



DEPARTMENT OF THE NAVY

OFFICE OF THE JUDGE ADVOCATE GENERAL

200 STOVALL STREET

ALEXANDRIA, VA 22332-2400

IN REPLY REFER TO

5720

Ser 345E/16299

18 DEC 1991

Mr. David B. Perry
4601 Ainsworth Circle
Grapevine, TX 76051

Re: Freedom of Information Act Appeal

This responds to your letter of November 11, 1991, received in this office on November 19, 1991. That letter appeals the decision of Colonel R. L. Carter, U.S. Marine Corps, Director, Manpower Management Information Systems Division, by direction of the Commandant of the Marine Corps on October 22, 1991, to deny your request for the names of those individuals who had previously submitted Freedom of Information Act requests for information from the Official Military Personnel Record of Roscoe A. White. Your letter is considered a request for a final determination under the Freedom of Information Act. 5 U.S.C. § 552(a)(6)(A)(ii) (1988).

Both your letter of appeal and the requested documents have been carefully reviewed. I have determined that the names of the two Freedom of Information Act requesters are releasable. This material is enclosed.

I am the individual responsible for this action. 32 C.F.R. § 701.9(c) (1991).

Sincerely,

DENNIS F. MCCOY
Captain, JAGC, U.S. Navy
Assistant Judge Advocate General
(Civil Law)
For the Secretary of the Navy

Encl:
(1) Releasable information

REPLY CONCERNING MILITARY RECORDS

DATE

12-2-91

RE:

White, Rick

1000/106

THE REPLY TO THE INQUIRY WILL BE FOUND IN THE CHECKED ITEM(S). IF YOU WRITE TO US AGAIN ON THIS SUBJECT, PLEASE RETURN YOUR ORIGINAL REQUEST, THIS FORM, AND ANY OTHER FORM YOU COMPLETE.

☒ Copies of requested military ☒ personnel ☒ medical records are attached. We suggest you make an extra copy and guard against loss or damage. We regret if any photocopies may be of poor quality, but they are the best copies obtainable.

☐ The attached separation document may include the following information: authority for separation, reason for separation, Reenlistment Eligibility Code, and Separation (SPN/SPD) Code. If you require a copy of the separation document that does not contain the above information, you may request a delayed copy from this Center.

☐ The Privacy Act of 1974 does not permit the release of a social security number or other personal information to the public without the authorization of the veteran concerned; therefore, we have deleted personal identifying data relating to other persons.

☐ The Reenlistment Eligibility (RE) Code issued upon release from active duty on _____ is _____

☐ The reason and authority for separation from active duty/discharge on _____ is _____

☐ The record of service in the _____ indicates being in a POW status from _____ to _____

☐ Military personnel, upon discharge from the Armed Forces, are issued discharge certificates. These certificates are prepared in the original only; therefore, copies cannot be furnished. The law does provide that upon presentation of satisfactory proof of loss (such as a signed statement), an honorably discharged veteran or the surviving spouse may be given a "certificate in lieu of lost or destroyed discharge." We are unable to issue a certificate in lieu to anyone other than as provided by law.

☐ The document you have requested, DD Form 214, Report of Separation, was not used until Jan. 1, 1960. However, a similar form was used at the time the person named above was separated. A copy of it is attached.

☐ When the person named above was separated, it was not the practice to issue a document which served as a report of separation.

☐ The original Report of Separation was issued at the time of separation. Another original cannot be issued. The attached copy, however, will serve the same purpose as the original.

☐ No Report of Separation was issued since the person named above had no active service, or less than 30 days of active duty for training.

☐ The service record of the person named above does not contain a copy of a Report of Separation or its equivalent. Therefore, we are instead furnishing the attached NA Form 13038, Certification of Military Service. This will serve as verification of military service and may be used for any official purpose.

☐ That portion of your request seeking medals/awards has been referred to the office checked below. That office has jurisdiction over the issuance of medals/awards. Any further correspondence on this subject should be addressed to that office.

☐ ARPERCEN, Attn: DARP-PAS-EAW ☐ Navy Liaison Office, Room 3475, N-314 9700 Page Blvd., St. Louis, MO 63132

☐ The medical records you request ☐ The documents you request pertaining to discharge have been lent to the Veterans Administration and may be obtained from the VA office shown below.

☐ According to the provisions of DoD Directive 5400.11, we cannot release a portion of the medical records you have requested. They contain information that can be interpreted and explained properly only by a physician. If you wish us to send copies to a designated physician, please furnish us with the name and address of that physician. The request MUST INCLUDE the service person's written consent (signature), authorizing the release of the records to the designated physician.

☐

Rick White

NCPA N-C

[Signature]

NATIONAL PERSONNEL RECORDS CENTER
(Military Personnel Records)
9700 Page Boulevard
St. Louis, Missouri 63132

NATIONAL ARCHIVES AND RECORDS ADMINISTRATION

NA FORM 13044 (REV. 4-88)



DEPARTMENT OF THE NAVY
HEADQUARTERS UNITED STATES MARINE CORPS
WASHINGTON, D.C. 20380-0001

IN REPLY REFER TO
5/20
MI-3/8812

Mr. James H. Lesar
Attorney at Law

20 NOV 1990

Dear Mr. Lesar:

4601 Ainsworth Circle
Grapevine, Texas 76051
November 11, 1991

FREEDOM OF INFORMATION ACT APPEAL

Judge Advocate General (General Litigation)
Navy Department
200 Stovall Street
Alexandria, VA 22332-2400

Re: 5720 MI-3/0705

Dear Sirs:

By letter dated October 22, 1991 the Department of the Navy released 110 pages of documents pertaining to the above request. Withheld was the name(s) of the individual(s) who made the second request on **August 7, 1990** for this same information.

I am requesting a limited release of information based on the following:

The JFK Assassination Information Center of Dallas, Tx. Held a press conference on **August 6, 1990**.

At that press conference they stated Roscoe Anthony White shot and killed President John F. Kennedy on November 22, 1963.

The participants in the press conference representing the JFK Center were Bud Fensterwald, J. Gary Shaw, Larry Ray Harris, Larry Howard, Joe West, Rev. Jack Shaw and Ricky Don White.

It is possible that one of these individuals requested documentation after the press conference rather than before. I am only interested in determining if one of the above individuals made the request. I am not requesting the name. Only if that name appears on the list submitted.

If that is the case, the JFK Center and its representatives have done a disservice to the family of Roscoe White.

Very Truly Yours,


David B. Perry