DEX 3

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)

SUPPLEMENTAL 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 receives

[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".

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 add additional context to my declaration dated September 18, 2026 (DEX 1), to further explain how DoW conducted searches for the 25-FP-0002 request.

FOIA Request 25-FP-0002 Searches

7. In my first declaration, I stated that information from the office of the Senior Intelligence Oversight Official ("DOD SIOO") was searched by and within the Intelligence Oversight Division ("IOD") using the key search terms provided in the original request ("David Charles Grusch", "Grusch", "unidentified aerial phenomenon", "unidentified anomalous phenomenon", "UAP", and "UFO"). DEX 1, ¶¶ 9-10. I also stated that the Oversight and

Compliance Directorate ("O&C") used these same key search terms to search the email accounts of O&C's then-Assistant to the Secretary of Defense for Privacy, Civil Liberties, and Transparency, Joo Chung, and the Senior Intelligence Oversight Official for the Department of Defense, Mark Dupont. DEX 1, ¶¶ 11-12.

8. The searches of these key terms across IOD's network shared folders and the email accounts of Joo Chung and Mark Dupont were Boolean "OR" operator searches. That is, the DoD SIOO office files within IOD, and Joo Chung's and Mark Dupont's email accounts, were searched for information comprising *any* of the search terms:

("David Charles Grusch" OR "Grusch" OR "unidentified aerial phenomenon" OR "unidentified anomalous phenomenon" OR "UAP" OR "UFO").

9. This Boolean search parameter would have captured all information responsive to the parameters of the two search requests in the 25-FP-0002 FOIA request listed at DEX 1, ¶ 7.

10. By searching the IOD's network shared folders and Joo Chung's and Mark Dupont's email accounts, using the Boolean parameter *("David Charles Grusch" OR "Grusch" OR "unidentified aerial phenomenon" OR "unidentified anomalous phenomenon" OR "UAP" OR "UFO")*, we logically would have captured any information that also included references to an unauthorized disclosure(s). Thus, our searches would have located any records relevant to Request 1 or 2 of the 25-FP-0002 FOIA request.

11. Additionally, upon further review of the searches conducted by O&C on the email accounts of Joo Chung and Mark Dupont, I have determined that these email accounts were searched for the phrase "unauthorized disclosures", in addition to the key search terms referenced above. Two records (42 pages) from the O&C search results hit only on the "unauthorized disclosure" phrase and not any of the key search terms. DoW OGC informs me that they

determined that these two records were not responsive to the parameters of the 25-FP-0002 FOIA request, and thus they were not produced to the Plaintiff.

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 29th day of October 2026, Arlington, Virginia.

BURKE.VIRGINIA.E LIZABETH [redacted] Digitally signed by BURKE.VIRGINIA.ELIZABETH [redacted] Date: 2026.10.29 14:46:52 -04'00'

Virginia E. Burke
Chief, Freedom of Information Division
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Department of War