

**United States Department of Energy
Office of Hearings and Appeals**

In the Matter of Don C. Pyle)
)
Filing Date: March 27, 2015) Case No.: FIA-15-0013
)
)
_____)

Issued: April 6, 2015

Decision and Order

On March 27, 2015, on behalf of Rubin J. Pyles, Don C. Pyle (Appellant) filed an Appeal from a determination issued to him on March 10, 2015, by the Department of Energy’s (DOE) Oak Ridge Operations Office (Oak Ridge) (FOIA Request ORO-2015-00054-FP). That determination was issued in response to a request for information that the Appellant submitted under the Freedom of Information Act (FOIA), 5 U.S.C. § 552, as implemented by DOE in 10 C.F.R. Part 1004. The Appellant asks that Oak Ridge conduct an additional search for documents responsive to his request.

I. Background

The Appellant requested information regarding the industrial hygiene, medical, personnel, radiation exposure records and OPM Background investigation files on behalf of Mr. Rubin J. Pyles. In his request, the Appellant indicated that Mr. Pyles was employed by the War Manpower Commission and worked at the Oak Ridge National Laboratory. Oak Ridge conducted a search by name and Social Security number for responsive material, but was only able to locate Mr. Pyles’ employment card. In its March 10, 2015, Determination Letter, Oak Ridge provided Mr. Pyles’ employment card to the Appellant. On March 27, 2015, the Appellant filed the present Appeal with the Office of Hearings and Appeals (OHA). In his Appeal, the Appellant challenges the adequacy of the search conducted by Oak Ridge and asserts that there should be additional records related to Mr. Pyles in the possession of DOE.

II. Analysis

In responding to a request for information filed under the FOIA, it is well established that an agency must “conduct a search reasonably calculated to uncover all relevant documents.” *Truitt*

v. United States Department of State, 897 F.2d 540, 542 (D.C. Cir. 1990). “The standard of reasonableness which we apply to agency search procedures does not require absolute exhaustion of the files; instead, it requires a search reasonably calculated to uncover the sought materials.” *Miller v. United States Department of State*, 779 F.2d 1378, 1384-85 (8th Cir. 1985); *accord Truitt*, 897 F.2d at 542. We have not hesitated to remand a case where it is evident that the search conducted was in fact inadequate. *See, e.g., Project on Government Oversight*, Case No. TFA-0489 (2011).

We contacted Oak Ridge to ascertain the extent of the search that had been performed and to determine whether any other documents responsive to the Appellant’s request might reasonably be located. Upon receiving the Appellant’s request for information, Oak Ridge determined that three locations might possibly possess responsive documents, including its Records Holding Warehouse which stores inactive records dating back to 1943, the Oak Ridge Associated Universities which stores work and health records dating back to the 1940s and Oak Ridge’s Historical Database which was developed by Science Application International for use by DOE and its contractors. Oak Ridge searched each of these locations using Mr. Pyles’ name and social security number. It informed us that the Records Holding Warehouse contains alphabetized index cards which were manually searched while the other two locations were searched using their computer databases. *See Record of Telephone Conversation between Amy L. Rothrock, Oak Ridge, and Kimberly Jenkins-Chapman, OHA (March 30, 2015)*. As stated earlier, Oak Ridge located one document, Mr. Pyles’ employment card, which was provided to the Appellant. The employment card indicated that Mr. Pyles worked for Stone & Webster at Oak Ridge during the Manhattan Project. Oak Ridge further informed us that OPM Background Investigation files are destroyed ten years after the termination of employment, and personnel security clearance records are destroyed five years after the termination of employment. Based on the information above, we find that Oak Ridge has conducted a search reasonably calculated to uncover any records relating to Mr. Rubin J. Pyles. Accordingly, we must deny this Appeal.

It Is Therefore Ordered That:

- (1) The Freedom of Information Act Appeal filed on behalf of Mr. Rubin J. Pyles by Don C. Pyle, on March 27, 2015, OHA Case No. FIA-15-0013, is hereby denied.
- (2) This is a final Order of the Department of Energy from which any aggrieved party may seek judicial review pursuant to the provisions of 5 U.S.C. § 552 (a)(4)(B). Judicial review may be sought in the district in which the requester resides or has a principal place of business, or in which the agency records are situated, or in the District of Columbia.

Poli A. Marmolejos
Director
Office of Hearings and Appeals

Date: April 6, 2015