

June 21, 1994

Rear Admiral H.E. Grant  
Acting JAG, USN  
Dept. of the Navy  
200 Stovall Street  
Alexandria, Va. 22332-2400

Re: Freedom of Information Act

Dear Admiral Grant,

I have received and read Capt Wylie's letter of June 13, 1994, responding to my request for a release of information under the Freedom of Information Act.

The letter from Capt. Wylie is a classic example of the fraud and deception that I have encountered in an attempt to correct my military records. I have specifically requested a copy of the policy for liberty the night before Christmas leave, not the policy for Christmas leave. These are two separate and distinct documents. The policy on leave is irrelevant to my case. The policy on liberty is highly relevant.

Your staff has repeatedly attempted to confuse the issues by substituting the Christmas leave policy for the policy on liberty for the night before Christmas. There is no reference in the Christmas leave policy released to me regarding liberty the night before Christmas leave begins.

Capt. Wylie states that all records have been destroyed beyond two years but that the Academy has retained the last two years of records. Capt. Wylie thereby acknowledges that there is a copy of the policy for liberty for the night before Christmas for the last two years currently available through the Academy.

Since Capt. Wylie admits in his letter that the Academy has the documents which I am seeking, but refuses to release them in an attempt at deception, I am asking that you intervene and forward these documents to me. If not, I will proceed with a court order.

Sincerely Yours,

Kenneth L. LeBrun



DEPARTMENT OF THE NAVY

OFFICE OF THE JUDGE ADVOCATE GENERAL

200 STOVALL STREET

ALEXANDRIA, VA 22332-2400

IN REPLY REFER TO

5720 F94148/94139C  
Ser 344F/1178

16 AUG 1994

Mr. Kenneth L. LeBrun  
4 Hallock Meadow Drive South  
Stony Brook, NY 11790

Re: Freedom of Information Act Appeal

Dear Mr. LeBrun:

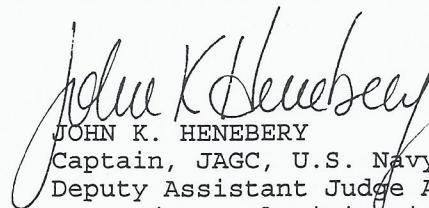
This responds to your letter of June 21, 1994 -- addressed to Rear Admiral H. E. Grant, Judge Advocate General and received in this office June 29, 1994 -- wherein you again appeal the adequacy of the search by the Flag Secretary at the U.S. Naval Academy (USNA) for information concerning (1) a 1965 driver-safety program conducted jointly by the USNA and the Maryland State Police, and (2) the USNA leave-and-liberty policy in effect for Christmas leave during the years 1989-1993. Officials at the USNA have provided to you all available responsive information.

Personnel at the USNA again made searches for the requested information, without success.

Enclosed for your information are portions of the USNA Midshipmen regulations concerning Liberty and Leave in general. No USNA documents can be located that specifically concern the liberty policy that was in effect the night before Christmas leave for either 1965 or during the years 1989-1993. Besides the enclosed instructions the Bureau of Naval Personnel Manual, U.S. Naval Regulations, and the Office of the Chief of Naval Operations Instructions contain general information concerning Leave and Liberty.

Again, all searches were made in good faith, using every effort and available method which could reasonably be expected to produce the requested information concerning Christmas Liberty at the USNA. I therefore conclude these searches were reasonable and adequate. I regret we could not be of assistance to you in your search.

Sincerely,

  
JOHN K. HENEBERY  
Captain, JAGC, U.S. Navy  
Deputy Assistant Judge Advocate General  
(General Litigation)

Encl:

- (1) MIDNREGS of 4 Aug 1989
- (2) COMDTMIDNIST 5400.5A of 1 Jan 1993