

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
TENNESSEE

Lawrence Irwin, et al. v. Department of Energy, et al.

Irwin v. Department of Energy, No. 3:24-CV-125-TAV-JEM (E.D. Tenn. filed Mar. 25, 2026) · No. 3:24-CV-125-TAV-JEM · Decided March 25, 2026

SUMMARY

The United States District Court for the Eastern District of Tennessee grants defendants’ motion to dismiss an employment-related action brought by Lawrence Irwin against the Department of Energy and related defendants. The opinion addresses claims for intentional infliction of emotional distress, age discrimination and retaliation under the ADEA, and alleged failures concerning a FOIA request. The court concludes that the claims are improperly asserted, preempted, or barred by failures to timely exhaust administrative remedies.

CASE DETAILS

COURT	United States District Court for the Eastern District of Tennessee
WRITING FOR THE COURT	Thomas A. Varlan
JURISDICTION	United States District Court for the Eastern District of Tennessee
DECIDED	March 25, 2026
DOCKET	3:24-CV-125-TAV-JEM
DISPOSITION	dismissed
PROCEDURAL POSTURE	Defendants moved under Federal Rule of Civil Procedure 12(b)(6) to dismiss the amended complaint asserting intentional infliction of emotional distress, ADEA age discrimination, retaliation, and a FOIA-related due-process claim.
STANDARD OF REVIEW	On a Rule 12(b)(6) motion, the court construed the complaint in the light most favorable to the plaintiffs, accepted well-pleaded factual allegations as true, and disregarded legal conclusions and unwarranted factual inferences. The court also considered documents referred to in the complaint and central to the claims without converting the motion into one for summary judgment.
PRECEDENTIAL VALUE	Unknown; unpublished memorandum opinion of a federal district court

PARTIES

Lawrence Irwin, et al. v. Department of Energy, et al.

TOPICS

motions to dismiss

age discrimination

federal employee discrimination

public records

civil procedure

PRACTICE AREAS

Federal employment discrimination

Administrative law

Civil procedure

Freedom of Information Act

QUESTIONS PRESENTED

1. Whether the intentional-infliction-of-emotional-distress claim was properly asserted against federal agencies and employees and whether it was preempted by the ADEA.
2. Whether Irwin timely exhausted the administrative prerequisites for an ADEA age-discrimination claim.
3. Whether Irwin exhausted administrative remedies and stated a viable ADEA retaliation claim when the EEOC materials did not identify age discrimination.
4. Whether an agency's failure to meet FOIA's response deadline entitles a requester to immediate production of records or provides a remedy beyond allowing the requester to file suit.
5. Whether Irwin substantially prevailed under FOIA so as to recover attorney's fees and litigation costs.

HOLDINGS

1. A suit under the FTCA against the Department of Energy, the National Nuclear Security Administration, the Office of Secure Transportation, or the EEOC is improper because the FTCA's remedy is an action against the United States, not the federal agency in its own name.
2. The IIED claim against Cloke was preempted by the ADEA because Irwin alleged no personal harm or injury distinct from the alleged age discrimination and retaliation.
3. Irwin failed to satisfy either available administrative route for pursuing an ADEA claim and therefore failed to state a timely age-discrimination claim.
4. Irwin failed to state an ADEA retaliation claim because the EEOC documentation did not mention age discrimination and therefore did not exhaust an age-based retaliation claim.
5. An agency's failure to comply with FOIA's twenty-working-day determination deadline permits constructive exhaustion and judicial filing, but does not itself entitle the requester to production of records or provide further procedural relief.
6. Irwin was not entitled to attorney's fees or litigation costs because he did not substantially prevail under FOIA.

KEY QUOTATIONS

“when an agency does not adhere to FOIA’s explicit timelines to make a determination, the penalty is that the agency cannot rely on FOIA’s administrative exhaustion requirement to keep cases from getting into court.”
(Section III.D.1)

“The complainant has “substantially prevailed if [he] has obtained relief through either--(I) a judicial order, or an enforceable written agreement or consent decree; or (II) a voluntary or unilateral change in position by the agency, if the complainant's claim is not insubstantial.”” (Section III.D.2)

FACTUAL BACKGROUND

Lawrence Irwin, an employee over age forty of the Department of Energy's Office of Secure Transportation, alleged that a supervisor directed profane and hostile language toward him, that he later reported the conduct, and that he experienced retaliation and workplace criticism. After a live-fire training event, firearms were left at the training site, and Irwin alleged that the resulting investigation and discipline were retaliatory and procedurally deficient. He also alleged that the Department of Energy failed to respond to a FOIA request for records he believed would assist his defense. Irwin sought relief for intentional infliction of emotional distress, ADEA discrimination and retaliation, and the alleged FOIA-related due-process violation.

PROCEDURAL HISTORY

Plaintiff filed an action concerning his federal employment with the Department of Energy and later filed an amended complaint naming his wife and children as additional plaintiffs. Defendants moved to dismiss. The court considered two EEOC-related documents attached to the motion without converting the motion to one for summary judgment, excluded the parties' other extra-pleading materials, granted the motion to dismiss, denied the request for attorney's fees and litigation costs, and dismissed the case.

DISPOSITION

dismissed

CASES CITED

- Hensley Manufacturing v. ProPride, Inc., 579 F.3d 603, 609 (6th Cir. 2009)
- Bell Atlantic Corp. v. Twombly, 550 U.S. 544, 555, 570 (2007)
- Ashcroft v. Iqbal, 556 U.S. 662, 663, 678 (2009)
- Bishop v. Lucent Technologies, Inc., 520 F.3d 516, 519 (6th Cir. 2008)
- Montgomery v. Huntington Bank, 346 F.3d 693, 698 (6th Cir. 2003)
- Morgan v. Church's Fried Chicken, 829 F.2d 10, 12 (6th Cir. 1987)
- Fritz v. Charter Township of Comstock, 592 F.3d 718, 722 (6th Cir. 2010)
- Total Benefits Planning Agency, Inc. v. Anthem Blue Cross & Blue Shield, 552 F.3d 430, 434 (6th Cir. 2008)
- Willman v. Attorney General of the United States, 972 F.3d 819, 822 (6th Cir. 2020)
- Coley v. Lucas County, 799 F.3d 530, 537 (6th Cir. 2015)
- Metropolitan Government of Nashville & Davidson County v. Federal Emergency Management Agency, No. 3:22-CV-540, 2024 WL 1337189, at *3 (M.D. Tenn. Mar. 28, 2024)
- Tebault v. United States, 778 F. Supp. 3d 912, 917 (W.D. Ky. 2025)
- Bates v. Green Farms Condominium Association, 958 F.3d 470, 483 (6th Cir. 2020)

- Bassett v. National Collegiate Athletic Association, 528 F.3d 426, 430 (6th Cir. 2008)
- Kovac v. Superior Dairy, Inc., 930 F. Supp. 2d 857, 862-63 (N.D. Ohio 2013)
- Young v. Department of the Treasury, No. 2:19-CV-2384, 2020 WL 3980796, at *7 (W.D. Tenn. Apr. 9, 2020)
- Barrett v. Harrington, 130 F.3d 246, 253 (6th Cir. 1997)
- Batt v. United States, 976 F. Supp. 1095, 1096-97 (N.D. Ohio 1997)
- McKee Foods Corp. v. Pitney Bowes, Inc., No. 1:06-CV-80, 2007 WL 896153, at *1 (E.D. Tenn. Mar. 22, 2007)
- Ellison v. United States, 531 F.3d 359, 361 (6th Cir. 2008)
- United States v. Sherwood, 312 U.S. 584, 586 (1941)
- Reed v. Reno, 146 F.3d 392, 398 (6th Cir. 1998)
- Salt Lick Bancorp v. FDIC, 187 F. App'x 428, 435 (6th Cir. 2006)
- FDIC v. Meyer, 510 U.S. 471, 476 (1994)
- Good v. Ohio Edison Co., 149 F.3d 413, 417 (6th Cir. 1998)
- Galvin v. Occupational Safety & Health Administration, 860 F.2d 181, 183 (5th Cir. 1988)
- Briggs v. Potter, 463 F.3d 507, 517 (6th Cir. 2006)
- Powers v. United States, No. 16-CV-13668, 2019 WL 1424331, at *3 (E.D. Mich. Mar. 29, 2019)
- Commissioner v. Schleier, 515 U.S. 323, 336 (1995)
- Kulling v. Grinders for Industries, Inc., 115 F. Supp. 2d 828, 843 (E.D. Mich. 2000)
- House v. Rexam Beverage Can Co., 630 F. App'x 461, 463 (6th Cir. 2015)
- Benford v. Frank, 943 F.2d 609, 612 (6th Cir. 1991)
- Hoover v. Timken Co., 30 F. App'x 511, 513 (6th Cir. 2002)
- Hunter v. Secretary of U.S. Army, 565 F.3d 986, 993-94 (6th Cir. 2009)
- Stevens v. Department of Treasury, 500 U.S. 1, 5 (1991)
- Burzynski v. Cohen, 264 F.3d 611, 617 (6th Cir. 2001)
- Horton v. Potter, 369 F.3d 906, 910 (6th Cir. 2004)
- Spengler v. Worthington Cylinder, 615 F.3d 481, 489 (6th Cir. 2010)
- Sharpe v. Cureton, 319 F.3d 259, 267 (6th Cir. 2003)
- Auto Alliance International, Inc. v. U.S. Customs Service, 155 F. App'x 226, 228 (6th Cir. 2005)
- Kinman v. United States, No. 1:16-CV-329, 2016 WL 7165986, at *3 (S.D. Ohio Dec. 7, 2016)
- Southern Environmental Law v. Tennessee Valley Authority, 774 F. Supp. 3d 945, 953 (E.D. Tenn. 2025)
- Electronic Privacy Information Center v. Department of Justice, 15 F. Supp. 3d 32, 41 (D.D.C. 2014)
- Conley v. U.S. Immigration & Customs Enforcement, No. 3:23-CV-128, 2024 WL 4254330, at *5 (E.D. Tenn. Sept. 20, 2024)
- GMRI, Inc. v. EEOC, 149 F.3d 449, 451-52 (6th Cir. 1998)
- Maynard v. CIA, 986 F.2d 547, 568 (1st Cir. 1993)
- Buckhannon Board and Care Home, Inc. v. West Virginia Department of Health & Human Resources, 532 U.S. 598, 601 (2001)

- **Batton v. IRS**, 718 F.3d 522, 525 (5th Cir. 2013)

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