UNITED STATES OF AMERICA
FEDERAL LABOR RELATIONS AUTHORITY
South Tower - Suite 1950
225 Peachtree Street
Atlanta, GA 30303

May 11, 2017

Thasha Boyd
1655 Carrie Farm Lane, NW
Kennesaw, GA 30144
laanatassha@aol.com

TRANSMITED BY E-MAIL AND REGULAR MAIL

Re: Freedom of Information Act Request
Case No. AT-CO-17-0275

Dear Ms. Spivey:

This responds to your request of May 9, 2017, whereby you requested certain information under the Freedom of Information Act (the FOIA), 5 U.S.C. § 552, as amended. Essentially, you have requested the case file for Case No. AT-CO-17-0275.

Based upon your request, the following documents may be disclosed under the Freedom of Information Act (the FOIA), 5 U.S.C. § 552, as amended, and copies of the documents are attached to this letter. The documents are described as follows:

- Opening Letter in Case No. AT-CO-17-0275 with attached charge (three pages)
- ULP data entry forms in Case No. AT-CO-17-0275 (five pages)
- Dismissal Letter in Case No. AT-CO-17-0275 (two pages)
- E-mails dating from December 7, 2016 to January 12, 2017 (15 pages)
- November 28, 2016 declaration from Thasha Boyd to Whom it May Concern (seven pages)
- Memorandum of February 9, 2017 from Patrick Zondervan to Thasha Boyd (three pages)

There are no charges associated with granting the request. 5 C.F.R. § 2411.13(b).

It is noted that the case files also contain affidavits, intra-office memoranda, investigative reports, and communications between the investigator and the parties individually. However, your request is denied with respect to those documents because such documents are protected from disclosure by Exemptions 5 and 7(C) and (D) of the FOIA. Exemption 5 protects from disclosure intra-agency documents that are not available by law to a party in litigation

with the agency, i.e., documents that are prepared during a pre-decisional deliberative process, and documents that represent an attorney's work product. The deliberative process privilege applies to documents that are (1) predecisional, *Mapother v. Dep't of Justice*, 3 F.3d 1533, 1537 (D.C. Cir. 1993) and (2) deliberative. *Jordan v. Dep't of Justice*, 591 F.2d 753, 774 (D.C. Cir. 1978). These types of materials are exempt under Exemptions 5 and 7(C) and (D) of the FOIA in order to assure that internal deliberations are carried out in the candid manner necessary to effective decision-making. *NLRB v. Sears, Roebuck and Co.*, 421 U.S. 132, 150 (1975). Thus, to the extent that these documents relate to deliberations, their disclosure is not required as disclosure would be destructive to the Regional Director's adjudicative responsibility and integrity.

Exemption 7(C) protects from disclosure information that is personal that has been compiled for law enforcement the disclosure of which "could reasonably be expected to constitute an unwarranted invasion of personal privacy." *McDonnell v. United States*, 4 F.3d 1227, 1255-56 (3d Cir. 1993) (*McDonnell*). Exemption 7(D) protects from disclosure records or information compiled for law enforcement purposes that could reasonably be expected to identify a confidential source. *McDonnell* at 1258.

You may contact our FOIA Public Liaison at Tel: (202) 218-7740; Fax: (202) 482-6657; Email: solmail@flra.gov for any 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 (www.ogis.archives.gov). 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, Email: ogis@nara.gov; Tel: 202-741-5770; toll free at 1-877-684-6448; or Fax: 202-741-5769.

If you are not satisfied with my response to this request, you may administratively appeal by writing to the General Counsel at the Office of the General Counsel, Federal Labor Relations Authority, 1400 K Street, NW, Suite 200, Washington, DC 20424, Fax: (202) 482-6608;

Email: ogcmail@flra.gov. Your appeal must be postmarked or electronically transmitted within 90 days of the date of this response to your request.

Sincerely,

Richard S. Jones
Regional Director

cc:

Cabrina Smith
FOIA Public Liaison
Federal Labor Relations Authority
1400 K Street NW, Second Floor
Washington, D.C. 20424-0001