

Phil Rutherford

From: Morris, Alexander <alexander.morris@hq.doe.gov>
Sent: Thursday, August 15, 2024 3:27 PM
To: Phil Rutherford; FOIAOIG; Cruz, Anthony
Cc: White, William; White, William; Harms, Timothy; Robertson, Candice; Secretary; Mengers, Joshua (EMCBC); IGHOTLINE; FOIA-Central; O'donnell, Jordan (CONTR); Bacon, Jennifer; Hayes, Richard
Subject: RE: [EXTERNAL] FOIA HQ 2024-01160-F and OIG Complaint 23-0160-C

Mr. Rutherford,

It was great to speak with you the other day. As I stated, my team is processing document 4. I have asked that they make that a priority. As to why I was not aware of the original complaints it is because I do now work in the IG office. My office will continue to work the response for Document 4.

v/r

Alex Morris
FOIA Officer
Department of Energy

From: Phil Rutherford <email@philrutherford.com>
Sent: Thursday, August 15, 2024 6:10 PM
To: FOIAOIG <foiaoig@hq.doe.gov>; Cruz, Anthony <anthony.cruz@hq.doe.gov>; Morris, Alexander <alexander.morris@hq.doe.gov>
Cc: White, William <william.white@em.doe.gov>; White, William <william.white@em.doe.gov>; Harms, Timothy <Timothy.Harms@em.doe.gov>; Robertson, Candice <candice.robertson@em.doe.gov>; Secretary <the.secretary@hq.doe.gov>; Mengers, Joshua (EMCBC) <joshua.mengers@emcbc.doe.gov>; IGHOTLINE <ighotline@hq.doe.gov>; FOIA-Central <foia-central@hq.doe.gov>; O'donnell, Jordan (CONTR) <jordan.o'donnell@hq.doe.gov>; Bacon, Jennifer <jennifer.bacon@hq.doe.gov>
Subject: [EXTERNAL] FOIA HQ 2024-01160-F and OIG Complaint 23-0160-C

Dear Ms. Bacon, Mr. Cruz, Mr. Morris, and others:

Thank you for Ms. Jennifer Bacon's email of August 14, 2024. In it, she referred to the "Supplemental Response" letter from Mr. Anthony Cruz of May 31, 2024. She implied that Mr. Cruz's letter was the last and final communication that OIG would be providing on the subject of OIG's investigation of OIG Complaint 23-0160-C. However, Ms. Bacon omitted any reference to my reply letter of June 9, 2024 (See below), which ...

- Rebutted to OIG's claims of invasion of personal privacy
- Answered OIG's questions from February 16, 2023
- Observed that no response from any part of DOE, whether it be, ETEC, EM, OIG or the FOIA Office, has attempted to address the specific allegations of OIG Complaint 23-0160-C.
- Requested that OIG provide the basis, the rationale, the analysis, and the evidence to conclude that "*no further action is warranted.*"
- Observed that little relevant information about OIG's investigation was provided in the attached documents to Mr. Cruz's May 31, 2024, letter.

I am therefore puzzled why OIG believes its job is completed.

Mr. Cruz's earlier letter of March 26, 2024, had provided evidence that OIG had requested a response to OIG Complaint 23-0160-C, from Mr. William White (former Senior Advisor to the Office of Environmental Management (EM)) on March 16, 2023. Note the year was 2023. On July 14, 2023, Mr. Timothy Harms sent EM's complaint response to OIG (identified as Document 4). It was over a year ago that OIG possessed EM's response to the complaint, but OIG has hidden behind arcane bureaucracy to prevent me seeing it. Mr. Cruz's letter stated that OIG had requested EM's approval to release Document 4 on an unknown date.

My August 12, 2024, telephone conversation with DOE FOIA liaison, Mr. Alexander (Chris) Morris revealed that he was unaware of the details of the original complaints but was aware of the existence of the infamous Document 4. He did not know why I had not been provided Document 4. He did not know if a release approval for Document 4 had been requested and did not know whether Document 4 release approval had been provided by EM. He committed to look into it!!!

Hopefully, this accurately summarizes the current status of this 20-month effort.

Phil

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From: Phil Rutherford <email@philrutherford.com>
Sent: Sunday, June 9, 2024 10:20 PM
To: 'FOIAOIG' <foiaoig@hq.doe.gov>; anthony.cruz@hq.doe.gov; 'Morris, Alexander' <alexander.morris@hq.doe.gov>; william.white@hq.doe.gov; 'White, William' <william.white@em.doe.gov>; timothy.harms@hq.doe.gov; candice.robertson@hq.doe.gov; The.Secretary@hq.doe.gov; 'Mengers, Joshua (EMCBC)' <joshua.mengers@emcbc.doe.gov>; 'IGHOTLINE' <ighotline@hq.doe.gov>; 'FOIA-Central' <foia-central@hq.doe.gov>; 'O'donnell, Jordan (CONTR)' <jordan.o'donnell@hq.doe.gov>; jennifer.bacon@hq.doe.gov
Subject: FOIA HQ 2024-01160-F and OIG Complaint 23-0160-C

Dear Mr. Cruz,

Thank you for your continued assistance with FOIA HQ-2024-01160-F and OIG Complaint 23-0160-F.

Please see attached and online my response to your letter of May 31, 2024.
https://philrutherford.com/SSFL/doe_building_demolition/FOIA/2024-06-09_Response_to_Anthony_Cruz_FOIA_HQ-2024-01160-F.pdf

I await, in anticipation, Document 4.

Sincerely,

Phil

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Mobile: +1 818-912-1501

From: FOIAOIG <foiaoig@hq.doe.gov>
Sent: Tuesday, June 4, 2024 7:22 AM
To: email@philrutherford.com
Subject: FOIA Supplemental Response HQ 2024-01160-F

Mr. Rutherford,

Please see attached supplemental FOIA response and additional documents responsive to your FOIA request and letter dated March 30, 2024.

If you have not already, you should be receiving a response from the Department of Energy separately regarding the referred Document 4.

Thank you for your patience in this matter,
Jennifer

Paralegal Specialist
Office of the Inspector General
U.S. Department of Energy

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