

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

In the Matter of: Local 94, IFPTE)
)
Filing Date: March 27, 2012)
) Case No.: FIA-12-0016
_____)

Issued: April 20, 2012

Decision and Order

On March 27, 2012, Local 94, IFPTE (Local 94), appealed a determination issued to it on March 2, 2012, by the Idaho Operations Office of the Department of Energy (DOE). The Idaho Operations Office had responded to a request for information filed by Local 94. The Idaho Operations Office found responsive agency records but withheld information under Freedom of Information Act (FOIA) Exemptions 5, 6, and 7(C). This Appeal, if granted, would require the Idaho Operations Office to release the withheld information to Local 94.

I. Background

Local 94 asked the Idaho Operations Office to release “the results from the Human Capital Management Accountability Program (HCMAP) audit of the Idaho Operation’s Human Resources Office,” which was conducted in May 2011. Determination Letter at 1. The Idaho Operations Office released the HCMAP report with numerous redactions under FOIA Exemptions 5, 6, and 7(C). *Id.*

On Appeal, Local 94 challenges the appropriateness of invoking Exemption 7. Appeal Letter. Exemption 7 applies to law enforcement records, Local 94 explains, and the HCMAP report concerns no law enforcement. Further, Local 94 points out that the Idaho Operations Office failed to label each redaction with the exemption invoked. Local 94 asks for the Idaho Operations Office to label its redactions and withhold only appropriately exempted information. *Id.*

The Idaho Operations Office explained that it labeled no redactions with exemption numbers because Local 94 did not label its request for information a FOIA request. E-mail from Clayton Ogilvie, Office of Public Affairs, Idaho Operations Office, April 2, 2012.

II. Analysis

A. Adequacy of the Determination

Our review of the documents confirms that the Idaho Operations Office labeled no redactions with exemption numbers. Without knowing which exemption or exemptions the Idaho Operations Office invoked for each redaction, we cannot consider Local 94's appeal. When offices do not specify the exemption or exemptions invoked, we remand the request to the office with instruction to issue a new determination letter. *Tom Marks*, Case No. TFA-0288 (2009).^{*} The new determination letter must specify the exemption or exemptions invoked for each redaction and how the exemption or exemptions apply so that Local 94 will know the rationale for each withholding.

It Is Therefore Ordered That:

- (1) The Appeal filed by Local 94, IFPTE, OHA Case No. FIA-12-0016, on March 27, 2012, is hereby granted in part, as explained in Paragraph (2), and denied in all other respects.
- (2) The Idaho Operations Office must issue a new determination letter consistent with the instructions in this Decision.
- (3) 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.

Poli A. Marmolejos
Director
Office of Hearings and Appeals

Date: April 20, 2012

^{*} OHA FOIA decisions issued after November 19, 1996, may be accessed at <http://www.oha.doe.gov/foia1.asp>.