

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

In the Kyle Fatigante )  
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Filing Date: March 31, 2026 ) Case No.: FIA-26-0026  
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Issued: April 16, 2026

**Decision and Order**

Kyle Fatigante (Appellant) appealed a determination letter dated March 31, 2026, issued to him by the Department of Energy (DOE) concerning a request (Request No. HQ-2026-01441-F) that he 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 determination letter, DOE stated that its search uncovered no responsive records. The Appellant challenged the adequacy of the search and the adequacy of the determination letter. In this Decision, we deny the appeal.

**I. Background**

On March 25, 2026, the Appellant submitted a FOIA request asking for:

existing agency records, in electronic format, created or maintained between January 1, 2020 and March 25, 2026, that contain, reference, discuss, analyze, evaluate, depict, or summarize any of the following terms or subjects:

Search terms / subject matter:

- “UAP”
- “UFO”
- “Unidentified Aerial Phenomena”
- “Unidentified Anomalous Phenomena”
- “Unidentified Flying Object”
- “non-human intelligence”
- “non-human biologics”
- “exotic materials”
- “off-world technology”
- “reverse engineering”
- “retrieved craft”
- “crash retrieval”
- “anomalous aerospace vehicle”
- “advanced aerospace vehicle”

This request is limited to the following categories of existing records:

1. technical reports

2. white papers
3. memoranda
4. briefing materials
5. presentations
6. final reports
7. scientific or technical assessments
8. data summaries
9. laboratory, forensic, or material analysis records
10. image analysis products
11. photographic records, still images, and associated metadata
12. video recordings, motion imagery, and associated metadata
13. sensor-derived visual records
14. records of interagency coordination
15. emails and email attachments, but only as narrowed below.<sup>1</sup>

FOIA Request from Kyle Fatigante at 1 (Mar. 25, 2026). He requested DOE search “offices, programs, repositories, and record systems within DOE Headquarters reasonably likely to contain responsive records.” *Id.* DOE issued a determination letter to the Appellant on March 31, 2026, stating that his request had been assigned to DOE’s Office of Intelligence and Counterintelligence (IN), which conducted a search of its files. Determination Letter from DOE to Kyle Fatigante at 1 (March 31, 2026). The determination letter explained that IN had not located any responsive records in its search. *Id.* The determination letter also stated that a portion of his request fell under the jurisdiction of DOE’s National Nuclear Security Administration (NNSA) and informed him that NNSA would respond separately to his request upon the completion of its search of its records. *Id.*

The Appellant timely appealed the determination letter to DOE’s Office of Hearings and Appeals (OHA) on March 31, 2026. Appeal Letter Email from Kyle Fatigante to OHA at 1 (Mar. 31, 2026) (Appeal). In his Appeal, the Appellant challenges the adequacy of the search and the adequacy of the determination letter. *Id.* The Appellant argues that the search was inadequate because his “request was not limited to intelligence office files.” *Id.* He also contends that the search DOE conducted was not adequate “without a reasonably detailed explanation as to why no other Headquarters office . . . was searched.” *Id.*

## II. Analysis

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<sup>1</sup> The Individual narrowed the email search as follows: “Please search emails and attachments only for custodians within DOE Headquarters who are reasonably likely to maintain responsive records in the subject-matter areas identified above, including officials responsible for: - intelligence-related coordination - security or counterintelligence matters - emergency response or incident review - scientific or technical oversight - interagency communications relating to anomalous phenomena, recovered materials, material analysis, imagery, video, or related assessments.” FOIA Request at 1.

### A. Adequacy of the Search

A FOIA request requires an agency to “conduct a search reasonably calculated to uncover all relevant documents.” *Truitt v. Dep’t of State*, 897 F.2d 540, 542 (D.C. Cir. 1990). The applicable standard of reasonableness “does not require absolute exhaustion of the files; instead, it requires a search reasonably calculated to uncover the sought materials.” *Miller v. Dep’t of State*, 779 F.2d 1378, 1384–85 (8th Cir. 1985); *accord Truitt*, 897 F.2d at 542. “The adequacy of a FOIA search is generally determined not by the fruits of the search, but by the appropriateness of the methods used to carry out the search.” *Jennings v. Dep’t of Justice*, 230 F. App’x 1, 1 (D.C. Cir. 2007) (internal quotation marks omitted). OHA has not hesitated to remand a case where it is evident that the search conducted was in fact inadequate, and whether the search conducted was reasonable depends on the facts of each case. *See, e.g., Ayyakkannu Manivannan*, OHA Case No. FIA-17-0035 (2017); *Coffey v. Bureau of Land Mgmt.*, 249 F. Supp. 3d 488, 497 (D.D.C. 2017) (citing *Weisberg v. Dep’t of Justice*, 745 F.2d 1476, 1485 (D.C. Cir. 1984)).

Here, an employee in DOE’s Office of General Counsel (GC) who regularly handles FOIA requests was responsible for assigning this request to the appropriate offices. Email from DOE GC to OHA (April 1, 2026). On March 25, 2026, GC asked IN to review the request and determine whether it was possible that it would have any records. Email from GC to IN (Mar. 25, 2026). IN reviewed the request and informed GC that it may have responsive records. Email from IN to GC (Mar. 25, 2026). The GC attorney responsible for this request considered referring the request to DOE’s Office of Environment, Health, Safety, and Security (EHSS) and DOE’s Office of Science (SC), but did not do so because those offices recently communicated to her that they do not have any records related to UAPs. *Id.*; Email from EHSS to GC (Dec. 16, 2025) (stating that EHSS “does not have any equities” in UAP related FOIA requests); Email from SC to GC (Apr. 14, 2026) (confirming that SC has no jurisdiction over UAP related issues). The offices the GC attorney considered corresponded to the terms of Appellant’s FOIA request, wherein he specified potentially appropriate offices as those maintaining records related to, among other things, “intelligence-related coordination,” “security or counterintelligence matters,” and “scientific or technical oversight.” FOIA Request at 1. Appellant did not request that any specific office be searched. *See* 10 C.F.R. § 1008.4(b) (stating that a request should “reasonably describe the records requested” and that “[i]f the records are known to be in a particular office of the DOE, the request should identify that office”). Nor did he identify any other offices that he believed should have been searched in his Appeal. Considering the foregoing, we find that GC’s decision to refer the search solely to IN was adequate. *See Pub. Emps. for Env’t Resp. v. U.S. Section Int’l Boundary & Water Comm’n.*, 839 F. Supp. 2d 304, 317–18 (D.D.C. 2012) (explaining that a search was adequate when the agency’s legal staff “review[] the request, assess[] where responsive documents might be located within the agency, and forward[] the request to the correct division”).

IN conducted a search of its files. Search Certificate from IN (Mar. 30, 2026). The IN employee who conducted the search used the keywords provided by the Appellant to search databases of intelligence information, relevant Outlook email inboxes, IN File Shares, and IN SharePoint. *Id.* The IN employee explained that these were the places that, based on her experience, she believed would be most likely to contain files of the kind that the requester had requested. Email from GC to OHA (Apr. 7, 2026). Based on the foregoing, we find that the search performed was reasonably calculated to uncover all responsive documents in the possession of DOE.

## **B. Adequacy of the Determination**

In responding to requests for records under the FOIA, agencies are required to notify requesters of the decisions reached “and the reasons therefor.” 5 U.S.C. § 522(a)(6)(A)(i)(I). Additionally, determination letters must meet certain requirements to allow requesters to determine whether a response is adequate. A determination letter must: (1) describe the results of searches; (2) indicate which information was withheld; and (3) specify the exceptions under which information was withheld. *See, e.g., Center for Biological Diversity*, OHA Case No. FIA-17-0053 at 4 (2017) (explaining the required elements of a determination letter); *Great Lakes Wind Truth*, OHA Case No. FIA-14-0066 (2014); *Tom Marks*, OHA Case No. TFA-0288 (2009).

Appellant argued that the search DOE conducted was not adequate “without a reasonably detailed explanation as to why no other Headquarters office . . . was searched.” Appeal at 1. Appellant cited no case law to support this contention, and we find nothing to support his claim. DOE was not required to provide Appellant a “detailed explanation” about where it chose to search in response to his request in the determination letter. In its determination letter, DOE described where it searched in response to Appellant’s request and the results of that search. That description meets the requirements laid out by the FOIA, and, accordingly, we find that the determination letter was adequate.

## **III. Order**

It is hereby ordered that the appeal filed by Kyle Fatigone on April 1, 2026, Case No. FIA-26-0026, 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](http://ogis.archives.gov) Email: [ogis@nara.gov](mailto:ogis@nara.gov)  
Telephone: 202-741-5770 Fax: 202-741-5769  
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