



Department of Energy
Washington, DC 20585

August 27, 2021

Austin R. Evers
American Oversight
1030 15th Street NW
Suite B255
Washington, DC 20005

Via email: foia@americanoversight.org

RE: HQ-2020-00965-F

Dear Mr. Austin R. Evers:

This is the final response to the request for information that you sent to the Department of Energy (DOE) under the Freedom of Information Act (FOIA), 5 U.S.C. § 552. You requested the following:

1. Copies of any SF-50 forms for any political appointees* at the GS-13 level or higher at your agency reflecting a change to a permanent competitive, non-political excepted service, or career SES position.
2. Records sufficient to identify any requests to OPM (including any approvals, rejections, or other responses from OPM) to appoint any current or former (within five years) Executive Branch political appointees* at the GS-13 level or higher to permanent competitive, non-political excepted service, or career SES position (including but not limited to any pre-appointment request checklist forms OPM 5000 or 5001, or other forms used for the requests, documentation submitted with the requests, and decisions conveyed in response to the request).
3. Records sufficient to identify any requests to OPM (including any approvals, rejections, or other responses from OPM) under 5 CFR § 3318(a), (c)(1), for approval to pass over a preference eligible or object to an eligible (including but not limited to any forms SF-62 or other forms used for the request, documentation submitted with the requests, and decisions conveyed in response to the request).

*Please consider any employee in the following positions to be a “political appointee”:

- a. Political appointees requiring Senate confirmation (PAS);
- b. Political appointees not requiring Senate confirmation (PA);



- c. Political appointees, as defined under 5 U.S.C. sections 5312 through 5316 (relating to the Executive Schedule);
- d. Political Schedule A;
- e. Appointments made by the President without confirmation by the Senate [5 CFR § 213.3102(c)].
- f. Assistants to top-level Federal officials if the position is being filled by a person designated by the President as a White House Fellow [5 CFR § 213.3102(z)].
- g. Schedule C [5 CFR §§ 213.3301-3302];
- h. Noncareer SES [5 U.S.C. § 3132(a)(7); and 5 CFR § 317, subpart F];
- i. Limited Term SES [5 U.S.C. § 3132(a)(5); and 5 CFR § 317, subpart F];
- j. Limited Emergency SES [5 U.S.C. § 3132(a)(6); and 5 CFR § 317, subpart F];
- k. Appointees serving in a political capacity under agency-specific authority; and
- l. Provisional Political Appointments [applicable to positions listed above].

For all parts of this request, please provide all responsive records from January 1, 2020, through the date of search.

Your request was assigned to DOE's Office of the Chief Human Capital Officer (HC) to conduct a search of their files for responsive records. DOE started its search on August 6, 2021, the cutoff date for responsive records. DOE has completed its search but did not locate any documents responsive to your request.

Therefore, pursuant to Title 10, Code of Federal Regulations (C.F.R.) § 1004.4(d), I am unable to provide any responsive documents for HC. Pursuant to 10 C.F.R. § 1004.7(b)(2), I am responsible for the determination that no responsive records exist in HC.

The adequacy of the search may be appealed within 90 calendar days from your receipt of this letter pursuant to 10 C.F.R. § 1004.8. Appeals should be addressed to Director, Office of Hearings and Appeals, HG-1, L'Enfant Plaza, U.S. Department of Energy, 1000 Independence Avenue, S.W., Washington, D.C. 20585-1615. The written appeal, including the envelope, must clearly indicate that a FOIA appeal is being made. You may also submit your appeal by e-mail to OHA.filings@hq.doe.gov, including the phrase "Freedom of Information Appeal" in the subject line (this is the method preferred by the Office of Hearings and Appeals). The appeal must contain all the elements required by 10 C.F.R. § 1004.8, including a copy of the determination letter. Thereafter, judicial review will be available to you in the Federal District Court either (1) in the district where you reside, (2) where you have your principal place of business, (3) where DOE's records are situated, or (4) in the District of Columbia.

You may contact DOE's FOIA Public Liaison, Alexander Morris, FOIA Officer, Office of Public Information, at 202-586-5955, or by mail at MA-46 Forrestal Building, 1000 Independence Avenue, S.W., Washington, D.C. 20585, for any further assistance and to

discuss any aspect of your request. Additionally, you may contact the Office of Government Information Services (OGIS) at the National Archives and Records Administration to inquire about the FOIA mediation services they offer. The contact information for OGIS is as follows: Office of Government Information Services, National Archives and Records Administration, 8601 Adelphi Road-OGIS, College Park, Maryland 20740-6001, e-mail at ogis@nara.gov; telephone at 202-741-5770; toll free at 1-877-684-6448; or facsimile at 202-741-5769.

The FOIA provides for the assessment of fees for the processing of requests. See 5 U.S.C. § 552(a)(4)(A)(i); see also 10 C.F.R. § 1004.9(a). In our July 24, 2020, letter you were informed that your request was placed in the “other” category for fee purposes. Requesters in this category are entitled to two (2) free hours of search time and are provided 100 pages at no cost. DOE’s processing costs did not exceed \$15.00, the minimum amount at which DOE assesses fees. Therefore, no fees will be charged for processing your request.

If you have any questions about the processing of the request or this letter, you may contact me or Mr. William Mond in this office at: MA-46/Forrestal Building, 1000 Independence Avenue, S.W., Washington, D.C. 20585, (202) 586-5955.

I appreciate the opportunity to assist you with this matter.

Sincerely,

Alexander C.
Morris

Digitally signed by
Alexander C. Morris
Date: 2021.08.27
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Alexander C. Morris
FOIA Officer
Office of Public Information