VA | U.S. Department of Veterans Affairs

February 11, 2021

Via Email: foia@americanoversight.org

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

Re: Final Response Letter 21-01194-F

Dear Mr. Evers,

This is in response to your 07/28/2020, Freedom of Information Act (FOIA) request, and received by referral in our office on 11/23/2020. Within your request, you sought records 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.

a. Secretary Robert Wilkie
b. Acting Deputy Secretary Pamela J. Powers
c. Acting Chief of Staff Brooks D. Tucker

Our office received by referral (3) three pages that contain information regarding Economic Impact Payments and Notifications on Debt Relief. After careful review and consideration, we have determined that (1) one page is releasable in full and (2) two pages are partially releasable pursuant to Title 5 U.S.C. §§ 552(b)(6), FOIA Exemptions 6.

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.

FOIA Mediation
As part of the 2007 FOIA amendments, the Office of Government Information Services (OGIS) was created 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 your right to pursue litigation. Under the provisions of the FOIA Improvement Act of 2016 the following contact information is provided to assist FOIA requesters in resolving disputes:

VBA Office FOIA Public Liaison
Name: Angela Davis

Email Address: FOIA.VBACO@va.gov

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

FOIA Appeal
Please be advised that should you desire to do so; you may appeal the determination made in this response to:

Office of General Counsel (024)
Department of Veterans Affairs
810 Vermont Avenue, NW
Washington, DC 20420

If you choose to file an appeal, please include a copy of this letter with your written appeal and clearly indicate the basis of your disagreement with the determination set forth in this response. Please be advised that in accordance with VA's implementing FOIA regulations at 38 C.F.R. § 1.559, your appeal must be postmarked no later than ninety (90) days of the date of this letter.

Sincerely,

Quanisha Jones
Quanisha Jones
VBA Program Specialist

Department of Veterans Affairs **MEMORANDUM**

Date: April 8, 2020

From: Ronald S. Burke Jr., Executive Director, Pension and Fiduciary Service

To: Regional Office Directors, Pension Management Center Managers

Subj: CARES Act – Economic Impact Payments

Background Information

The Coronavirus Aid, Relief and Economic Security (CARES) Act was signed on March 27, 2020 to provide relief during the novel coronavirus (COVID-19) pandemic. The CARES Act includes the 2020 Recovery Rebate, a one-time Economic Impact Payment for qualifying individuals. These payments shall not be treated as income or resources for purposes of determining eligibility for pension under chapter 15 of title 38, United States Code, or any other benefit under a law administered by the Secretary of Veterans Affairs.

Purpose

This letter provides guidance for processing income-based benefits when the claimant or beneficiary received an Economic Impact Payment under the 2020 Recovery Rebate in the CARES Act. The M21-1 Adjudication Procedures Manual will be updated accordingly.

Guidance

Any amount paid to a person under the 2020 Recovery Rebate in the CARES Act will not be treated as income or net worth when determining eligibility or continued entitlement to income-based VA benefits. Income-based benefits include Veteran's pension, Survivor's pension, and Parents' Dependency and Indemnity Compensation (DIC).

Claims processors must exclude Economic Impact Payments when calculating income or net worth for Pension or Parents' DIC benefits.

Questions

Questions can be directed to the P&F Service corporate mailbox VAVBAWAS/CO/Pension & Fiduciary Svc.

/s/

Ronald S. Burke Jr.

VBA White Paper
VBA Notification on Debt Relief

On Thursday April 2, during his daily press conference about the ongoing federal response to COVID-19, President Donald Trump said he would direct the Department of Veterans Affairs (VA) to postpone all debt collections to lessen the financial impact of the ongoing coronavirus pandemic on Veterans and their families.

On Friday, April 3, VA's Chief Financial Officer (CFO) and his staff met with the CFOs from each of the Administrations, Office of General Counsel (OGC) attorneys, and the Executive Director of VA's Debt Management Center (DMC) to discuss VA's posture on how to suspend debt collections going forward, and how best to notify Veterans of this debt relief. The Veterans Health Administration (VHA) noted they could readily suppress their debt letters. When asked the same question, the Veterans Benefits Administration (VBA) indicated each of our business lines is unique and uses different systems to generate "overpayment" letters (versus debt notification letters that are produced by DMC), which makes adjusting automated functions and suppressing letter production a very complex task that would likely take significant time, effort, and possibly software changes to accomplish. Additionally, VBA has no reliable way to identify and stop only those letters related to overpayments. VBA also noted changing the language in overpayment letters would have a ripple effect, to include the expenditure of scarce Information Technology (IT) dollars.

On Monday, April 6, VBA business lines, staff offices, and the COVID-19 Integrated Project Team (IPT) met to discuss alternatives to either suppressing or adjusting the language in the overpayment letters. The group agreed developing a simple, one-page informational document to highlight the debt relief guidance and including it as an insert in all VBA letters would allow us to be immediately responsive to the guidance from the Administration. It would also mitigate any complex systems programming or spend of IT funds.

To ensure consistency, VBA contacted DMC to obtain the language used in their debt relief notifications, and DMC provided the verbiage which was also reviewed and concurred by OGC. VBA modified this language slightly to provide straightforward debt waiver information, to include a general list of efforts VBA is doing to support Veterans during the pandemic, and a link / number for Veterans to utilize for update to date information related to VA's response to the pandemic. VBA submitted this text to the COVID-19 IPT for review and, upon receiving their feedback, submitted the updated language to the Veterans Correspondence team to finalize on April 7. The language is currently undergoing revisions and is expected to be sent to Executive Review on April 9 and released to print on April 10.

Please direct any questions on this White Paper to Jeanine M. Gilson, Director, Finance Services Staff on (b)(6) or at (b)(6) @va.gov.

VBA White Paper
Economic Impact Payments to Veterans

The Department of Veterans Affairs (VA) is seeking to ensure the Internal Revenue Service (IRS) has authority to automatically issue Economic Impact Payments (formerly referred to as CARES Act Stimulus Payments) to VA beneficiaries who do not file taxes.

To reduce the burden on Veterans and beneficiaries who receive compensation and pension (C&P) benefits, VA is in discussions with IRS to identify a solution that will allow them to automatically issue payments rather than waiting for these beneficiaries to file taxes when their income is below the threshold required for submitting a tax return.

On Thursday, April 2, the Office of Financial Management (OFM) met with Department of Treasury's Bureau of Fiscal Service (FS) to discuss a legislative proposal that would allow IRS to leverage Veteran payment data stored by FS in order to facilitate automatic Economic Impact Payments to Veterans and other VA beneficiaries who do not normally file taxes.

On Monday, April 6, OFM attended a call between IRS, Social Security Administration (SSA) and the Office of Management and Budget (OMB). The purpose of the meeting was to discuss similar provisions for SSA and SSI recipients who do not normally file taxes. During this discussion, IRS provided information on a Get My Payment portal that will be stood up by April 10, 2020. This portal will allow individuals who do not normally file taxes a method for requesting their Economic Impact Payments. The burden is significantly lower than filing a tax return and will prove helpful to Veterans who have internet and computer access. However, VBA continues to work with IRS and Treasury on an alternative for those Veterans who do not file taxes and may not readily have internet and computer access.

On Tuesday, April 7, OFM met with Ronda Kent, Assistant Commissioner for Treasury's Bureau of Fiscal Service. She provided additional background on what IRS is doing to address Economic Impact Payments for individuals who do not file taxes (primarily SSA recipients). She also made it clear IRS and Treasury support any and all efforts to ensure as many citizens as possible receive their Economic Impact Payments without the burden of filing new or additional tax forms, including VA benefit recipients.

As of April 8, VBA and IRS have agreed in principle to sharing data that would allow IRS to compute and pay Economic Impact Payments to Veterans and survivors automatically. We will continue to collaborate with Treasury and IRS to ensure we have the legal authorities to support this effort. This will ensure those who do not normally file a tax return will be eligible to receive their payments automatically without requiring them to submit complex tax forms. The data we intend to share includes Veteran and survivor Direct Deposit details and some limited Veteran dependent information. VBA has begun discussions with our OI&T partners to communicate data and file transfer requirements and hope to have more specific details in order to generate a level of effort by the end this week. A follow-up meeting with IRS and Treasury is scheduled for Friday, April 10, at 1pm, and we will continue discussions by email and ad hoc teleconferences as needed.

Please direct any questions on this White Paper to Sarah Haddock, Director, Fiscal Systems Staff at (b)(6) @va.gov.