

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

In the Matter of Ronald Walli)	
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Filing Date: January 16, 2018)	Case No.: FIA-18-0005
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_____)	

Issued: January 23, 2018

Decision and Order

On January 16, 2018, Ronald Walli (Appellant) appealed a determination letter issued to him from the Department of Energy’s (DOE) Office of Inspector General (OIG) (Request No. HQ-2018-00301-F). In the determination, OIG responded to a request filed under the Freedom of Information Act (FOIA), 5 U.S.C. § 552, as implemented by the DOE in 10 C.F.R. Part 1004. OIG conducted a search and located two responsive documents. The Appellant challenged the adequacy of the search. This Appeal, if granted, would require an additional search for responsive information.

I. Background

On November 30, 2017, the Office of Public Information (OPI) received a FOIA request from the Appellant, seeking “results for complaints...17-0302-C and 17-0065-I.” FOIA Request (November 28, 2017). In response, OPI assigned the request to DOE’s OIG. Assignment Letter (November 30, 2017). OIG conducted a search and located two responsive documents. Determination Letter (January 10, 2018).

On January 16, 2018, the Office of Hearings and Appeals (OHA) received the Appellant’s challenge to OIG’s determination. FOIA Appeal (January 16, 2018). As it was unclear on the face of the appeal the basis on which the Appellant sought to appeal the determination, OHA sought clarification from the Appellant through a phone conversation. Memorandum of Phone Conversation between Ronald Walli and OHA (January 17, 2018). The Appellant clarified that he sought to appeal the adequacy of the search. Acknowledgement Letter Email (January 17, 2018).

II. Analysis

“Under the FOIA, an agency is obliged to make available to the public records that are reasonably described in a written request, if not exempt from disclosure.” *Kidder v. F.B.I.*, 517 F. Supp. 2d 17, 23 (D.D.C. 2007); 5 U.S.C. §§ 552(a)(3)(A), (b). “A request reasonably describes records if

the agency is able to determine precisely what records are being requested.” *Tax Analysts v. Internal Revenue Serv.*, 117 F.3d 607, 610 (D.C.Cir.1997) (internal quotation marks and citation omitted).

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. Dep’t of State*, 897 F.2d 540, 542 (D.C. Cir. 1990). The standard of reasonableness we apply “does not require absolute exhaustion of the files; instead, it requires a search reasonably calculated to uncover the sought materials.” *Miller v. Dep’t 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., *Ralph Sletager*, Case No. FIA-14-0030 (2014).*

OIG provided our office with information regarding the search it conducted to process the Appellant’s FOIA request. OIG noted that the Appellant was seeking records responsive to two specific case numbers. Memorandum of Phone Conversation between the OIG and OHA (January 18, 2018). Therefore, it searched its case database using the two case numbers articulated by the Appellant in his request: “17-0302-C” and “17-0065-I.” *Id.* Furthermore, OIG explained that the Appellant specifically indicated that he was seeking the “results” for the case numbers. *Id.* As such, OIG solely searched for and provided the results of these two cases. *Id.*

Now on appeal, the Appellant is asserting that he seeks documents detailing the investigation conducted on these cases. Memorandum of Phone Conversation between Ronald Walli and OHA (January 17, 2018). This is not, however, what the Appellant indicated that he was seeking when he submitted his FOIA request; he specifically indicated that he was seeking “results.” FOIA Request (November 28, 2017). As such, based upon the request originally submitted by the Appellant, we find that OIG conducted a search reasonably calculated to undercover the records sought by the Appellant, and that the search was therefore adequate.

If the Appellant now seeks additional information from OIG, he is free to file a second FOIA request. However, OIG is not required to conduct a new search based upon the Appellant’s subsequent clarifications to his original request. To require this would allow the Appellant an additional FOIA request with the same priority as his original request. See *Amnesty Int’l v. CIA*, No. 07-5435, 2008 WL 2519908, at 13 (S.D.N.Y. June 19, 2008) (concluding that the agency was not required to conduct a new search based upon subsequent clarifications, where the agency had no doubt about what the requestor sought, as this would allow the requestor additional searches with the same priority as the initial request).

Finally, the Appellant poses a question on appeal regarding OIG’s conclusions in the cases cited in his request. FOIA Appeal (January 16, 2018). We note, however, that the “FOIA is a mechanism to obtain access to records, not answers to questions.” *Amnesty Int’l v. CIA*, No. 07-5435, 2008 WL 2519908, at 13.

For the foregoing reasons, we conclude that OIG conducted an adequate search, and we deny the appeal.

* Decisions issued by the Office of Hearings and Appeals (OHA) are available on the OHA website located at www.energy.gov/oha.

III. Order

It is hereby ordered that the Appeal filed on January 16, 2018, by Ronald Walli, FIA-18-0005, is denied.

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.

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Date: January 23, 2018