



U.S. CONSUMER PRODUCT SAFETY COMMISSION  
WASHINGTON, D.C. 20207

Record of Commission Action  
Commissioners Voting by Ballot

1111 18th Street, N.W.  
Washington, D.C.

Voting: Commissioner Franklin  
Commissioner Pittle  
Commissioner Sloan  
Commissioner Zagoria

ITEM

Louis Abramsky Freedom of Information Act Appeal for Documents  
and Tapes

(Briefing material transmitted by the Office of the  
Secretary on December 21, 1978.)

DECISION

Based upon the information presented in the above-referenced  
material, the Commission voted to deny in part and to grant in part  
the appeal as set forth in the attached letter which was issued on  
January 23, 1979 to Mr. Abramsky.

VOTE

Concurring: Commissioner Pittle (1/12/79)

*R. David Pittle*

Commissioner Sloan (1/12/79)

*Edith B. Sloan*

Commissioner Zagoria (12/27/78)

*Sam Zagoria*

Concurring except voting to release all information material and relevant  
to Mr. Abramsky's grievance:

Commissioner Franklin (12/26/78)

*Barbara H. Franklin*

Chairman King not participating in this decision.

Submitted by the Office of the Secretary



U.S. CONSUMER PRODUCT SAFETY COMMISSION  
WASHINGTON, D.C. 20207

January 23, 1979

Mr. Louis Abramsky  
2218 Ocean Parkway  
Brooklyn, New York 11223

Dear Mr. Abramsky:

This is to officially notify you of the Commission's decision on your appeal under the Freedom of Information Act (FOIA)(5 U.S.C. 552) for documents and tapes relating to a September 18, 1978 incident in the New York Area Office in which you were involved.

With the Chair not participating, the Commission voted (3-1) to deny in part and to grant in part your appeal. Commissioners Pittle, Sloan and Zagoria constitute the majority in this decision, with Commissioner Franklin voting to release all information material and relevant to your grievance.

The Commission voted to release the following taped statements of those employees who agreed to waive their privacy: Martin Bennett; Steven Schumansky; Steven Garitta; Irving Zuckerman; and oakley Warren. These taped statements are enclosed. Also releasable and enclosed is a copy of the medical findings of Dr. Charles J. Modero, the Customs Medical Officer, together with a copy of the typewritten transcript of your visit to Dr. Modero on September 18, 1978. In addition, a draft document entitled Fact Finding Review of the New York Area Office dated September 19, 1978 prepared by Mauna Kammer is enclosed with the statement of Mr. Bodin deleted on the ground of personal privacy under exemption (b)(6) of the FOIA.

It is understood that you have been provided with a copy of the report to the Executive Director prepared by the fact finding team that investigated the September 18, 1978 incident.

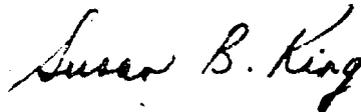
The Commission decided to deny your appeal for the statements of eight employees who requested that their taped statements not be released on the ground of personal privacy. These statements are being withheld under the privacy exemption (b)(6) of the FOIA because the privacy interests of the individuals were found to outweigh your need for this information to pursue your grievance. The working papers of Richard Allen, Assistant General Counsel, and the legal research performed by him or under his supervision were found by the Commission to come within exemption (b)(4) of the FOIA as constituting material within the attorney-client privilege and the attorney work product doctrine. Similarly, the correspondence between Mr. Gilbert Bodin, the Commission and the Justice Department to obtain legal representation is being withheld by the Commission under exemption (b)(4) of the FOIA as a communication subject to the attorney-client privilege.

The above withheld information with exception of the correspondence concerning Mr. Bodin's request for legal representation and Mr. Allen's legal research will be made available to the individual chosen to decide your grievance.

Pursuant to the provisions of Section 552(a)(6)(A) of the Freedom of Information Act (5 U.S.C. 552 et seq.), you may seek judicial review of this final agency determination in the U. S. District Court for the District of Columbia or in a district court for the district in which you reside.

Although I did not participate in the vote on this appeal, as Chairman I am communicating the Commission's decision pursuant to 16 CFR 1015.7(d) of the Commission's Freedom of Information Act regulations.

Sincerely,



Susan B. King  
Chairman

Enclosures