

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

In the Matter of Nick Sangillo

Filing Date: July 15, 2024

Case No.: FIA-24-0038

Issued: July 16, 2024

---

**Decision and Order**

---

On July 15, 2024, Nick Sangillo (Appellant) appealed an interim response letter from July 3, 2024, issued by the Department of Energy's (DOE) National Nuclear Security Administration (NNSA). The letter responded to Request No. FOIA 24-00345-PV, a request filed by the Appellant under the Freedom of Information Act (FOIA), 5 U.S.C. § 522, as implemented by the DOE in 10 C.F.R. Part 1004. In his FOIA request, the Appellant sought records from the NNSA related to a "2015 Pantex UAP incursion." FOIA Request from Nick Sangillo at 2 (June 18, 2024). DOE denied Appellant's request for expedited processing of his FOIA request. Interim Response Letter from Christina Hamblen to Nick Sangillo at 1–2 (July 3, 2024). The Appellant appeals that decision. Appeal Letter Email from Nick Sangillo to OHA Filings at 1 (July 15, 2024). In this Decision, we deny the appeal.

**I. Background**

On June 18, 2024, the Appellant submitted the FOIA request to the DOE. The request was as follows:

2015 Pantex UAP [Unidentified Anomalous Phenomena] incursion. Any pictures video or imagery of this incursion. is the right of the American public and tax payers that allow the DOE to operate to view and see. All documentation aside from names should be unredacted. Hiding such information is not only a denial of the constitution this country was founded on but also is a direct violation of the FOIA.

FOIA Request at 2. The Appellant also requested expedited processing, saying:

This is a direct threat of the American people. We as citizens are in constant fear of the unknown and secrets that the government is concealing. Objects that are flying indiscriminately over our land needs to be shared with the public. We need to know what to look for and what to do when we see such an object.

*Id.*

NNSA issued an interim response letter on July 3, 2024. Interim Response Letter at 1. The letter informed the Appellant that NNSA was denying his request for expedited processing because the rationale that the Appellant provided did “not adequately address the basis for which a request may be expedited.” *Id.* The letter continued to say that the Appellant had “not provided material that establishes that there is any threat to the life or safety of an individual that would justify the expeditious processing of the request” and that he had “not identified that [he is] a person primarily engaged in disseminating information or that an actual or alleged activity that poses any particular urgency that requires the dissemination of information in an expedited manner.” *Id.*

The Appellant timely appealed the decision to deny his request for expedited processing on July 15, 2024.<sup>1</sup> Appeal Letter Email at 1. The Appellant argues that he is “in fear of [his] life from anomalous factors” and that the “Pantex UAP incursion” threatens the “lives of the entire people of this country.” *Id.* Therefore, he says that his request for expedited processing should be granted. *Id.*

## II. Analysis

Agencies must grant expedited processing to FOIA requesters “in cases in which the person requesting the records demonstrates a compelling need.” 5 U.S.C. § 552(a)(6)(E)(i)(I). A person may demonstrate a compelling need in one of two ways. First, the person might show that failure to expedite their FOIA request “could reasonably be expected to pose an imminent threat to the life or physical safety of an individual.” *Id.* § 552(a)(6)(E)(v)(I). Alternatively, the person might show that they are “primarily engaged in disseminating information” and that there is an “urgency to inform the public concerning actual or alleged Federal Government activity.” *Id.* § 552(a)(6)(E)(v)(II). These criteria are applied narrowly to avoid unduly delaying responses to requests that do not qualify for expedited processing and to ensure that meritorious requests for expedited processing can be processed with appropriate haste “because prioritizing all requests would effectively prioritize none.” *Al-Fayed v. CIA*, 254 F.3d 300, 310 (D.C. Cir. 2001).

As to whether failure to expedite his FOIA request would result in “an imminent threat to the life or physical safety of an individual,” the Appellant asserted that the 2015 Pantex UAP incursion “is a direct threat of the American people.” FOIA Request at 2. In his appeal, the Appellant further states that the “Pantex UAP incursion” threatens his life and “the lives of the entire people of this country.” Appeal at 1. These assertions alone do not show any reason why the failure of NNSA to provide any responsive records to the Appellant in an expedited manner would threaten the life or physical safety of any person. Even if we accepted the Appellant’s assertions that the 2015 Pantex UAP incursion is a threat to the life and safety of an individual, the Appellant has not provided any information that shows that such a threat is imminent. As such, the Individual has not shown that there is a compelling need to expedite his FOIA request.

As to the second method of demonstrating a compelling need, the Appellant here has not asserted that he is a member of the news media or otherwise engaged in disseminating information. Therefore, there is no need for us to evaluate whether the Appellant has demonstrated there is an

---

<sup>1</sup> In his appeal, the Appellant also made several assertions about why his FOIA request should be granted. Appeal at 1. We do not consider those arguments here because NNSA has not denied the Appellant’s FOIA request, only his request to expedite the decision.

“urgency to inform the public concerning actual or alleged Federal Government activity.” 5 U.S.C. § 552(a)(6)(E)(v)(II).

We find that the Appellant has not met his burden to show that there is a compelling need in regard to his request. Accordingly, we find his request for expedited processing should not be granted.

### **III. Order**

It is hereby ordered that the Appeal filed on July 15, 2024, by Nick Sangillo, FIA-24-0038, 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. § 522(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.

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  
Web: [ogis.archives.gov](https://ogis.archives.gov)  
Email: [ogis@nara.gov](mailto:ogis@nara.gov)  
Telephone: 202-741-5770  
Fax: 202-741-5769  
Toll-free: 1-877-684-6448

Poli A. Marmolejos  
Director  
Office of Hearings and Appeals