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IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Alexandria Division

DAVID CHARLES GRUSCH, Plaintiff, v. UNITED STATES DEPARTMENT OF DEFENSE, Defendant.	No. 1:26-cv-607 (LMB/WEF)

DECLARATION OF VIRGINIA E. BURKE

Pursuant to 28 U.S.C. § 1746, I, Virginia E. Burke, hereby declare under penalty of perjury that the following is true and correct to the best of my knowledge:

1. I am the Freedom of Information Act Division ("FD") Chief, for the Oversight and Compliance Directorate ("O&C")[1].
2. O&C serves as the primary advisor to senior Department of War ("DoW") leadership on protecting privacy and civil liberties, intelligence oversight, regulatory compliance, and overseeing the administration, organization, and management of DoW Freedom of Information Act ("FOIA") program. O&C operates under the Office of the Director of Administration and Management ("ODA&M").
3. As the FD Chief, I am responsible for overseeing the FOIA program for O&C. As such, I serve as a FOIA Initial Denial Authority for releasing O&C information. My office

[1] O&C was formerly called the Privacy, Civil Liberties, and Transparency ("PCLT") office, including during the initial timeframe relevant to this litigation, but for the purposes of this Declaration, I will refer to my office as "O&C".

receives FOIA litigation taskings from the DoW Office of General Counsel ("OGC"). I oversee searches across ODA&M to ensure thoroughness, reasonableness, and consistency. My office then provides the relevant results of litigation searches to the DoW Office of General Counsel for their final assessment and release under the FOIA. I have held my position since April 5, 2026.

4. From January 28, 2024, to April 4, 2026, I was a senior Government Information Specialist, and then the delegated Acting Director, in the Freedom of Information Directorate, Office of the Assistant to the Secretary of Defense for Privacy, Civil Liberties, and Transparency (OATSD(PCLT)) in the Department of Defense that reorganized to become the Freedom of Information Act Division, Oversight and Compliance Directorate, Office of the Director for Administration and Management, DoW.

5. The statements in this declaration are based on my personal knowledge and on information made available to me in the course of my official duties. I have familiarized myself with the procedural history of this civil action (No. 1:26-cv-607) and reviewed Plaintiff's FOIA request (the "25-FP-0002" request).

6. The purpose of this declaration is to explain how O&C processed the incoming 25-FP-0002 request.

FOIA Request 25-FP-0002 Timeline

7. On October 1, 2024, the Office of the Secretary of Defense and Joint Staff FOIA Requester Service Center ("RSC") received Plaintiff's FOIA request for:

    1) *Any documents, reports, correspondence, records of complaints, or any documents containing information related to, any "unauthorized disclosure complaint" submitted to the office of the Senior Intelligence Oversight Official ("DOD SIOO"), including but not limited to, Mr. Mark Dupont, during the period*

of April 1, 2023, through December 31, 2023, related to any "unauthorized disclosures" regarding Mr. David Charles Grusch; and

2) *Any documents, reports, correspondence, records of complaints, or any documents containing information related to, any "unauthorized disclosure complaint" submitted to the office of the Senior Intelligence Oversight Official ("DOD SIOO"), including but not limited to, Mr. Mark Dupont, during the period of April 1, 2023, through December 31, 2023, related to any "unauthorized disclosures" that also include the key terms "unidentified aerial phenomenon", "unidentified anomalous phenomenon", and/or the acronyms "UAP" or "UFO".*

Please include in your search any communications, e-mails, reports, or internal memorandum related to the two requests above, and any documentation of the handling or investigation of such complaints.

8. On October 3, 2024, RSC provided an interim response letter to Plaintiff advising that the request was assigned FOIA case number 25-FP-0002, indicating that DoW had begun processing the request, and that there were unusual circumstances impacting RSC's ability to quickly process the request.

9. Additionally on October 3, 2024, RSC tasked O&C[2] with performing a search for information responsive to the 25-FP-0002 request. This is because the 25-FP-0002 request sought information from the "office of the Senior Intelligence Oversight Official ('DOD SIOO')." That office is O&C's Intelligence Oversight Division ("IOD").

10. On October 3, 2024, O&C tasked IOD to search for responsive information. IOD searched all of its unclassified and classified network shared folders using the key search terms provided in the original request ("David Charles Grusch", "Grusch", "unidentified aerial phenomenon", "unidentified anomalous phenomenon", "UAP", and "UFO"). These shared folders were searched because they are where IOD would store IOD and

[2] O&C was at that time referred to as PCLT, as indicated in *Footnote 1*, above.

SIOO program records. This broad search of network shared folders is a common search practice for IOD (as well as O&C) to ensure a complete search is conducted when there is not a designated folder or known file location for responsive records. On October 7, 2024, IOD reported that no information was found related to any unauthorized disclosures regarding Mr. David Charles Grusch. IOD also explained in its response that they do not tie personal identifiable information (e.g., names, email addresses, Social Security Numbers, dates of birth, or other identification numbers) to reports. As part of the search tasker response to identify any other potential offices that may have responsive records for the two search topics, IOD explained that unauthorized disclosures are generally information security matters and would not have been handled by IOD as a questionable intelligence activity, and that O&C does not carry responsibility for UAPs or UFOs.

11. In October and November 2024, O&C searched the email accounts of O&C's then-Assistant to the Secretary of Defense for Privacy, Civil Liberties, and Transparency ("ATSD (PCLT)"), Joo Chung, and the Senior Intelligence Oversight Official for the Department of Defense, Mark Dupont, who also served as the Principal Deputy ATSD(PCLT). ATSD Chung's unclassified and classified email accounts were searched because she oversaw OATSD(PCLT), which included IOD, and we expected that any communications regarding unauthorized disclosure complaints or key "UAP" privacy-related matters would have included her. Mr. Dupont's unclassified and classified email accounts were searched because his information was specifically requested in the 25-FP-0002 request.

12. The email accounts for ATSD Chung and Mr. Dupont were searched using the key terms

provided in the 25-FP-0002 request: "David Charles Grusch", "Grusch", "unidentified aerial phenomenon", "unidentified anomalous phenomenon", "UAP", and "UFO".

13. In the course of these searches, O&C located 22 *potentially* responsive documents (6,632 pages) hitting on the key terms.

14. On December 2, 2024, O&C provided a response to RSC, including the 22 *potentially* responsive documents, indicating that the documents needed to be coordinated with several other DoW Offices and Government Agencies.

15. From December 2, 2024, through March 3, 2026, O&C's search results were in coordination with the various Offices and Agencies, and the administration of the 25-FP-002 request was moved to DoW OGC, in light of the current FOIA litigation.

16. DoW OGC informs me that they reviewed O&C's search results for responsiveness under the parameters of the 25-FP-002 request, and they completed necessary intra- and inter-Agency coordination, resulting in the production to Plaintiff of 40 pages of responsive documents.

Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge and belief.

EXECUTED this 18th day of September 2026, Arlington, Virginia.

BURKE.VIRGINIA.E[redacted] Digitally signed by [redacted].VIRGINIA.ELIZABETH.1
LIZABETH.[redacted]
[redacted]
Date: 2026.09.18 14:19:46 -04'00'

Virginia E. Burke
Chief, Freedom of Information Division
Oversight and Compliance Directorate
Office of the Director of Administration and Management
Department of War