

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

In the Matter of Anthony Davis)

Filing Date: July 1, 2026)

Case No.: PAA-26-0006

Issued: July 22, 2026

Decision and Order

On July 1, 2026, Anthony Davis (Appellant) appealed a Determination Letter dated July 1, 2026, issued by the Department of Energy’s (DOE) Western Area Power Administration (WAPA). The letter responded to a request filed by Appellant under the Privacy Act, 5 U.S.C. § 552a, as implemented by DOE regulations set forth at Part 1008 of Title 10 of the Code of Federal Regulations. The Determination Letter explained that WAPA reviewed Appellant’s request for correction or amendment of records and determined that the request would be denied because the amendment he requested did not correct any inaccuracy. In this Decision, we deny the appeal.

I. Background

On June 2, 2026, Appellant submitted a Privacy Act Amendment Request to WAPA asking for “correction of all Standard Form 50 (SF-50) personnel records issued to [him] from July 15th 2024, through the present date” because the “SF-50s fail to separate [his] basic pay from [his] geographically variable compensation, improperly embedding a 19.75% Sierra Nevada Region (SNR) differential entirely within Box 12A/20A (Basic Pay) while leaving Box 12B/20B (Locality Adj.) completely blank.” Privacy Act Amendment Request at 1 (June 2, 2026).

WAPA issued a Determination Letter on July 1, 2026. Determination Letter at 1 (July 1, 2026). The determination explained that 5 U.S.C. § 5304, the federal statute that provides for locality payments to federal employees, does not apply to the Administratively Determined Pay Plan that WAPA uses, and, therefore, his request for amendment was denied. *Id.*

Appellant timely appealed the Determination Letter to DOE’s Office of Hearings and Appeals (OHA) on July 1, 2026. Appeal Letter Email from Anthony Davis to OHA Filings at 1 (July 1, 2026). In his appeal, Appellant argues that the denial of his request was improper because he asserts that his pay is incorrectly reported on his SF-50s, and WAPA should “[r]ecalculate” his adjusted basic pay. *Id.* at 1–2. He also contends that this amendment would be proper under the Privacy Act because it does not attempt “to relitigate a discretionary agency determination.” *Id.* DOE contends that its denial was proper because the alleged inaccuracy Appellant asked to be

amended was not incorrect.¹ Memorandum of Phone Conversation between OHA and WAPA (July 8, 2026).

II. Analysis

Two provisions of the Privacy Act are relevant here. The first provision states:

Amendment of a record requested by an individual may be denied upon a determination that: (1) The individual has failed to establish, by a preponderance of the evidence, the propriety of the amendment in relation to the criteria stated in paragraph ([e])² of this section; . . . or (6) The record has been properly exempted from the provisions of subsection (d) of the [Privacy] Act.

10 C.F.R. § 1008.10(g).

The following criteria will be taken into account by the DOE in reviewing a request for amendment: (1) The sufficiency of the evidence submitted by the individual; (2) The factual accuracy of the information; (3) The relevance and necessity of the information in relation to the purpose for which it was collected; (4) If such information is used in making any determination about the individual, whether the information is as accurate, relevant, timely, and complete as is reasonably necessary to assure fairness to the individual in such determination; (5) The degree of possibility that denial of the request could unfairly result in a determination adverse to the individual; (6) The nature of the record sought to be corrected or amended; and (7) The propriety and feasibility of complying with the specific means of amendment requested by the individual.

Id. § 1008.10(e).

An SF-50 provides “written documentation of a personnel action that affects [a government employee’s] position or pay.” *Guide to Understanding Your Notification of Personnel Action Form, SF-50*, Government Publishing Office at 1 <https://www.gpo.gov/docs/default-source/how-to-apply-pdf-files/understanding-notification-of-personnel-action-sf50.pdf> (last accessed July 9, 2026). Appellant has not presented any compelling evidence that the pay listed in his SF-50 is inaccurate. He argues that that the “OPM *Guide to Processing Personnel Actions* requires separate component tracking for geographically based adjustments” but provides no specific citation to a page in that guide to support his proposition. Privacy Act Amendment Request at 1. Looking

¹Appellant makes a number of other arguments about whether WAPA is properly following OPM reporting procedures and the applicability of certain statutes to his rate of pay. Appeal at 3–5. These arguments go far beyond the ambit of the Privacy Act, and, therefore, I do not address them.

² The text of 10 C.F.R. § 1008.10(g)(1) states “the propriety of the amendment in relation to the criteria stated in paragraph (c).” However, paragraph (c) explains the steps that the Privacy Act Officer should take in response to a Privacy Act request. 10 C.F.R. § 1008.10(c). This is clearly a typographical error, and the provision should instead refer to paragraph (e), which lists the criteria that should be considered when reviewing a request for amendment. 10 C.F.R. § 1008.10(e).

further at the context of the two laws at issue here also weighs against his claim. The provision that WAPA relies on to set the rate of pay for dispatchers in the Sierra Nevada Region was enacted in 1985, separately from the pay system established under Title 5 of the United States Code, through the Energy and Water Development Appropriation Act, Pub. L. 99-141 (Nov. 1, 1985). The locality pay provision that Appellant cites to argue that locality pay is required was not enacted until 1990. 5 U.S.C. § 5304 (first enacted in P. L. 101-509 (Nov. 5, 1990)). Because locality pay did not exist when WAPA's pay rate authority was established, and WAPA's pay system is separate from that established under Title 5 of the United States Code, it follows that there can be no requirement that WAPA list out locality pay in its agency records without an explicit amendment to WAPA's pay rate authority. As Appellant pointed to no such requirement, he has not shown that there is an error in his SF-50. Therefore, the first two factors in 10 C.F.R. § 1008.10(e) are determinative. As Appellant has not shown there is any kind of factual or historical error in his SF-50, an amendment pursuant to the Privacy Act would not be appropriate.

The decision to deny Appellant's request for amendment was proper under 10 C.F.R. § 1008.10(g)(1).

III. Order

It is hereby ordered that the appeal filed on July 1, 2026, by Anthony Davis, PAA-26-0006, 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. § 552a(g)(1)(A) as limited by 5 U.S.C. § 552a(g)(5). 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.

Mr. Davis has the right to file a concise, signed statement of reasons for his disagreement with this final determination with the Privacy Act Officer pursuant to 10 C.F.R. § 1008.11(j), which would be maintained with his record. Should he choose to do so, this statement and the final determination will be provided to any persons or agencies to which the record is disclosed subsequent to the Privacy Act Officer's receipt of such a statement.

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