

United States Department of Energy
Office of Hearings and Appeals

In the Matter of: Jennifer Harvey)
Filing Date: January 7, 2026) Case No.: FIA-26-0013

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Issued: January 15, 2026

Decision and Order

On January 7, 2026, Jennifer Harvey (Appellant) appealed a Determination Letter issued to her from the Department of Energy's (DOE) Office of Science (SC) regarding Request No. CH-2025-03336-F, a request filed under the Freedom of Information Act (FOIA), 5 U.S.C. § 552, as implemented by DOE in 10 C.F.R. Part 1004. In the Determination Letter, SC stated that no responsive agency records were found in the searches performed. The Appellant challenged the adequacy of the search. In this Decision, we deny the appeal.

I. BACKGROUND

On June 10, 2025, Appellant filed a FOIA request seeking, regarding physicist Bernard Harden Porter:

1. Recruitment Records (1940–1943): Any documentation showing Porter's recruitment or drafting, including communications between the Department of Energy (or its wartime predecessors, such as the Office of Scientific Research and Development) and the local draft board or recruitment offices. This includes whether Porter was solicited, applied independently, or was formally drafted for scientific work. It also includes whether Acheson Colloids may have had a contract with the DOE.
2. Employment and Role-Specific Records (1940s): Any personnel records, contracts, security clearances, or project documentation that detail Porter's specific duties, responsibilities, and roles; locations of work (e.g., Princeton, Oak Ridge, Berkeley); and the timeframe of his involvement.
3. Resignation Documentation: Any records regarding the end of Porter's service for the Manhattan Project, including whether his departure was voluntary or forced, and the date and context of his resignation.
4. Subsequent Government Contracting (1945–1965): Any records indicating whether Porter was engaged again by the Department of Energy or its predecessors in any consulting or contracted role post-World War II. This

includes documentation concerning pay stubs, contracts, or compensation for his service.

5. Any documentation—including but not limited to orientation materials, written briefings, consent forms, or classification instructions—that would indicate what Bernard Harden Porter was told or required to acknowledge regarding the purpose or nature of his work.

FOIA Request at 2 (June 10, 2025). After determining the locations most likely to contain the requested records, SC requested searches be performed at the University of California, the management and operations (M&O) contractor for DOE’s Lawrence Berkely National Laboratory; UT-Battelle, the M&O contractor for DOE’s Oak Ridge National Laboratory; and the Trustees of Princeton University, DOE’s M&O contractor for the Princeton Plasma Physics Laboratory (PPPL). Determination Letter from SC to Appellant (Determination Letter) at 1 (October 8, 2025). Only the University of California’s search yielded responsive records—Mr. Porter’s personnel file—but because personnel files are explicitly listed in the M&O contract as contractor-owned records, the University stated that the personnel file was not an agency record subject to the FOIA. *Id.* at 2. In the Determination Letter, SC clarified that DOE is not in possession of the personnel file, does not have control over it, has not read or relied on the documents, and has not integrated them into its systems. *Id.* at 2–3. SC agreed that the personnel file was not an agency record and concluded that no responsive agency records had been found. *Id.*

On October 15, 2025, Appellant sent an email to SC stating that the PPPL would not have had the records she sought because it was established in 1951. Email Chain Between Appellant and SC at 1 (initial email sent Oct. 8, 2025). Appellant asked if the Palmer Physics Laboratory could be searched and asserted that the laboratory’s collaboration with the U.S. Government during the Manhattan Project should place the documents “within the jurisdiction of the government.” *Id.* at 1–2. SC responded, stating that DOE is not involved with the Palmer Physics Laboratory, a Princeton University entity separate from the PPPL, explaining that SC has no authority to search its records, and referring Appellant to Princeton University directly. *Id.* at 1.

On January 6, 2026, Appellant filed the present appeal. Appeal Email from Appellant to OHA (Appeal) at 1. In the Appeal, Appellant repeated her argument that DOE should have searched the Palmer Physics Laboratory. *Id.* She argued that because “Princeton’s collaboration with the U.S. government was facilitated through the National Defense Research Committee (NDRC) and the Manhattan Engineer District (MED), its documents would probably fall within the jurisdiction of the government.” *Id.* She stated that DOE had contracted with the Palmer Physics Laboratory during World War II and that Mr. Porter’s previous contact with the U.S. Department of Defense regarding his contracts for and work with the Manhattan Project “indicated the DOE would have the documents he was requesting.” *Id.*

II. ANALYSIS

The FOIA requires agencies to make publicly available records that are reasonably described in a written request, so long as those records are not exempt from disclosure. 5 U.S.C. §§ 552(a)(3)(A), (b). In responding to a FOIA request, an agency need not conduct an exhaustive search of each of its record systems; rather, it need only conduct a reasonable search of “all systems ‘that are likely to turn up the information requested.’” *Ryan v. FBI*, 113 F. Supp. 3d 356, 362 (D.D.C. 2015) (quoting *Oglesby v. U.S. Dep’t of the Army*, 920 F.2d 57, 68 (D.C. Cir. 1990)). The reasonableness of a search depends on the facts of each case. *Coffey v. Bureau of Land Mgmt.*, 249 F. Supp. 3d 488, 496 (D.D.C. 2017) (citing *Weisberg v. DOJ*, 745 F.2d 1476, 1485 (D.C. Cir. 1984)).

The Palmer Physics Laboratory was the previous name for Princeton University’s Physics Department. *Labs, Lectures, and Libraries: STEM spaces in the Orange Bubble*, The Daily Princetonian (Feb. 24, 2022), <https://projects.dailyprincetonian.com/labs-lectures-and-libraries/>. While it is possible that the federal government partnered with the Palmer Physics Laboratory during the Second World War, it was not a national laboratory or DOE-funded laboratory. DOE has no jurisdiction over its documents, no possession of its documents, and no integration of its documents. Appellant has not demonstrated a relationship between the DOE (or any of its predecessor agencies) and Palmer Physics Laboratory. Accordingly, I cannot find that SC failed to search a likely location of the requested information when it did not search the Palmer Physics Laboratory because its records are not part of a DOE system, much less a system likely to contain agency records.

III. ORDER

It is hereby ordered that the Appeal filed on January 7, 2026, by Jennifer Harvey, No. FIA-26-0013, 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.

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 one’s right to pursue litigation. OGIS may be contacted 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: <https://www.archives.gov/ogis> Email: 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