



U.S. Department of Veterans Affairs
Office of General Counsel
Information and Administrative Law Group

810 Vermont Avenue NW
Washington DC 20420
www.va.gov/ogc

In Reply Refer To:

FOIA No.: 19-10230-F

January 28, 2021

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

E-mail: foia@americanoversight.org

Dear Mr. Evers:

This letter is the initial agency decision to your July 19, 2019, Freedom of Information Act (FOIA), 5 U.S.C. § 552 request that you submitted to the United States Department of Veterans Affairs, Central Office's FOIA Service. I apologize for the time that it has taken to process your request. I have been newly assigned to this position and I am trying to get caught up with the backlog.

On July 19, 2019, you submitted a FOIA request to the VA Central Office's FOIA Service, upon their review your request was referred to the Office of General Counsel for a direct response to you. Your request was for following information:

"All records reflecting communication (including emails, email attachments, text messages, messages on messaging platforms (such as Slack, GChat or Google Hangouts, Lync, Skype, or WhatsApp), telephone call logs, calendar invitations, calendar entries, meeting notices, meeting agendas, informational material, draft legislation, talking points, any handwritten or electronic notes taken during any oral communications, handwritten or electronic summaries of any oral communications, or other materials) between (a) political appointees in the Office of Veterans Affairs (VA) Office of Congressional and Legislative Affairs, Office of General Counsel, or VA Leadership Offices and (b) any of the White House Counsel staff listed below regarding congressional oversight of the executive branch-including both specific congressional oversight of specific matters and general policies, concerns, and considerations related to congressional oversight of the executive branch.

*Brittany Biles
Richard Cleary
John Coghlan
Christopher Cook
Melissa Croslow
Elizabeth Gorman*

*Mark Lytle
Coreen Mao
Austin Mayron
Brian Miller
Michael Purpura
Brian Rabbitt*

*Chase Harrington
Elizabeth Horning*

*Mackenzie Siebert
Jeffrey Freeland*

In conducting a search for the information responsive to your request, I contacted the Office of Information & Technology and requested that they conduct a search for the information that is being requested. The Office of Information & Technology utilized the timeframe and the keywords and the names that were provided in your request. Upon conducting a search, the Office of Information & Technology concluded that they could not locate documents that were responsive to your request.

After conducting a reasonable search for records by the Office of Information & Technology, I have concluded that the Office of General Counsel does not have records responsive to your request. Courts have determined that reasonableness of an agency's search can depend on whether the agency properly determined where responsive records were likely to be found and searched those locations. [See *Iacoe v. IRS*, No. 98-C-0466, 1999 WL 675322, at *4 (E.D. Wis. July 23, 1999) (recognizing that agency "diligently searched for the records requested in those places where [agency] expected they could be located")]. Record search inquiries were made to the appropriate office. This search was conducted by utilizing the search criteria as defined in your request. At the conclusion of the search, a "no records" response was provided for responsive records to your request.

Consequently, I am denying your request due to the Office of General Counsel does not have documents that are responsive to your request.

Appeal Rights

If you disagree with the "no records" response, or wish to appeal, please be advised you may appeal to:

Office of General Counsel (024)
Department of Veterans Affairs
810 Vermont Avenue, N.W.
Washington, D.C. 20420
E-mail: ogcfoiaappeals@va.gov

Public Liaison and OGIS Options

For any questions regarding the processing of this request, you have the right to seek assistance from the VA FOIA Public Liaison or the Office of Government Information Services (OGIS). As part of the 2007 FOIA amendments, the Office of Government Information Services (OGIS) was created to offer mediation services. Similarly, as part of the FOIA Improvement Act of 2016, VA established a FOIA Public Liaison to offer mediation services. You may contact OGIS and the VA Public Liaison in any of the following ways:

Office of Government Information Services
National Archives and Records Administration
Room 2510
8601 Adelphi Road
College Park, MD 20740-6001

E-mail: ogis@nara.gov
Telephone: 202-741-5770
Facsimile: 202-741-5769
Toll-free: 1-877-684-6448

VA FOIA Public Liaison:
Doloras Johnson
VA FOIA Service
810 Vermont Avenue, NW (005R1C)
Washington, DC 20420

E-mail: vacofoiaservice@va.gov
Telephone: 1-877-750-3642
Facsimile: 202-632-7581

Sincerely yours,

A handwritten signature in cursive script that reads "Greg Draves".

Greg Draves
FOIA/Privacy Officer
Office of General Counsel