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HALL & WEST, P.S.
ATTORNEYS AT LAW

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06272005

June 23, 2005

Anthony Principi, Chairman
Base Realignment and Closure Commission
2521 S. Clark Street, Ste. 600
Arlington, VA 22202

Re: Realignment of the Defense Office of Hearings and Appeals

Dear Commissioner Principi:

I am a retired Navy Judge Advocate, now in private practice, who frequently represents clients before the Defense Office of Hearings and Appeals. (You may even remember me. I remember you and your wife Liz from my posting in Norfolk, Virginia, during the early 1970's.) I have received a copy of Sheldon I. Cohen's letter to you on the same subject dated June 16, 2005.

I am writing in support of the position taken by Mr. Cohen. The Defense Office of Hearings and Appeals (DOHA) should be available and accessible to government employees, government contractors, contractor employees and counsel. I believe strongly it would be a mistake to place DOHA inside the fence line of a highly secure military base. I also believe it would be a mistake to consolidate all of DOHA's activities into a single location. According to the Commission's report, payback of the costs of the proposed consolidation will take thirteen years to achieve. It is clear to me that the costs in terms of reduced accessibility far outweigh the benefit of the proposed consolidation, and I join Mr. Cohen in urging you to delete the recommendation to relocate the Defense Office of Hearings and Appeals to Fort Meade, Maryland.

Sincerely,

HALL & WEST, P.S.

D. I. West

DAVID I. WEST

DIW:jk
cc: Sheldon I. Cohen

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June 22, 2005

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Anthony Principi, Chairman
Base Realignment and Closure Commission
2521 S. Clark Street
Suite 600
Arlington, VA 22202

Re: Realignment of the Defense Office of Hearings and Appeals

Dear Chairman Principi:

I am an attorney whose practice involves representing many individuals before the Defense Office of Hearings and Appeals (DOHA). Your commission has recommended moving DOHA's headquarters to and consolidating its outlying offices in a central location at Ft. Meade, Maryland for the purpose of consolidating military department adjudication activities.

I am writing this letter as I strongly believe that your Commission failed to adequately examine the reality of DOHA's functions and operations and that the move/consolidation of DOHA to Ft. Meade would not only result in a drastic negative impact on adjudication activities, but also result in exorbitant additional travel-related expenses for DOHA to perform its mission.

First, to address the negative impact on adjudication activities: Among its many responsibilities, DOHA is responsible for the adjudication of security clearance decisions for U.S. citizens. The Administrative Judges of DOHA conduct "hearings" for employees of Government Contractor entities and "appearances" for Military Personnel and Federal Government Employees. Easy access to the locations where these proceedings take place is essential if any applicant or appellant desiring a clearance is to truly be afforded "access" for procedural and substantive due process. The current and foreseeable facility security requirements at ANY military installation, much less at Ft. Meade with its concentration of national security activities, will severely restrict access by applicants, appellants, counsel, court reporters and witnesses. As a retired Navy JAG Corps Captain, with many years of experience accessing military installations I can vouch from personal experience that moving DOHA to Ft. Meade will make it extremely cumbersome and in many instances impossible for required personnel to even gain access to the installation.

Second, to address additional travel-related expenses: Current regulations direct that the proceedings take place within 150 miles of the applicant's/appellant's place of business or residence. To consolidate all of

the DOHA personnel at Ft. Meade will result in substantial, additional, and expensive travel of DOHA personnel (Administrative Judges and Department Counsel) throughout the U.S. I have clients living and working all over this great country and have represented clients whose hearings have been held all over the U.S, from Florida to Ohio, Massachusetts to Hawaii and points in between. False savings will be achieved by the Government in the proposed relocation as those "savings" will be diminished by requiring DOHA personnel to now be on the road for significant, lengthy and additional travel. Currently the DOHA field offices are in close proximity to a great number of military and civilian establishments where their services are required. That proximity significantly reduces the existing DOHA travel requirements.

In sum, as both an attorney and as a taxpayer I believe that the proposed consolidation and movement of DOHA will both reduce the opportunity for our citizenry to have their legal rights protected and actually end up costing the taxpayer more moneythan the current structure currently requires. For both of these reasons I most strongly urge the Commission to re-evaluate its recommendation and reverse this decision.

Very Truly Yours,

David P. Price