

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

In the Matter of Andrei Seryi)

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Filing Date: March 30, 2026)

Case No.: FIA-26-0025

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Issued: April 3, 2026

Decision and Order

Andrei Seryi (Appellant) appeals an Interim Response Letter issued to him from the Department of Energy (DOE), Office of the General Counsel (OGC) concerning Request No. HQ-2026-01381-F, 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. In its Interim Response Letter, DOE OGC denied the Appellant’s request for expedited processing of his FOIA request. As explained below, we deny the appeal.

I. Background

On March 18, 2026, the Appellant submitted a FOIA request to the DOE. FOIA Request from Andrei Seryi to DOE at 3 (March 18, 2026). The request sought copies of records related to a complaint he submitted to the DOE Office of Inspector General (OIG) hotline on December 2, 2025, “concerning matters at Jefferson Science Associates/Thomas Jefferson National Acceleratory Facility.” *Id.* The Appellant’s FOIA request included a request for a copy of his complaint file, records reflecting the DOE OIG’s review of his complaint, “any memoranda, notes, or correspondence describing the decision to close or decline” his complaint, any records indicating whether his complaint was referred to another DOE office or entity, and any “communications between OIG personnel and DOE program offices or Jefferson Science Associates regarding the complaint.” *Id.* at 3.

The Appellant also requested that his FOIA request receive expedited processing. FOIA Request at 3. In support of his request for expedited processing, the Appellant wrote: “The submitted complaint to DOE Office of Inspector General related to distorted safety data. Not addressing the issues may result in [a] deteriorated safety environment in a large national laboratory.” *Id.*

On March 24, 2026, the DOE OGC issued an Interim Response Letter to the Appellant denying his request for expedited processing. Interim Response Letter from DOE to Andrei Seryi at 1–2 (March 24, 2026). In its Interim Response Letter, the DOE notified the Appellant that he was not entitled to expedited processing of his request because he did not establish that there was a “threat to the life or safety of an individual that would justify expeditious processing of the request.” *Id.* at 2.

On March 30, 2026, the Appellant appealed the DOE’s denial of expedited processing with the DOE’s Office of Hearings and Appeals (OHA). Appeal Letter Email from Andrei Seryi to OHA (March 30, 2026). In the appeal, the Appellant asserted that he commenced an administrative

proceeding at the DOE. *Id.* at 1. He claimed that the DOE's failure to grant him expedited processing of his FOIA request "may materially impair [his] ability to participate effectively in the adjudicative process and present relevant evidence." *Id.* He also asserted that delay could "compromise a significant and time-sensitive interest related to an ongoing federal proceeding." *Id.*

II. Analysis

Under the FOIA, agencies generally process requests in the order they are received and must respond to a request within 20 business days. 5 U.S.C. § 552(a)(6)(A)(i); 10 C.F.R. § 1004.5(d)(1), (6). However, a requester that is granted "expedited processing" receives a preference over other requests before the agency, and is entitled to have his or her request processed "as soon as practicable." 10 C.F.R. § 1004.5(d)(6). The FOIA provides that expedited processing should be granted only in cases where a "compelling need" for the records exists and "in other cases determined by the agency." 5 U.S.C. § 552(a)(6)(E)(i); 10 C.F.R. § 1004.5(d)(6). A "compelling need" exists when either "a failure to obtain requested records on an expedited basis . . . could reasonably be expected to pose an imminent threat to the life or physical safety of an individual" or "with respect to a request made by a person primarily engaged in disseminating information, [there is an] urgency to inform the public concerning actual or alleged Federal Government activity." 5 U.S.C. § 552(a)(6)(E)(v)(I)–(II); 10 C.F.R. § 1004.5(d)(6). A FOIA requester bears the burden of demonstrating that a "compelling need" exists, entitling him or her to expedited processing. 5 U.S.C. § 552(a)(6)(E)(i); *Al-Fayed v. CIA*, 254 F.3d 300, 303 (D.C. Cir. 2001). In this case, the Appellant did not contend that he is primarily engaged in disseminating information, so we will determine whether the Appellant has demonstrated that an imminent threat to the life or physical safety of an individual exists.

The Appellant has not demonstrated that a threat to the life or safety of an individual exists related to the requested records. The Appellant provided no evidence, in his FOIA request, or upon appeal, to support his claim that records related to a complaint he filed with the DOE OIG, a DOE office that addresses allegations of fraud, waste, and mismanagement in DOE programs, involve a threat to his, or anyone else's life or physical safety. The Appellant asserts that he needs the requested records on an expedited basis so he can "participate effectively" in his administrative proceeding. Appeal at 1. He has not established how his level of participation in his administrative proceeding is reasonably likely to constitute a threat to his, or someone else's, life or physical safety that requires the expedited release of the requested records. The Appellant also asserts that his OIG complaint involves "distorted safety data" that "may result in [a] deteriorated safety environment" at a national laboratory. FOIA Request at 3. The Appellant has not established how the requested records, related to his OIG complaint, are connected to an existing safety condition at a national laboratory. Finally, a purported threat to the environment at a national laboratory is not sufficient justification for expedited processing of a FOIA request because it is too general in nature. *See Sarah Okeson*, OHA Case No. FIA-21-0004 at 5 (2021). (Appellant failed to justify entitlement to expedited processing where they cited to a "general threat to the safety of members of the general public.").

The Appellant has also failed to demonstrate that such a threat would be imminent. In determining whether an imminent threat to one's life or physical safety exists, there must be "a connection between the information contained in the requested records and the alleged threat to be prevented." *Ayyakkannu Manivannan*, OHA Case No. FIA-17-0025, FIA-17-0026 at 5 (2017). Even if

Appellant had identified a threat to an individual, he did not explain why the threat was imminent or how release of the requested records related to addressing the threat. Appeal at 1.

Therefore, the Appellant did not demonstrate that failure to receive the requested records on an expedited basis could reasonably be expected to pose an imminent threat to the life or physical safety of an individual.

III. Order

It is hereby ordered that the appeal filed by Andrei Seryi on March 30, 2026, Case No. FIA-26-0025, 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 the 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: ogis.archives.gov 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