

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

In the Matter of Melissa McKinley	)	
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Filing Date: September 15, 2026	)	Case No.: FIA-26-0063
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Issued: September 24, 2026

Decision and Order

On September 15, 2026, Melissa McKinley (Appellant) appealed a letter issued by the Department of Energy’s (DOE) Office of Inspector General (OIG) regarding Request No. HQ-2026-01910-F that she 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 issued on September 14, 2026, OIG stated that it identified four responsive documents that were previously released to Appellant on April 7, 2026. Determination Letter from OIG to Melissa McKinley at 3 (September 14, 2026). Appellant challenged the adequacy of OIG’s search. In this Decision, we deny the appeal.

I. BACKGROUND

On June 14, 2026, Appellant submitted a FOIA request requesting “existing agency records sufficient to identify the entity, office, or component to which DOE OIG complaint 26-0201-C was referred, and records sufficient to identify the basis for the complaint’s closure, to the extent that basis is reflected in agency records.” Determination Letter at 1 (reciting Appellant’s FOIA request). In its determination letter, OIG noted that Appellant previously filed a similar FOIA request, HQ-2026-00985-F, for “all documents pertaining to OIG complaint 26-0201 . . . [e]specially information on why the complaint was closed.” *Id.* In response to the previous FOIA request, OIG provided Appellant with four responsive documents on April 7, 2026. *Id.* at 2. OIG conducted an additional search for Appellant’s new FOIA request and located the same four responsive documents. *Id.*

Appellant challenged the adequacy of OIG’s search because OIG “fail[ed] to identify or adequately account for the referral destination reflected in its own records.” Appeal Letter Email from Melissa McKinley to OHA at 1–2 (September 15, 2026) (Appeal). Specifically, Appellant stated that a record released by OIG stated, “ZZ – Matter Reported to Appropriate Entity,” which Appellant understood as proof that the OIG complaint had been reported to another entity, but there were no responsive records that reflected what the appropriate entity was. *Id.* at 1. Appellant requested that OIG “conduct a supplemental search for referral, routing, case-management, database, email, or transmittal records identifying the receiving entity” and “clearly state whether records identifying the referral recipient exist, were withheld, or could not be located.” *Id.*

OHA consulted with OIG to gather more information in order to process Appellant's appeal. *See generally* Email from OIG to OHA at 1–5 (September 22, 2026). OIG stated that the search was conducted by searching the complaint number “26-0201-C” in its internal database used for tracking civil, criminal, and administrative complaints and investigations. *Id.* at 1–2. In response to Appellant's claim that the released record indicated that the OIG complaint was reported to another entity, OIG explained that “ZZ” within “ZZ – Matter Reported to Appropriate Entity” is a closure code indicating OIG had determined no further OIG interest was warranted. *Id.* at 3. Further, “Matter Reported to Entity” was the reason for recommended closure because Appellant had reported the same information that she shared with OIG to the Equal Employment Opportunity Commission (EEOC) and the Office of Special Counsel (OSC). *Id.* OIG closed the investigation because it determined that the EEOC and OSC are more appropriate entities than OIG to evaluate her allegations. *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). “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). In conducting a search, an agency must search in locations where responsive records are likely to be found. *Powell v. IRS*, 280 F. Supp. 3d 155, 162–63 (D.D.C. 2017). An agency is not required to conduct an exhaustive search of each of its record systems; 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 reasonability of the agency's search depends on the facts of each case. *Coffey v. Bureau of Land Mgmt.*, 249 F. Supp. 3d 488, 496 (D.D.C. 2017).

FOIA does not require agencies to answer questions about agency operations. *See Zemansky v. EPA*, 767 F.2d 569, 573–74 (9th Cir. 1985). Further, FOIA does not require that an agency explain the contents of the documents that it releases. *See, e.g., NLRB v. Sears, Roebuck & Co.*, 421 U.S. 132, 162 (1975) (FOIA does not require agency to produce explanatory materials); *Hudgins v. IRS*, 620 F. Supp. 19, 21 (D.D.C. 1985) (the FOIA creates only a right of access to records, not a right to personal services). However, in this case, OIG provided an explanation as to why it did not have the records that Appellant was seeking because it was pertinent to the adequacy of its search. OIG did not have any additional responsive records for Appellant's new FOIA request that reflected the referral of complaint 26-0201-C to another entity because OIG did not report the Appellant's OIG complaint to any other entity. Rather, Appellant had informed OIG that she had reported her complaint to the EEOC and OSC, and OIG made its own determination to close the OIG complaint on that basis.

OIG reasonably calculated that searching its internal database which is used to track civil, criminal, and administrative complaints and investigations would uncover all relevant documents to Appellant's OIG complaint. By its very nature, the internal database exists for the very purpose of finding the information that Appellant requested. Therefore, we conclude that OIG's search was

adequate.

III. ORDER

It is hereby ordered that the Appeal filed by Melissa McKinley on September 15, 2026, No. FIA-26-0063 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: <https://www.archives.gov/ogis> Email: ogis@nara.gov
Telephone: 202-741-5770 Fax: 202-741-5769 Toll-free: 1-877-684-6448

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