

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

In the Matter of Bobby Vaughn Jr.)

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Filing Date: September 11, 2026)

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Case No.: FIA-26-0061

Issued: September 23, 2026

Decision and Order

Bobby Vaughn Jr. (Appellant) appeals a final determination letter (Determination Letter) issued to him from the Department of Energy (DOE), Office of General Counsel (OGC), concerning Request No. HQ-2025-03173-F, 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. The Determination Letter informed the Appellant that his FOIA request was assigned to the DOE's Office of Legacy Management (LM) to conduct a search for responsive records, and that after completing its search, LM did not locate any records responsive to the request. Determination Letter from the DOE OGC to Bobby Vaughn Jr. at 1 (September 10, 2026). In this appeal, the Appellant challenges the adequacy of LM's search. Appeal Letter Email from Bobby Vaughn Jr. to OHA at 1 (September 10, 2026) (Appeal). In this Decision, we deny the appeal.

I. Background

On May 23, 2025, the Appellant submitted a FOIA request to the DOE seeking the following records:

. . . all available information, including but not limited to, email; correspondence; recorded audio and phone calls; documents; memoranda; meeting notifications; meeting transcriptions; notifications; photographs; videos, etc., collectively, as well as individually, to/from:

- 1) Former Energy Secretary, Jennifer Granholm;
- 2) Rocky Flats LM Site Manager, Andrew Keim;
- 3) Program Office Director for [LM], Carmelo Malendez

To/From each, or collectively, these Representatives and others mentioned here:

- 1) Colorado Representative Joe Neguse;
- 2) Joe Neguse's District Director, Emma Marion;
- 3) Representative Brittany Pettersen;
- 4) Representative Brittany Pettersen's assistant, Kathleen "Katy" Foley;
- 5) Environmental Protection Agency (EPA), including but not limited to EPA Region Eight (8);
- 6) Former EPA Administrator, Michael Regan;

- 7) Broomfield, Colorado Mayor, Guyleen Castriotta; and
- 8) Colorado Department of Public Health and Environment

The records I am requesting are pertaining to the following: air, soil and sediment monitoring for plutonium near the Colorado-located DOE site, Rocky Flats; Indiana Street Corridor; Broomfield County; Boulder County; as well as all locations considered off-site from Rocky Flats. The timeframe for the requested [records] is [June 21, 2023, to May 21, 2024].

FOIA Request from Bobby Vaughn Jr. at 2 (May 23, 2025).

Upon receipt of the Appellant's FOIA request, the DOE OGC assigned the request to LM and asked LM to search its files for responsive records. Determination Letter at 2. On August 15, 2025, the Appellant agreed to limit the scope of his FOIA request to emails, documents, meeting notifications, and meeting transcriptions. Email from DOE FOIA Analyst to OHA at 1 (September 14, 2026).

On January 15, 2026, the DOE OGC asked the DOE Office of the Chief Information Officer (CIO) to conduct an electronic search of the email accounts belonging to former Energy Secretary Jennifer Granholm, and LM employees Andrew Keim and Carmelo Malendez, for any records to or from the following individuals: Joe Neguse, Emma Marion, Brittany Pettersen, Kathleen Foley, Kathy Foley, Michel Regan, and Guyleen Castriotta. HQ-2025-03173-F Search Memorandum from DOE OGC to DOE CIO at 1–2 (January 15, 2026); Email from DOE CIO to DOE FOIA Analyst, at 1 (September 9, 2026). The date range of the DOE CIO's electronic search was from June 21, 2023, to May 21, 2024. *Id.* The DOE CIO's search parameters for the "subject" and "body" fields of the emails were: "air monitoring," "soil monitoring," or "sediment monitoring," and "plutonium." *Id.* On January 23, 2026, the DOE CIO notified the DOE OGC that after performing an electronic search, it did not locate any responsive records. (Email from DOE CIO to DOE FOIA Analyst at 1).

On September 10, 2026, the DOE OGC issued the Determination Letter to the Appellant. Determination Letter at 1–2. In the Determination Letter, the DOE OGC notified the Appellant that, after conducting a search, LM did not locate records responsive to the Appellant's FOIA request. *Id.* at 1. The Determination Letter did not include a description of the search that was conducted or the search terms that the DOE CIO used to conduct its search. *Id.* On September 11, 2026, the Appellant filed the instant appeal with OHA, challenging the adequacy of the DOE's search. Appeal at 1. In his appeal, the Appellant wrote that he did not believe an adequate search for responsive records was conducted in this case and that he disagrees with the DOE OGC's Determination. *Id.*

After receipt of the Appellant's appeal, OHA learned that in September 2026, the DOE CIO conducted an additional electronic search of the email accounts belonging to former Energy Secretary Jennifer Granholm, and LM employees Andrew Keim and Carmelo Malendez. Email from DOE CIO to DOE OGC at 1–2 (September 17, 2026). This search included the same date range and search parameters used in the DOE CIO's January 2026 search, and included the "EPA, Region 8," and the "Colorado Department of Public Health and Environment," as search terms. *Id.* On September 17, 2026, the DOE CIO notified the DOE OGC that its search did not yield any responsive records. *Id.*

II. Analysis

The FOIA requires that, upon receiving a request, a government agency “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). An agency is not required to conduct an exhaustive search of each of its record systems for its search to be deemed adequate, it need only conduct a reasonable search of systems that are likely to uncover responsive records. *Ryan v. FBI*, 113 F. Supp. 3d 356, 362 (D.D.C. 2015) (citing *Oglesby v. U.S. Dep’t of the Army*, 920 F.2d 57, 68 (D.C. Cir. 1990)). “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). Where a search involves electronic record systems, a government agency should describe, “with reasonable detail,” the methods it used to perform the search, including “the search terms and the type of search performed,” so the adequacy of the search can be determined. *Reporters Comm. For Freedom of the Press v. FBI*, 877 F.3d 399, 404 (D.C. Cir. 2017) (citing *Oglesby*, 920 F.2d at 68). OHA will remand a case where it determines that the search conducted was inadequate, after reviewing the facts of the case. See, e.g., *Ayyakkannu Manivannan*, OHA Case No. FIA-17-0035 (2017).

After reviewing the information obtained from the DOE OGC, we have received sufficient information upon which to conclude that the DOE’s search was adequate. In his FOIA request, the Appellant sought records of communication to/from three DOE employees. FOIA Request at 2. It was reasonable for the DOE to limit its search to the email accounts of the specific DOE employees identified in the FOIA request. Documentation of the search indicates that the DOE’s search was conducted using search terms provided in the Appellant’s FOIA request and using the date range requested by the Appellant. HQ-2025-03173-F Search Memorandum from DOE OGC to DOE CIO at 1–2; Email from DOE CIO to DOE FOIA Analyst at 1; Email from DOE CIO to DOE OGC at 1–2. We find that the search terms used by the DOE were reasonably calculated to locate records of communications between the identified DOE employees and the list of recipients identified in the Appellant’s FOIA request, during the time period requested by the Appellant.

Based on the foregoing, we find that the search performed by the DOE was reasonably calculated to locate the records requested by the Appellant in his FOIA request and was therefore adequate.

III. Order

It is hereby ordered that the appeal filed by Bobby Vaughn Jr., on September 11, 2026, Case No. FIA-26-0061, 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 Email: ogis@nara.gov
Telephone: 202-741-5770 Fax: 202-741-5769
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