

January 22, 2021

Via Email: foia@americanoversight.org

American Oversight
Attention: Mr. Austin Evers
Executive Director
1030 15th Street, NW, Suite B255
Washington, DC 20005

Re: Initial Agency Decision FOIA No. 21-01722-F

Dear Mr. Evers:

This letter serves as the initial agency response to your July 28, 2020, Freedom of Information Act (FOIA) request. Within your request, you sought records which may be in the custody of the agency regarding:

All calendars and calendar entries for the agency officials listed below, including any calendars maintained on their behalf, reflecting events that took place from January 1, 2020 to the date the search is conducted.

Found in the files of the VA Office of Secretary (OSVA) were 74 pages of records which originated with the Veterans Benefits Administration. The Bates numbered pages (20-08472-F) 017836-017846, 019195-019203, 019901-019915, 019924-019926, 019935-019937, 020083-020091, and 020532-020555 were referred, under FOIA tracking number 21-01722-F, to the Veterans Benefits Administration for a releaseability determination. The referred 74 pages of records were reviewed by the VBA FOIA Officers for the Office of Financial Management and the Pension and Fiduciary Service departments.

After our review of the 74 pages, it was determined that 1 page will be partially released, 55 pages are withheld in their entirety, and 18 pages are duplicate records.

Certain deletions have been made to the released material pursuant to FOIA Exemption 6 (title 5, United States Code 552 (b)(6)). FOIA Exemption 6 exempts from disclosure of personnel or medical files and similar files the release of which would cause a clearly unwarranted invasion of personal privacy. This requires a balancing of the public's right to disclosure against the individual's right to privacy. The privacy interests of the individuals in the records you have requested outweigh any minimal public interest in disclosure of the information. Any private interest you may have in that information does not factor into the aforementioned balancing test. Specifically, the information being withheld, as indicated on the enclosed documents, under FOIA Exemption 6, consists of names, identities, email addresses, and personal information of federal civilian employees and private citizen; we however release the names of VA Senior

Executives. Federal civilian employees and private citizens retain a significant privacy interest under certain circumstances, such as in instances where the release of their information could represent a threat to their well-being, harassment, or their ability to function within their sphere of employment. The federal civilian employees and private citizens whose information is at issue have a substantial privacy interest in their personal information. In weighing the private versus the public interest, except names of VA Senior Executives, we find that there is no public interest in knowing the names, identities, email addresses, and personal information of federal civilian employees and private citizen. The coverage of FOIA Exemption 6 is absolute unless the FOIA requester can demonstrate a countervailing public interest in the requested information by demonstrating that the individual is in a position to provide the requested information to members of the general public and that the information requested contributes significantly to the public's understanding of the activities of the Federal government. Additionally, the requester must demonstrate how the public's need to understand the information significantly outweighs the privacy interest of the person to whom the information pertains. Upon consideration of the records, I have not been able to identify a countervailing public interest of sufficient magnitude to outweigh the privacy interest of the individuals whose names are redacted. The protected information has been redacted and (b)(6) inserted. "Withholding a telephone number or e-mail address, alone, is not sufficient to protect that [privacy] interest; alternate means of contacting and harassing these employees would be readily discoverable on the Internet if this court ordered their names disclosed." *Long v. Immigration & Customs Enforcement* 2017 U.S. Dist. LEXIS 160719 (D.C. Cir. 2017).

There are 55 pages being withheld in their entirety pursuant to FOIA Exemption 5 (title 5 U.S.C. § 552 (b)(5)), which protects internal Federal government documents which are both pre-decisional and deliberative. In addition, the attorney work-product privilege and the attorney-client privilege have been incorporated into this exemption.

The three primary, most frequently invoked privileges that have been held to be incorporated into Exemption 5 are the deliberative process privilege (referred to by some courts as "executive privilege"), the attorney work-product privilege, and the attorney-client privilege.

Exemption 5 permits the government to withhold "inter-agency or intra-agency memorandums or letters that would not be available by law to a party other than an agency in litigation with the agency. The most commonly invoked privilege incorporated within Exemption 5 is the deliberative process privilege.

The general purpose of "deliberative process privilege" which is to "prevent injury to the quality of agency decisions." Specifically, three policy purposes consistently have been held to constitute the bases for this privilege: (1) to encourage open, frank discussions on matters of policy between subordinates and superiors; (2) to protect against premature disclosure of proposed policies before they are actually adopted; and (3) to protect against public confusion that might result from disclosure of reasons and rationales that were not in fact ultimately the grounds for an agency's action.

Logically flowing from the foregoing policy considerations is the privilege's protection of the "decision making processes of government agencies." In concept, the privilege protects not merely documents, but also the integrity of the deliberative process itself where the exposure of that process would result in harm.

There are several categories of documents that routinely are protected by the deliberative process privilege. Among them are "advisory opinions, recommendations, and deliberations comprising part of a process by which governmental decisions and policies are formulated." They are protected because, by their very nature, their release would likely "stifle honest and frank communication within the agency."

This concludes our response to your FOIA request. If you disagree with my determination, please be advised you may appeal within 90 days to:

Department of Veterans Affairs
Office of General Counsel (Appeals)
Email: OGCFOIAAppeals@va.gov
810 Vermont Avenue, N.W. (024)
Washington, DC 20420-0001

Please clearly mark both the envelope and your letter or email "Freedom of Information Act Appeal."

If you would like to discuss our response before filing an appeal to attempt to resolve your dispute without going through the appeals process, you may contact the above-mentioned contact information.

Additionally, you have a right to seek dispute resolution services from the Office of Government Information Services (OGIS) which mediates disputes between FOIA requesters and Federal agencies as a non-exclusive alternative to litigation. If you are requesting access to your own records (which is considered a Privacy Act request), you should know that OGIS does not have the authority to handle requests made under the Privacy Act of 1974. The contact information for OGIS is:

Office of Government Information Services (OGIS)
Email: ogis@nara.gov
Fax: (202) 741-5769
Mailing address: Office of Government Information Services
National Archives and Records Administration
8601 Adelphi Road
College Park, MD 20740-6001

Sincerely,

M. Renee Baxter

M. Renee Baxter
Program Specialist (FOIA/Privacy)
VBA FOIA

Page 01 of 74

Withheld pursuant to exemption

(b)(5)

of the Freedom of Information

Page 02 of 74

Withheld pursuant to exemption

(b)(5)

of the Freedom of Information

Page 03 of 74

Withheld pursuant to exemption

(b)(5)

of the Freedom of Information

Page 04 of 74

Withheld pursuant to exemption

(b)(5)

of the Freedom of Information

Page 05 of 74

Withheld pursuant to exemption

(b)(5)

of the Freedom of Information

Page 06 of 74

Withheld pursuant to exemption

(b)(5)

of the Freedom of Information

Page 07 of 74

Withheld pursuant to exemption

(b)(5)

of the Freedom of Information

Page 08 of 74

Withheld pursuant to exemption

(b)(5)

of the Freedom of Information

Page 09 of 74

Withheld pursuant to exemption

(b)(5)

of the Freedom of Information

Page 10 of 74

Withheld pursuant to exemption

(b)(5)

of the Freedom of Information

Page 11 of 74

Withheld pursuant to exemption

(b)(5)

of the Freedom of Information

Page 12 of 74

Withheld pursuant to exemption
Refer to Another Agency/Component
of the Freedom of Information

Page 13 of 74

Withheld pursuant to exemption
Refer to Another Agency/Component
of the Freedom of Information

Page 14 of 74

Withheld pursuant to exemption
Refer to Another Agency/Component
of the Freedom of Information

Page 15 of 74

Withheld pursuant to exemption
Refer to Another Agency/Component
of the Freedom of Information

Page 16 of 74

Withheld pursuant to exemption
Refer to Another Agency/Component
of the Freedom of Information

Page 17 of 74

Withheld pursuant to exemption
Refer to Another Agency/Component
of the Freedom of Information

Page 18 of 74

Withheld pursuant to exemption
Refer to Another Agency/Component
of the Freedom of Information

Page 19 of 74

Withheld pursuant to exemption
Refer to Another Agency/Component
of the Freedom of Information

Page 20 of 74

Withheld pursuant to exemption
Refer to Another Agency/Component
of the Freedom of Information

From: (b)(6) VBAVACO on behalf of Devlin, Margarita, VBAVACO
Sent: Fri, 17 Jul 2020 17:16:25 +0000
To: Tucker, Brooks;McLenachen, David, VBAWASH
Cc: (b)(6) (b)(6) (b)(6)
Subject: VBA MDE Restructure Proposal Brief
Attachments: MDE Restructure Proposal 7-15-2020.pptx, Concurrence Sheet - MDE Restructure Proposal.pdf

Meeting purpose: to discuss VBA's Medical Disability Examinations (MDE) Restructure Proposal

Scheduling POCs:

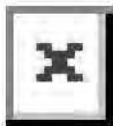
VBA: (b)(6)
ACoS: (b)(6)

If scheduling conflicts arise, please advise.

Join Microsoft Teams Meeting

(b)(6) United States, Chicago (Toll)
(b)(6)

[Local numbers](#) | [Reset PIN](#) | [Learn more about Teams](#) | [Meeting options](#)



Page 22 of 74

Withheld pursuant to exemption

(b)(5)

of the Freedom of Information

Page 23 of 74

Withheld pursuant to exemption

(b)(5)

of the Freedom of Information

Page 24 of 74

Withheld pursuant to exemption

(b)(5)

of the Freedom of Information

Page 25 of 74

Withheld pursuant to exemption

(b)(5)

of the Freedom of Information

Page 26 of 74

Withheld pursuant to exemption

(b)(5)

of the Freedom of Information

Page 27 of 74

Withheld pursuant to exemption

(b)(5)

of the Freedom of Information

Page 28 of 74

Withheld pursuant to exemption

(b)(5)

of the Freedom of Information

Page 29 of 74

Withheld pursuant to exemption

(b)(5)

of the Freedom of Information

Page 30 of 74

Withheld pursuant to exemption

(b)(5)

of the Freedom of Information

Page 31 of 74

Withheld pursuant to exemption

(b)(5)

of the Freedom of Information

Page 32 of 74

Withheld pursuant to exemption

(b)(5)

of the Freedom of Information

Page 33 of 74

Withheld pursuant to exemption

(b)(5)

of the Freedom of Information

Page 34 of 74

Withheld pursuant to exemption

(b)(5)

of the Freedom of Information

Page 35 of 74

Withheld pursuant to exemption

(b)(5)

of the Freedom of Information

Page 36 of 74

Withheld pursuant to exemption

(b)(5)

of the Freedom of Information

Page 37 of 74

Withheld pursuant to exemption

(b)(5)

of the Freedom of Information

Page 38 of 74

Withheld pursuant to exemption

(b)(5)

of the Freedom of Information

Page 39 of 74

Withheld pursuant to exemption

(b)(5)

of the Freedom of Information

Page 40 of 74

Withheld pursuant to exemption

(b)(5)

of the Freedom of Information

Page 41 of 74

Withheld pursuant to exemption

(b)(5)

of the Freedom of Information

Page 42 of 74

Withheld pursuant to exemption
Refer to Another Agency/Component
of the Freedom of Information

Page 43 of 74

Withheld pursuant to exemption
Refer to Another Agency/Component
of the Freedom of Information

Page 44 of 74

Withheld pursuant to exemption
Refer to Another Agency/Component
of the Freedom of Information

Page 45 of 74

Withheld pursuant to exemption
Refer to Another Agency/Component
of the Freedom of Information

Page 46 of 74

Withheld pursuant to exemption
Refer to Another Agency/Component
of the Freedom of Information

Page 47 of 74

Withheld pursuant to exemption
Refer to Another Agency/Component
of the Freedom of Information

Page 48 of 74

Withheld pursuant to exemption
Refer to Another Agency/Component
of the Freedom of Information

Page 49 of 74

Withheld pursuant to exemption
Refer to Another Agency/Component
of the Freedom of Information

Page 50 of 74

Withheld pursuant to exemption
Refer to Another Agency/Component
of the Freedom of Information

Page 51 of 74

Withheld pursuant to exemption

Duplicate Record

of the Freedom of Information

Page 52 of 74

Withheld pursuant to exemption

Duplicate Record

of the Freedom of Information

Page 53 of 74

Withheld pursuant to exemption

Duplicate Record

of the Freedom of Information

Page 54 of 74

Withheld pursuant to exemption

Duplicate Record

of the Freedom of Information

Page 55 of 74

Withheld pursuant to exemption

Duplicate Record

of the Freedom of Information

Page 56 of 74

Withheld pursuant to exemption

(b)(5)

of the Freedom of Information

Page 57 of 74

Withheld pursuant to exemption

Duplicate Record

of the Freedom of Information

Page 58 of 74

Withheld pursuant to exemption

Duplicate Record

of the Freedom of Information

Page 59 of 74

Withheld pursuant to exemption

Duplicate Record

of the Freedom of Information

Page 60 of 74

Withheld pursuant to exemption

Duplicate Record

of the Freedom of Information

Page 61 of 74

Withheld pursuant to exemption

Duplicate Record

of the Freedom of Information

Page 62 of 74

Withheld pursuant to exemption

Duplicate Record

of the Freedom of Information

Page 63 of 74

Withheld pursuant to exemption

Duplicate Record

of the Freedom of Information

Page 64 of 74

Withheld pursuant to exemption

Duplicate Record

of the Freedom of Information

Page 65 of 74

Withheld pursuant to exemption

(b)(5)

of the Freedom of Information

Page 66 of 74

Withheld pursuant to exemption

Duplicate Record

of the Freedom of Information

Page 67 of 74

Withheld pursuant to exemption

(b)(5)

of the Freedom of Information

Page 68 of 74

Withheld pursuant to exemption

Duplicate Record

of the Freedom of Information

Page 69 of 74

Withheld pursuant to exemption

(b)(5)

of the Freedom of Information

Page 70 of 74

Withheld pursuant to exemption

Duplicate Record

of the Freedom of Information

Page 71 of 74

Withheld pursuant to exemption

(b)(5)

of the Freedom of Information

Page 72 of 74

Withheld pursuant to exemption

Duplicate Record

of the Freedom of Information

Page 73 of 74

Withheld pursuant to exemption

(b)(5)

of the Freedom of Information

Page 74 of 74

Withheld pursuant to exemption

Duplicate Record

of the Freedom of Information

Page 01 of 74

Withheld pursuant to exemption
Refer to Another Agency/Component
of the Freedom of Information

Page 02 of 74

Withheld pursuant to exemption
Refer to Another Agency/Component
of the Freedom of Information

Page 03 of 74

Withheld pursuant to exemption
Refer to Another Agency/Component
of the Freedom of Information

Page 04 of 74

Withheld pursuant to exemption
Refer to Another Agency/Component
of the Freedom of Information

Page 05 of 74

Withheld pursuant to exemption
Refer to Another Agency/Component
of the Freedom of Information

Page 06 of 74

Withheld pursuant to exemption
Refer to Another Agency/Component
of the Freedom of Information

Page 07 of 74

Withheld pursuant to exemption
Refer to Another Agency/Component
of the Freedom of Information

Page 08 of 74

Withheld pursuant to exemption
Refer to Another Agency/Component
of the Freedom of Information

Page 09 of 74

Withheld pursuant to exemption
Refer to Another Agency/Component
of the Freedom of Information

Page 10 of 74

Withheld pursuant to exemption
Refer to Another Agency/Component
of the Freedom of Information

Page 11 of 74

Withheld pursuant to exemption
Refer to Another Agency/Component
of the Freedom of Information

Page 12 of 74

Withheld pursuant to exemption

(b)(5)

of the Freedom of Information

Page 13 of 74

Withheld pursuant to exemption

(b)(5)

of the Freedom of Information

Page 14 of 74

Withheld pursuant to exemption

(b)(5)

of the Freedom of Information

Page 15 of 74

Withheld pursuant to exemption

(b)(5)

of the Freedom of Information

Page 16 of 74

Withheld pursuant to exemption

(b)(5)

of the Freedom of Information

Page 17 of 74

Withheld pursuant to exemption

(b)(5)

of the Freedom of Information

Page 18 of 74

Withheld pursuant to exemption

(b)(5)

of the Freedom of Information

Page 19 of 74

Withheld pursuant to exemption

(b)(5)

of the Freedom of Information

Page 20 of 74

Withheld pursuant to exemption

(b)(5)

of the Freedom of Information

Page 21 of 74

Withheld pursuant to exemption
Refer to Another Agency/Component
of the Freedom of Information

Page 22 of 74

Withheld pursuant to exemption
Refer to Another Agency/Component
of the Freedom of Information

Page 23 of 74

Withheld pursuant to exemption
Refer to Another Agency/Component
of the Freedom of Information

Page 24 of 74

Withheld pursuant to exemption
Refer to Another Agency/Component
of the Freedom of Information

Page 25 of 74

Withheld pursuant to exemption
Refer to Another Agency/Component
of the Freedom of Information

Page 26 of 74

Withheld pursuant to exemption
Refer to Another Agency/Component
of the Freedom of Information

Page 27 of 74

Withheld pursuant to exemption
Refer to Another Agency/Component
of the Freedom of Information

Page 28 of 74

Withheld pursuant to exemption
Refer to Another Agency/Component
of the Freedom of Information

Page 29 of 74

Withheld pursuant to exemption
Refer to Another Agency/Component
of the Freedom of Information

Page 30 of 74

Withheld pursuant to exemption
Refer to Another Agency/Component
of the Freedom of Information

Page 31 of 74

Withheld pursuant to exemption
Refer to Another Agency/Component
of the Freedom of Information

Page 32 of 74

Withheld pursuant to exemption
Refer to Another Agency/Component
of the Freedom of Information

Page 33 of 74

Withheld pursuant to exemption
Refer to Another Agency/Component
of the Freedom of Information

Page 34 of 74

Withheld pursuant to exemption
Refer to Another Agency/Component
of the Freedom of Information

Page 35 of 74

Withheld pursuant to exemption
Refer to Another Agency/Component
of the Freedom of Information

Page 36 of 74

Withheld pursuant to exemption
Refer to Another Agency/Component
of the Freedom of Information

Page 37 of 74

Withheld pursuant to exemption
Refer to Another Agency/Component
of the Freedom of Information

Page 38 of 74

Withheld pursuant to exemption
Refer to Another Agency/Component
of the Freedom of Information

Page 39 of 74

Withheld pursuant to exemption
Refer to Another Agency/Component
of the Freedom of Information

Page 40 of 74

Withheld pursuant to exemption
Refer to Another Agency/Component
of the Freedom of Information

Page 41 of 74

Withheld pursuant to exemption
Refer to Another Agency/Component
of the Freedom of Information

Page 42 of 74

Withheld pursuant to exemption

(b)(5)

of the Freedom of Information

Page 43 of 74

Withheld pursuant to exemption

(b)(5)

of the Freedom of Information

Page 44 of 74

Withheld pursuant to exemption

(b)(5)

of the Freedom of Information

Page 45 of 74

Withheld pursuant to exemption

(b)(5)

of the Freedom of Information

Page 46 of 74

Withheld pursuant to exemption

(b)(5)

of the Freedom of Information

Page 47 of 74

Withheld pursuant to exemption

(b)(5)

of the Freedom of Information

Page 48 of 74

Withheld pursuant to exemption

(b)(5)

of the Freedom of Information

Page 49 of 74

Withheld pursuant to exemption

(b)(5)

of the Freedom of Information

Page 50 of 74

Withheld pursuant to exemption

(b)(5)

of the Freedom of Information

Page 51 of 74

Withheld pursuant to exemption
Refer to Another Agency/Component
of the Freedom of Information

Page 52 of 74

Withheld pursuant to exemption
Refer to Another Agency/Component
of the Freedom of Information

Page 53 of 74

Withheld pursuant to exemption
Refer to Another Agency/Component
of the Freedom of Information

Page 54 of 74

Withheld pursuant to exemption
Refer to Another Agency/Component
of the Freedom of Information

Page 55 of 74

Withheld pursuant to exemption
Refer to Another Agency/Component
of the Freedom of Information

Page 56 of 74

Withheld pursuant to exemption
Refer to Another Agency/Component
of the Freedom of Information

Page 57 of 74

Withheld pursuant to exemption
Refer to Another Agency/Component
of the Freedom of Information

Page 58 of 74

Withheld pursuant to exemption
Refer to Another Agency/Component
of the Freedom of Information

Page 59 of 74

Withheld pursuant to exemption
Refer to Another Agency/Component
of the Freedom of Information

Page 60 of 74

Withheld pursuant to exemption
Refer to Another Agency/Component
of the Freedom of Information

Page 61 of 74

Withheld pursuant to exemption
Refer to Another Agency/Component
of the Freedom of Information

Page 62 of 74

Withheld pursuant to exemption
Refer to Another Agency/Component
of the Freedom of Information

Page 63 of 74

Withheld pursuant to exemption
Refer to Another Agency/Component
of the Freedom of Information

Page 64 of 74

Withheld pursuant to exemption
Refer to Another Agency/Component
of the Freedom of Information

Page 65 of 74

Withheld pursuant to exemption
Refer to Another Agency/Component
of the Freedom of Information

Page 66 of 74

Withheld pursuant to exemption
Refer to Another Agency/Component
of the Freedom of Information

Page 67 of 74

Withheld pursuant to exemption
Refer to Another Agency/Component
of the Freedom of Information

Page 68 of 74

Withheld pursuant to exemption
Refer to Another Agency/Component
of the Freedom of Information

Page 69 of 74

Withheld pursuant to exemption
Refer to Another Agency/Component
of the Freedom of Information

Page 70 of 74

Withheld pursuant to exemption
Refer to Another Agency/Component
of the Freedom of Information

Page 71 of 74

Withheld pursuant to exemption
Refer to Another Agency/Component
of the Freedom of Information

Page 72 of 74

Withheld pursuant to exemption
Refer to Another Agency/Component
of the Freedom of Information

Page 73 of 74

Withheld pursuant to exemption
Refer to Another Agency/Component
of the Freedom of Information

Page 74 of 74

Withheld pursuant to exemption
Refer to Another Agency/Component
of the Freedom of Information