Counsel within ninety (90) calendar days. See 32 C.F.R. § 518.17(c). Their mailing address is:

Department of the Army  
Office of the General Counsel  
104 Army Pentagon, Room 2E724  
Washington, D.C. 20310

If you have any questions regarding this letter or the information furnished, please contact this office at (703) 614-5871 or email at [usarmy.belvoir.hqda-oaa.rpa.mbx.oaa-cals-mailbox-foia@mail.mil](mailto:usarmy.belvoir.hqda-oaa.rpa.mbx.oaa-cals-mailbox-foia@mail.mil). In all correspondence please refer to FOIA number FA-18-0107.

Sincerely,

A handwritten signature in black ink, appearing to read "Paul V. DeAgostino". The signature is stylized with a large initial "P" and a long horizontal stroke extending to the right.

Paul V. DeAgostino  
Senior Counsel

Enclosure(s): (3) pages