



United States Department of the Interior

OFFICE OF THE SECRETARY

Washington, DC 20240

IN REPLY REFER TO:
7202.4-OS-2020-00702

May 25, 2021

Via email: foia@americanoversight.org

Austin R. Evers
American Oversight
1030 15th street NW Suite B255
Washington, D.C.

Dear Mr. Evers:

The Office of the Secretary FOIA office received your Freedom of Information Act (FOIA) request, dated July 20, 2020, on July 20, 2020 and assigned it control number **OS-2020-00702**. Please cite this number in any future communications with our office regarding your request.

- 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, nonpolitical excepted service, or career SES position.
- 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).
- 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];
- g) 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].

We have no objection to the redaction of home addresses, telephone numbers, or social security numbers from SF-50s, SF-62s, or any other responsive forms. For all parts of this request, please provide all responsive records from January 1, 2020, through the date of search.

Response

We are writing today to respond to your request on behalf of the Office of the Secretary.

We have enclosed one (1) file consisting of four (4) pages, which are being released to you in part. Portions of these materials are being withheld under the following FOIA Exemptions:

Exemption 6 allows an agency to withhold “personnel and medical files and similar files the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.” [5 U.S.C. § 552\(b\)\(6\)](#). We are withholding two (2) pages in part under Exemption 6.

The phrase “similar files” covers any agency records containing information about a particular individual that can be identified as applying to that individual. To determine whether releasing records containing information about a particular individual would constitute a clearly unwarranted invasion of personal privacy, we are required to balance the privacy interest that would be affected by disclosure against any public interest in the information.

Under the FOIA, the only relevant public interest to consider under the exemption is the extent to which the information sought would shed light on an agency’s performance of its statutory duties or otherwise let citizens ‘know what their government is up to. The burden is on the requester to establish that disclosure would serve the public interest. When the privacy interest at stake and the public interest in disclosure have been determined, the two competing interests must be weighed against one another to determine which is the greater result of disclosure: the harm to personal privacy or the benefit to the public. The purposes for which the request for information

is made do not impact this balancing test, as a release of information requested under the FOIA constitutes a release to the general public.

The information that has been withheld under Exemption 6 consists of personal information and we have determined that the individuals to whom this information pertains have a substantial privacy interest in withholding it. Because the harm to personal privacy is greater than whatever public interest may be served by disclosure, release of the information would constitute a clearly unwarranted invasion of the privacy of these individuals and we are withholding it under Exemption 6.

We reasonably foresee that disclosure would harm an interest protected by one or more of the nine exemptions to the FOIA's general rule of disclosure.

Jeffrey Scott, Attorney-Advisor, in the Office of the Solicitor, was consulted in reaching this decision. Leah Fairman, Government Information Specialist, Office of the Secretary FOIA Office, is responsible for this partial denial.

Fees

We do not bill requesters for FOIA processing fees when their fees are less than \$50.00, because the cost of collection would be greater than the fee collected. (see 43 C.F.R. § 2.37(g)). Therefore, there is no billable fee for the processing of this request. This completes the Office of the Secretary's response.

Appeals

You may appeal this decision to the Department's FOIA/Privacy Act Appeals Officer. If you choose to appeal, the FOIA/Privacy Act Appeals Officer must receive your FOIA appeal **no later than 90 workdays** from the date of this final letter responding to your FOIA request. Appeals arriving or delivered after 5 PM Eastern Time, Monday through Friday, will be deemed received on the next workday. **Your appeal must be made in writing** and addressed to:

Attn: FOIA/Privacy Act Appeals Officer
U.S. Department of the Interior
Office of the Solicitor
1849 C Street, N.W.
MS6556 MIB
Washington, D.C. 20240

Fax: 202-208-6677

E-mail: FOIA.Appeals@sol.doi.gov

You must include with your appeal copies of all correspondence between you and the Office of the Secretary concerning your FOIA request, including a copy of your original FOIA request and the response letter. You must also include, in as much detail as possible, an explanation of why

you believe the Office of the Secretary's response was in error. Failure to include this documentation with your appeal will result in the Department's rejection of your appeal, unless the FOIA/Privacy Act Officer determines (in her sole discretion) that good cause exists to accept the defective appeal. All communications concerning your appeal, including envelopes, should be clearly marked with the words "FREEDOM OF INFORMATION APPEAL." The appeal should include your name, mailing address, daytime telephone number (or the name and telephone number of an appropriate contact), email address, and fax number (if available) in case the Department needs additional information or clarification. For more information on FOIA administrative appeals, including how the Department will respond to your appeal, please refer to Subpart H of the Department's FOIA regulations, 43 C.F.R. § 2.57-§ 2.64.

Conclusion

For your information, Congress excluded three discrete categories of law enforcement and national security records from the requirements of FOIA. See [5 U.S.C. 552\(c\)](#). This response is limited to those records that are subject to the requirements of FOIA. This is a standard notification that is given to all our requesters and should not be taken as an indication that excluded records do, or do not, exist.

The 2007 FOIA amendments created the Office of Government Information Services (OGIS) to offer mediation services to resolve disputes between FOIA requesters and Federal agencies as a non-exclusive alternative to litigation. Using OGIS services does not affect your right to pursue litigation. You may contact OGIS in any of the following ways:

Office of Government Information Services

National Archives and Records Administration

8601 Adelphi Road - OGIS

College Park, MD 20740-6001

E-mail: ogis@nara.gov

Web: <https://www.archives.gov/ogis>

Telephone: 202-741-5770

Fax: 202-741-5769

Toll-free: 1-877-684-6448

Please note that using OGIS services does not affect the timing of filing an appeal with the Department's FOIA & Privacy Act Appeals Officer. If you have any questions about our response to your request, you may contact Cynthia Sweeney by phone at 202-513-0765, by fax at 202-219-2374, by email at OS-foia@ios.doi.gov, or by mail at U.S. Department of the Interior, 1849 C St, N.W., Office of the Solicitor, Washington, D.C. 20240.

Contact information for the Department's FOIA Public Liaison, who you may also seek dispute resolution services from, is available at <https://www.doi.gov/foia/foiacenters>.

Sincerely,

LEAH
FAIRM
AN

Digitally signed
by LEAH
FAIRMAN
Date:
2021.05.25
13:31:12 -04'00'

Leah Fairman
Office of the Secretary
FOIA Office



UNITED STATES OFFICE OF PERSONNEL MANAGEMENT
Washington, DC 20415

Merit System
Accountability and
Compliance

MEMORANDUM FOR DENNIS D. KIRK
ASSOCIATE DIRECTOR
EMPLOYEE SERVICES

FROM: MARK W. LAMBERT
ASSOCIATE DIRECTOR

MARK
LAMBERT

Digitally signed by MARK
LAMBERT
Date: 2020.05.14 10:49:42
-04'00'

SUBJECT: Merit Staffing Review – Barry R. Bushue

On April 9, 2020, the Department of Interior requested approval to appoint Mr. Barry R. Bushue to the position of State Director, Oregon, ES-0340-00, in the Bureau of Land Management, Office of State Director. Mr. Bushue currently serves under a Schedule C appointment with the U.S. Department of Agriculture, Farm Service Agency, as a State Executive Director, GS-0301-15. The position to which he would be appointed is in the career SES.

Based on our merit staffing review, the action appears to be free of political influence or other impropriety and conforms to merit system principles.

cc: Laura Lynch
Deputy Associate Director
SESPM

NOTIFICATION OF PERSONNEL ACTION

1. Name (Last, First, Middle) SHEEHAN, GREGORY J				2. Social Security Number		3. Date of Birth		4. Effective Date 08/02/2020			
FIRST ACTION				SECOND ACTION							
5-A. Code 142		5-B. Nature of Action SES CAREER APPT		6-A. Code		6-B. Nature of Action					
5-C. Code V2M		5-D. Legal Authority 5 U.S.C. 3393		6-C. Code		6-D. Legal Authority					
5-E. Code		5-F. Legal Authority		6-E. Code		6-F. Legal Authority					
7. FROM: Position Title and Number				15. TO: Position Title and Number UTAH STATE DIRECTOR LLUT910000 ES00228							
8. Pay Plan		9. Occ. Code		10. Grade or Level		11. Step or Rate		12. Total Salary		13. Pay Basis	
ES		0340		00		00		\$179140.00		PA	
12A. Basic Pay		12B. Locality Adj.		12C. Adj. Basic Pay		12D. Other Pay		20A. Basic Pay		20B. Locality Adj.	
\$179140.00		\$0.00		\$179140.00		\$0.00		\$179140.00		\$0.00	
14. Name and Location of Position's Organization				22. Name and Location of Position's Organization IN05 UTAH OFFICE OF STATE DIRECTOR SALT LAKE CITY,UTAH							
EMPLOYEE DATA											
23. Veterans Preference (b) (6) 1 - None 3 - 10-Point/Disability 5 - 10-Point/Other 2 - 5-Point 4 - 10-Point/Compensable 6 - 10-Point/Compensable/30%				24. Tenure 0 0 - None 2 - Conditional 1 - Permanent 3 - Indefinite		25. Agency Use		26. Veterans Preference for RIF (b) (6) YES (b) (6) NO			
27. FEGLI (b) (6)				28. Annuitant Indicator 9 NOT APPLICABLE		29. Pay Rate Determinant 0					
30. Retirement Plan (b) (6)				31. Service Comp. Date (Leave) 08/02/2020		32. Work Schedule F FULL-TIME		33. Part-Time Hours Per Biweekly Pay Period			
POSITION DATA											
34. Position Occupied 3 1 - Competitive Service 3 - SES General 2 - Excepted Service 4 - SES Career Reserved				35. FLSA Category E E - Exempt N - Nonexempt		36. Appropriation Code		37. Bargaining Unit Status 8888			
38. Duty Station Code 49-1700-035				39. Duty Station (City - County - State or Overseas Location) SALT LAKE CITY,SALT LAKE,UTAH							
40. Agency Data FUNC CLS 00		41. (b) (6)		42. (b) (6)		43. SUPV STAT 2		44. POSITION SENSITIVITY CRITICAL-SENSITIVE			
45. Remarks SUBJECT TO SATISFACTORY COMPLETION OF ONE YEAR SES PROBATIONARY PERIOD BEGINNING 20200802. EMPLOYEE SUBJECT TO POST-EMPLOYMENT RESTRICTIONS UNDER 18 U.S.C. 207(C) FROZEN SERVICE NONE CREDITABLE MILITARY SERVICE: (b) (6) TENURE AS USED FOR 5 U.S.C. 3502 IS NOT APPLICABLE TO THE SENIOR EXECUTIVE SERVICE. APPOINTMENT AFFIDAVIT EXECUTED 08/03/20. PREVIOUS RETIREMENT COVERAGE: PREVIOUSLY COVERED EMPLOYEE IS AUTOMATICALLY COVERED UNDER FERS, FERS-RAE OR FERS-FRAE. ELIGIBLE TO ELECT HEALTH BENEFITS COVERAGE WITHIN 60 DAYS OF THE EFFECTIVE DATE OF THIS PERSONNEL ACTION. AN ELECTION MUST BE MADE EVEN IF IT'S TO DECLINE HEALTH BENEFITS COVERAGE. IF YOU DON'T MAKE AN ELECTION, YOU ARE CONSIDERED TO HAVE DECLINED COVERAGE. SELECTED FROM ANNOUNCEMENT: WO-EIT-2020-0002 VETERAN PREFERENCE IS NOT APPLICABLE TO THE SENIOR EXECUTIVE SERVICE.											
46. Employing Department or Agency IN - BUREAU OF LAND MGMT				50. Signature/Authentication and Title of Approving Official 201514304 / ELECTRONICALLY SIGNED BY: GARY P. HARDAWAY HUMAN RESOURCES SPECIALIST							
47. Agency Code IN05		48. Personnel Office ID 4319		49. Approval Date 07/10/2020							

NOTIFICATION OF PERSONNEL ACTION

1. Name (Last, First, Middle) BUSHUE, BARRY R				2. Social Security Number		3. Date of Birth		4. Effective Date 06/21/2020			
FIRST ACTION				SECOND ACTION							
5-A. Code 142		5-B. Nature of Action SES CAREER APPT		6-A. Code		6-B. Nature of Action					
5-C. Code V2M		5-D. Legal Authority 5 U.S.C. 3393		6-C. Code		6-D. Legal Authority					
5-E. Code		5-F. Legal Authority		6-E. Code		6-F. Legal Authority					
7. FROM: Position Title and Number				15. TO: Position Title and Number STATE DIRECTOR LLOR910000 ES00234							
8. Pay Plan		9. Occ. Code		10. Grade or Level		11. Step or Rate		12. Total Salary		13. Pay Basis	
12A. Basic Pay		12B. Locality Adj.		12C. Adj. Basic Pay		12D. Other Pay		16. Pay Plan		17. Occ. Code	
								ES		0340	
								18. Grade or Level 00		19. Step or Rate 00	
								20. Total Salary/Award \$166910.00		21. Pay Basis PA	
20A. Basic Pay \$166910.00		20B. Locality Adj. \$0.00		20C. Adj. Basic Pay \$166910.00		20D. Other Pay \$0.00					
14. Name and Location of Position's Organization				22. Name and Location of Position's Organization IN05 OREGON STATE OFFICE OFFICE OF THE STATE DIRECTOR PORTLAND, OREGON							
EMPLOYEE DATA											
23. Veterans Preference (b) (6) 1 - None 3 - 10-Point/Disability 5 - 10-Point/Other 2 - 5-Point 4 - 10-Point/Compensable 6 - 10-Point/Compensable/30%				24. Tenure 0 0 - None 2 - Conditional 1 - Permanent 3 - Indefinite		25. Agency Use		26. Veterans Preference for RIF (b) (6) YES (b) (6) NO			
27. FEGLI (b) (6)				28. Annuitant Indicator 9 NOT APPLICABLE		29. Pay Rate Determinant 0					
30. Retirement Plan (b) (6)				31. Service Comp. Date (Leave) 10/09/2018		32. Work Schedule F FULL-TIME		33. Part-Time Hours Per Biweekly Pay Period			
POSITION DATA											
34. Position Occupied 3 1 - Competitive Service 3 - SES General 2 - Excepted Service 4 - SES Career Reserved				35. FLSA Category E E - Exempt N - Nonexempt		36. Appropriation Code		37. Bargaining Unit Status 8888			
38. Duty Station Code 41-1650-051				39. Duty Station (City - County - State or Overseas Location) PORTLAND, MULTNOMAH, OREGON							
40. Agency Data FUNC CLS 00		41. (b) (6)		42. (b) (6)		43. SUPV STAT 2		44. POSITION SENSITIVITY CRITICAL-SENSITIVE			
45. Remarks SUBJECT TO SATISFACTORY COMPLETION OF ONE YEAR SES PROBATIONARY PERIOD BEGINNING 20200621. TENURE AS USED FOR 5 U.S.C. 3502 IS NOT APPLICABLE TO THE SENIOR EXECUTIVE SERVICE. APPOINTMENT AFFIDAVIT EXECUTED 06/22/20. CREDITABLE MILITARY SERVICE: (b) (6) PREVIOUS RETIREMENT COVERAGE: PREVIOUSLY COVERED VETERAN PREFERENCE IS NOT APPLICABLE TO THE SENIOR EXECUTIVE SERVICE. EMPLOYEE IS AUTOMATICALLY COVERED UNDER FERS, FERS-RAE OR FERS-FRAE. HEALTH BENEFITS COVERAGE CONTINUES. SELECTED FROM ANNOUNCEMENT NUMBER WO-EIT-2019-0015											
46. Employing Department or Agency IN - BUREAU OF LAND MGMT						50. Signature/Authentication and Title of Approving Official 201351674 / ELECTRONICALLY SIGNED BY: GARY P. HARDAWAY HUMAN RESOURCES SPECIALIST					
47. Agency Code IN05		48. Personnel Office ID 1868		49. Approval Date 06/15/2020							



UNITED STATES OFFICE OF PERSONNEL MANAGEMENT
Washington, DC 20415

Merit System
Accountability and
Compliance

MEMORANDUM FOR DENNIS D. KIRK
ASSOCIATE DIRECTOR
EMPLOYEE SERVICES

FROM: MARK W. LAMBERT
ASSOCIATE DIRECTOR

MARK LAMBERT

Digitally signed by MARK LAMBERT
Date: 2020.06.18 19:21:11 -04'00'

SUBJECT: Merit Staffing Review – Gregory Sheehan

On May 14, 2020, the Department of Interior (DOI), Bureau of Land Management (BLM) requested approval to appoint Mr. Gregory Sheehan to the position of State Director, Utah, ES-0340-00, in the BLM, Office of State Director. Mr. Sheehan previously served under a non-career SES appointment with DOI, Fish and Wildlife Service as a Principal Deputy Director, ES-0301-00. The position to which he would be appointed is in the career SES.

Based on our merit staffing review, the action appears to be free of political influence or other impropriety and conforms to merit system principles.

cc: Laura Lynch
Deputy Associate Director
Program Manager, SERS

Eloise Jefferson
Team Lead, SERS

QRB@opm.gov