



# United States Department of the Interior

OFFICE OF THE SOLICITOR  
Washington, D.C. 20240

May 4, 2015

IN REPLY REFER TO:  
Appeal No. 2015-009

EX6

EX6

EX6

Dear Mr. EX6

This responds to the October 21, 2014, Freedom of Information Act ("FOIA") appeal ("appeal") that you filed with the Department of the Interior ("Department"), which it received on October 28, 2014, and that it assigned as **Appeal Number 2015-009**. Your appeal concerns an October 2, 2014, FOIA request that you submitted to the United States Geological Survey ("USGS") that seeks a copy of a "Forensic Psychology Assessment on EX6 (my assessment)." In response to the FOIA request, the USGS advised you that after conducting a thorough search of its files, it did not locate any records that are responsive to the FOIA request. You timely filed this appeal.

While you state in the appeal letter that you "would like [to] appeal the decision [*sic*] made by [USGS]," you did not offer any information that actually challenges the USGS's determination or otherwise explains why the USGS's response is in error. Instead, you state that "[m]aybe [you] should have sent more information" and note that the evaluation you seek "was done by Dr. Michelle Nelson" and you included an unspecified mailing address. You also submitted with the appeal a copy of an "Invoice" from Forensic Psychology Associates, P.C., that reflects a \$2,000.00 payment for a "Retainer for parenting assessment." With the submission of this additional information, you request in the appeal that the USGS "[e]xpand [its] search from April 2, 2014 to August 9, 2014."

Normally, when an Appellant files an appeal in response to a bureau's determination that it did not locate responsive documents and, instead of challenging the determination, provides additional information designed to assist the bureau in locating the requested documents, the Department forwards that clarifying information to the bureau for it to process the request anew. However, the Department will not do so in this case, as there is nothing in the information or documentation that you provided with the appeal that indicates that the records you seek are actually records of the USGS.

To start with, the type of records that you seek does not fit within a type of matter that the USGS handles. The USGS is a scientific entity within the Department that "stud[ies] the landscape of the United States, its natural resources, and the natural hazards that threaten it."<sup>1</sup> Next, the Invoice that you submitted with the appeal derived from an entity that is not a part of the USGS or the Department and there is nothing on the Invoice that indicates that Forensic Psychology Associates, P.C., (who generated the Invoice) or the doctor whom you named in the appeal have any connection or relation to us. Finally, a Google search of the mailing address that you noted in the appeal did not return results for any USGS or Departmental office locations.

---

<sup>1</sup> [http://en.wikipedia.org/wiki/United\\_States\\_Geological\\_Survey](http://en.wikipedia.org/wiki/United_States_Geological_Survey). See also <http://www.usgs.gov/aboutusgs>. (noting that the USGS is "the Nation's largest water, earth, and biological science and civilian mapping agency" and that it "collects, monitors, analyzes, and provides scientific understanding about natural resource conditions, issues, and problems.").

So, if you have continued interest in seeking from the USGS a copy of a "Forensic Psychology Assessment" on you that an entity not affiliated with the USGS or the Department prepared (i.e., Forensic Psychology Associates, P.C.), you may submit a new request to the USGS and again ask for a copy. Should you choose to submit a new request to the USGS, please re-submit all of the additional information that you included/submitted with the appeal and provide information that explains why you believe the USGS has this record (which is not a type of record that would fall within the purview of matters that the USGS handles) and where in the USGS such a record may be located. Your failure to explain in any new request that you submit why you believe the USGS has the record you seek and information on where the record may possibly be found will result in the USGS again denying your request and the Department denying and/or dismissing any subsequent appeal that you may file.

This completes the Department's response to your appeal. Please call the FOIA Appeals Office at (202) 208-5339 with any questions regarding this matter.

Sincerely,



Darrell R. Strayhorn  
FOIA Appeals Officer  
Department of the Interior

cc: Brian May, FOIA Officer, USGS

Judy Cearley, Regional Information Coordinator, USGS-Western Regional Office