

Veterans Health Administration Washington DC 20420

July 13, 2017

FOIA Request No.: 16-01885-F

Michael Wishnie
Yale Law School
Director, Jerome N. Frank Legal Services Organization
P.O. Box 209090
New Haven, CT 06520
Michael.wishnie@yale.edu

Dear Mr. Wishnie:

This letter is to serve as the VA's Veterans Health Adminstration's (VHA) superseding initial agency decision in response to your original FOIA request dated December 7, 2015 and the Judge's summary judgement ruling dated May 26, 2017. On December 7, 2015, the Veterans Health Administration (VHA) received your Freedom of Information Act (FOIA), (5 U.S.C. § 552), sent to the Department of Veterans Affairs (VA), VHA Central Office FOIA Office requesting the following:

- Any and all records concerning the policies, procedures, objectives, development, creation, and implementation of the SME Program.
- 2. Any and all records concerning the VA's selection criteria and minimum required credentials for SMEs participating in the Camp Lejeune SME Program.
- 3. Any and all records concerning the qualifications and names of SMEs who have participated or are currently participating, in the Camp Lejeune SME Program.
- 4. Any and all records concerning the Camp Lejeune SME Program's conflict of interest policies and procedures, including but not limited to Records concerning:
 - a. The application of VHA conflict of interest policies and procedures (including the policy on "Financial Relationships Between VHA health Care Professionals and Industry" to the Camp Lejeune SME Program and individual SMEs.
 - Investigations of complaints or allegations of SMEs' conflicts of interest.
 - SME violations of conflict of interest policies and procedures.
- 5. Any and all records concerning the number of SMEs who have participated, or are currently participating, in the

Camp Lejeune SME Program and their length of employment or work for the VA, including but not limited to:

- a. The total number of SMEs who have participated in the Camp Lejeune SME Program who are employees of the VA. For such individuals, include the duration of their employment by the VA and their current and former positions at VA.
- b. The total number of SMEs participating in the Camp Lejeune SME Program who are not employees of the VA, including details of any and all work they may have done for, or on behalf of, the Va in the past.
- Any and all records concerning the procedures for assigning claims to SMEs.
- Any and all records used to train or provided as guidance to the Camp Lejeune SMEs, including any lists of bibliographical references provided to SMEs.
- 8. Any and all records of the bibliographic references collated by the Camp Lejeune SME Program, as referenced in the testimony of Dr. Ralph Erickson at the Senate Committee on Veterans' Affairs hearing on September 29, 2015.
- 9. Any and all records identifying the medical and scientific reports cited in individual SME reports, including records identifying or otherwise sufficient to disclose the number of citations to each individual medical and scientific report both by individual SMEs and in the aggregate for all SMEs participating in the program.
- 10.Any and all records provided to VA employees, including VA Regional Office claim adjudicators, to train and educate VA employees on the Camp Lejeune SME Program, including, but not limited to, the role of SME reports and how to weigh and evaluate SME reports.
- 11. Any and all records concerning guidance provided to adjudicators on whether to seek an SME report in the course of adjudication of a Camp Lejeune Water Contamination Claim.
- 12. Any and all records concerning the VA's disclosure of SME reports, including but not limited to: <u>VBA ITEM</u> (Part)
 - a. The VA's disclosure policy on SME reports.
 - b. The number of instances in which a claimant has requested a copy of the SME report generated in his or her case. For each claimant request, include information on how quickly the requested report was provided to the claimant or, if the

request was denied, the grounds for withholding the SME report from the claimant.

- 13. Any and all records concerning the total number of Camp Lejeune Water Contamination Claims decided prior to the implementation of the Camp Lejeune SME Program and the outcomes of those claims (including average time between submission of a claim and initial determination by a Regional Office, the number of denials, and the number of grants). This request is seeking records created before and after 2010 VBA ITEM.
- 14. Any and all records concerning the impact of the Camp Lejeune SME Program on adjudication of claims, including but not limited to: VBA ITEM
 - a. The total number of Camp Lejeune Water Contamination Claims that have been adjudicated since the institution of the Camp Lejeune SME Program and the outcomes of those claims (including average time between submission of a claim and initial determination by a Regional Office, the number of denials, and the number of grants).
 - b. The total number of Camp Lejeune Water Contamination Claims that have been reviewed by SMEs and the outcomes of those claims (including average time between submission of a claim and initial determination by a Regional Office, the number of denials, and the number of grants).
 - c. The total of Camp Lejeune Water Contamination Claims reviewed by each individual SME, including the number of claims that were approved and denied following review by each SME.
 - d. The total number of instances in which an adjudicator decided a case against the recommendation of an SME report.
- 15. The number of Camp Lejeune Water Contamination Claims that have been decided since Secretary McDonald assured Senators on a conference call in July 2015 that no claim would be denied until a presumption was proposed, including whether those claims were granted or denied. **VBA Item**
- 16. Any and all records concerning the annual cost of the Camp Lejeune SME Program.
- Any and all records concerning the remuneration paid to SMEs by the VA.
- Any and all records, including timesheets, concerning the amount of time spent by each SME on each individual

Page 4.

claim reviewed by an SME (whether or not the SME ultimately provided a written report).

- **19.** Any and all records concerning internal and external communications about the Camp Lejeune SME Program
 - a. Concerning the proposal, development, objectives, and implementation of the Camp Leieune SME Program.
 - b. Between SMEs pertaining to the Camp Lejeune SME Program.
 - c. Between SMEs and other VA employees pertaining to the Camp Lejeune SME Program.
 - d. Between VA employees and Congressional staff regarding the inception or operation of the Camp Lejeune SME Program, including but not limited to minutes from the July 2015 and December 2015 meetings between VA Secretary McDonald and Members of Congress, including Senators Burr and Tillis.
 - e. Between VA employees pertaining to the Camp Lejeune SME Program.
 - f. Discussing or responding to media inquiries concerning the Camp Lejeune SME Program.
- 20. Any and all records of the Advisory Committee on Disability Compensation (Advisory Committee), which oversees the adjudication of Camp Lejeune Water Contamination Claims and the Camp Lejeune SME Program, including but not limited to:
 - a. Reports generated by the Advisory Committee; and
 - Transcripts of Advisory Committee meetings since 2010. VBA Item (Part)

Your request was initially received in the VHA FOIA Office office on December 7, 2015 and was processed by a former FOIA Officer, Mr. Jeffrey Parrillo. An initial response was provided to you on July 28, 2016.

A subsequent broad search for VHA Central Office records, located in Washington, D.C., responsive to your request was conducted to include items 1 through 12 (part),16, 17, 18, and 19 - 20 (part). The Veterans Benefits Administration (VBA) will respond to the remaining items and parts in a separate response.

Please be advised an agency is not obligated to create a new record to comply with a request. An agency is neither required to collect information it does not have, nor must an agency research or analyze data for a requester. However, an agency will sometimes help a requester identify a specific document that contains the information being sought.

Page 5.

VHA record search inquiries were made to the following offices: Office of the Principal Deputy Under Secretary for Health, Office of Organizational Excellence, Chief of Staff, Deputy Under Secretary for Health for Operations and Management including the Disability & Medical Assessment Office that is responsible for the Camp Lejeune SME Program. Offices searched shared drives and emails using the search terms of "Lejeune", "Camp Lejeune", "Water Contamination", "SME Program", and "Subject Matter Expert Program". All offices other than the Disability & Medical Assessment Office (DMA) responded as having no responsive records pertaining to items 1 through12, 16, 17, 18, and19 - 20 (part) as those offices have no SME program responsbilities.

At this time I am providing a partial response regarding responsive documents found on the DMA SharePoint drive and in emails maintained in that office. This first partial response is in response to line items 1-12, 16, 17, 18, and 19. Enclosed are four (4) documents totaling nine hundred and thirteen (913) pages responsive to the above items of your request. For reference purposes, Bates page numbers have been added to the bottom left of each page. Please see details below for each item:

1. Any and all records concerning the policies, procedures, objectives, development, creation, and implementation of the SME Program.

In May of 2012, the DMA established a group of subject matter experts (SMEs) in environmental medicine to provide advisory medical opinions for claims related to contaminated drinking water at Marine Corps Base, Camp Lejeune, NC. After claims development by the Louisville Regional Office, a medical opinion is routed to one of the experts on the panel. A Fact Sheet and a complete bibliography on the issues was approved and provided for reference. Provided are forty-nine (49) page response to item 1. See Bates pages 000001-000049.

2. Any and all records concerning the VA's selection criteria and minimum required credentials for SMEs participating in the Camp Lejeune SME Program.

VA established a team of SME who were board eligible or certified in occupational and environmental medicine (OEM) or internal medicine to provide advisory medical opinions for these claims. Provided are sixty-five (65) pages of responsive emails (see Bates pages 000050-000114) and thirty-two (32) pages of memorandums (see Bates pages 000115-000135) sent to each VISN Director regarding the SME Camp Lejeune Consultation Services. Also provided are eleven pages consisting of one PowerPoint presentation titled "Camp Lejeune: Update - Briefing to the Secretary of Veterans Affairs (see Bates pages 000136 - 000146).

3. Any and all records concerning the qualifications and names of SMEs who have participated or are currently participating, in the Camp Lejeune SME Program.

The initial group of SMEs were physicians who were Board Certified or trained in Occupational and Environmental Medicine or toxicology. Occupational and

Environmental Medicine (OEM) is a board-certified specialty that studies how factors in the workplace and environment affect health. OEM specialists have training in hazard recognition and control, toxicology, surveillance and disease management, as well as a broad range of clinical topics. We have used our OEM specialists to train additional VA Compensation and Pension providers who have been identified as having knowledge and experience in toxicology and disease causation. It is not just the medical facts of the diagnosis, but also social, genetic, and environmental factors (including chemical exposure) which are needed to give an opinion on exposure cases. The providers we have chosen and trained are uniquely qualified to make those assessments and provide our Veterans with fair and reasoned opinions.

Provided are fifteen (15) pages response to item 3 (see Bates pages 00147-00161). In addition the search and review of emails may result in additional responsive records and will be handled in a subsequent response.

4. Any and all records concerning the Camp Lejeune SME Program's conflict of interest policies and procedures, including but not limited to Records concerning:

a. The application of VHA conflict of interest policies and procedures (including the policy on "Financial Relationships Between VHA health Care Professionals and Industry" to the Camp Lejeune SME Program and individual SMEs. VHA is providing a "no records" response as there is no specific Camp Lejeune SME Program conflict of interest policies and procedures, however, VHA conflict of interest policies would apply to all VHA employees and contractors working within VHA including SMEs.

b. Investigations of complaints or allegations of SMEs' conflicts of interest. One (1) email totaling three (3) pages was found response to this item, however, the document is being withheld in its entirety under FOIA exemption 5, U.S.C. § 552(b)(5). See Bates pages 00162-00164.

c. SME violations of conflict of interest policies and procedures. VHA is providing a "no records" response to this item.

5. Any and all records concerning the number of SMEs who have participated, or are currently participating, in the Camp Lejeune SME Program and their length of employment or work for the VA, including but not limited to:

a. The total number of SMEs who have participated in the Camp Lejeune SME Program who are employees of the VA. For such individuals, include the duration of their employment by the VA and their current and former positions at VA. There were 45 unique individuals identified as SMEs for the years 2013, 2014 and 2015. Some of the individuals were SMEs for all three years and others for only a portion of that time. VHA is providing a "no records" response to documents concerning the duration of employment and current and former positions as this information was not collected for the VHA Central Ofice (CO) SME Program, however, this information may be maintained at individual VHA health care facilities. As a result, I am providing you with the FOIA contact information so that you may make your request as you determine necessary. Please visit: http://.oprm.va.gov/foia/where_foia_request.aspx and click on "Find your

- VHA Medical Center". VHA is providing one (1) document totaling twentynine (29) pages that provides emails regarding participation in the SME Program. See Bates pages 00165-00193.
- b. The total number of SMEs participating in the Camp Lejeune SME Program who are not employees of the VA, including details of any and all work they may have done for, or on behalf of, the VA in the past. VHA is providing a "no records" response to this item as the information was not collected by the VHA CO SME Program, however, this information may be maintained at individual VHA health care facilities. As a result, I am providing you with the FOIA contact information so that you may make your request as you determine necessary. Please visit: http://.oprm.va.gov/foia/where_foia_request.aspx and click on "Find your VHA Medical Center".
- 6. Any and all records concerning the procedures for assigning claims to SMEs.
 - VHA is providing a "no records" response as documented procedures for assigning of claims was not collected for the VHA CO SME Program. However, VHA is providing you with one (1) document totaling five (5) pages of emails regarding assignments. See Bates pages 00194-00198.
- 7. Any and all records used to train or provided as guidance to the Camp Lejeune SMEs, including any lists of bibliographical references provided to SMEs.
 - Provided is one (1) document totaling one hundred and seventy-nine (179) pages responsive to item 7. See Bates pages 00199-00377.
- 8. Any and all Records of the bibliographic references collated by the Camp Lejeune SME Program, as referenced in the testimony of Dr. Ralph Erickson at the Senate Committee on Veterans' Affairs hearing on September 29, 2015.
 - Provided is one (1) document totaling five hundred and thirty-six (536) pages responsive to items 8 & 9. See Bates pages 00378 00913.
- 9. Any and all records identifying the medical and scientific reports cited in individual SME reports, including records identifyingor otherwise sufficient to disclosre the number of citations to each individual medical and scientific report both by individual SMEs and in the aggregare for all SMEs participating in the program.
 - Provided is one (1) document totaling five hundred and thirty-six (536) pages responsive to items 8 & 9. See Bates pages 00378 00913.
- 10. Any and all Records provided to VA employees, including VA Regional Office claim adjudicators, to train and educate VA employees on the Camp Lejeune SME Program, including, but not limited to, the role of SME reports and how to weigh and evaluate SME reports are likely maintained by VBA. VHA submits a

Page 8.

- "no record" response for this item, since it falls within the jurisdiction of VBA it will be responded to by VBA under FOIA number 16-01992-F.
- 11. The search and review of responsive records for line item 11 of the request will be handled in a subsequent response. Once the search and review has been completed, a response will be issued converning the information remaining in this item.
- 12. Any and all records concerning the VA's disclosure of SME reports, including, but not limited to:
 - a. The VA's disclosure policy on SME Reports. VHA is providing a "no records" response to this item as VHA has no specific disclosure policy on SME reports and the disclosure of SME reports is usually handled by VBA. However, VHA has a national privacy policy, VHA Directive 1605.01 (Privacy and Release of Information), that discusses disclosures of VHA records.

 https://vaww.vets.vaco.portal.va.gov/sites/privacy/vhapo/Documents/Privacy%20
 Laws/1605 01 D 2016-08-31.pdf
 - b. The number of instances in which a claimant has requested a copy of the SME report generated in his or her case. For each claimant request, include information on how quickly the requested report was provided to the claimant or if the request was denied, the grounds for withholding the SME report from the claimant. VHA is providing a "no records" response to this item as requests for copies of SME reports are made to VBA as VHA does not have a specific disclosure policy on SME reports. See a. above.
- 13. Any and all Records concerning the total number of Camp Lejeune Water Contamination Claims decided prior to the implementation of the Camp Lejeune SME Program and the outcomes of those claims (including average time between submission of a claim and initial determination by a Regional Office, the number of denials, and the number of grants), are likely maintained by VBA as all claims adjudication for VA disability benefits is under the auspices of VBA. Therefore, VHA submits a "no record" response for this inquiry as it falls within the jurisdiction of VBA and will be responded to by VBA under FOIA number 16-01992-F.
- 14. Any and all Records concerning the impact of the Camp Lejeune SME Program on adjudication of claims are likely maintained by VBA as all claims adjudication for VA disability benefits is under the auspices of VBA. Therefore, VHA submits a "no record" response for this inquiry as it falls within the jurisdiction of VBA and will be responded to by VBA under FOIA number 16-01992-F.
- 15. The number of Camp Lejeune Water Contamination Claims that have been decided <u>since</u> Secretary McDonald assured Senators on a conference call in July 2015 that no claims would be denied until a presumption was proposed, including whether those claims were granted or denied are likely maintained by VBA as all claims adjudication for VA disability benefits is under the auspices of VBA. Therefore, VHA submits a "no record" response for this inquiry as it falls

Page 9.

- within the jurisdiction of VBA and will be responded to by VBA under FOIA number 16-01992-F.
- 20. Any and all records of the Advisory Committee on Disability Compensation ("Advisory Committee"), which oversees the adjudication of Camp Lejeune Water Contamination Claims and the Camp Lejeune SME Program are likely maintained by VBA as all claims adjudication for VA disability benefits is under the auspices of VBA. Therefore, VHA submits a "no record" response for this inquiry as it falls within the jurisdiction of VBA and will be responded to by VBA under FOIA number 16-01992-F.

My review of the documents revealed that they contained information that falls within the disclosure protections of FOIA Exemption 5, 5 U.S.C. § 552(b)(5) and FOIA Exemption 6, 5 U.S.C. § 552(b)(6).

FOIA Exemption 5 permits VA to withhold a document or information contined within a document as "pre-decisional" if two requirements are met. First, if there is an identifiable deliberative process. Second, the agency generated the information or document as part of the agency decision process. Stated another way, VA may withhold information under Exemption 5 where the document or its content makes recommendations or expresses opinions about legal or policy matters during a decision-making process and the document is not the decision document or incorporated into the decision document. Additionally, as a matter of Federal policy, the agency must state an articulable, forseeable harm to the agency or its activities that could occur as a result of release of the document or information.

My review of the three (3) pages of emails (Bates pages 000162 – 000164) identified as responsive to item 4 of your request reveals that it contains information protected by the attorney-client privilege. The attorney-client privilege is crucial to the effective representation of the agency by counsel as the attorney must be fully informed by the client in order to provide sound legal advice. VHA employees must be able to communicate freely with VA attorneys so they are better able to perform their statutory responsibilities in conformance with the applicable legal requirements. Release of this information would harm VHA in that it would reduce the efficacy of communications between VHA employees and VA attorneys, thereby hindering the agency in the performance of its statutory duties. Consequently I am withhold this information, as indicated by the redaction on the enclosed documents, under FOIA exemptin 5, 5 U.S. C. § 552 (b)(5).

My review of two (2) issue briefs (Bates pages 407-408 and 584-585) identified as responsive to items 8 & 9 of your request reveals that it contains information that falls within the protection of Exemption 5. By their very nature, issue briefs are working documents between a facility and/or a Veterans Integrated Service Network (VISN) and VHA Central Office; therefore, they are subject to change and further modification over time. Consequently, it is my determination that the release of a document that is subject to changes and modifications over time would do very little to adding to the public's understanding of the operations and activities of the government. In fact, due to the likelihood of the documents

Page 10.

changing over time, it is substantially more likely that the public would be confused by the premature release of these records. Furthermore, the issue brief process is designed to give facility and VISN level staff the ability to make VHA Central Office aware of information on various topics and make recommendations based on the circumstances. The opinions and comments reflected in the issue brief are unadopted opinions of lower level VHA employees. Certainly, if lower level staff in facilities believed that the open and frank discussions that take place in the issue brief were to become public, staff would be less likely to communicate these issues to central office leadership. Because the issue brief procedure is a critical communications strategy for VHA, every measure must be taken to ensure that staff comply and communicate openly without fear of public scrutiny.

Therefore, the documents status is pre-decisional as VHA's decision regarding the document has not yet been made and release of this information would cause injury to the deliberative process described above. The deliberative process privilege of Exemption 5 is invoked as it is determined that the release of the pre-decision document to the public would negatively impact frank discussion on matters between subordinates and supervisors. The Veterans Health Administration seeks a full, unbiased review of these records. Protection of the decision-making process will help to ensure this result. Consequently, VA denies your request for this information under FOIA Exemption 5, 5 U.S.C. § 552(b)(5). Seven (7) pages were withheld in their entirety.

FOIA Exemption 6 permits VA to withhold a document or information contained within a document if disclosure of the information would constitute a clearly unwarranted invasion of a living individual's personal privacy. Stated another way, VA may withhold information under FOIA Exemption 6 where disclosure of the information, either by itself or in conjunction with other information available to either the public or the FOIA requester, would result in an unwarranted invasion of an individual's personal privacy without contributing significantly to the public's understanding of the activities of the federal government.

Specifically, the information I am withholding under FOIA Exemption 6, as indicated on the enclosed document. Specifically, the information withheld under FOIA Exemption 6 consists of any Veteran information, the names and identifying details of individuals working on a specific task force in a specific area; the work conducted by the task force may be consider contentious to those associated with the subject matter. As a result, task force members may be subject to harassment or worse if their identities are publicized. Please note that while federal civilian employees generally have a limited privacy interest in information such as their names, they do, nonetheless, 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. We conclude that the task force members have a privacy interest in their personal information and their personal safety under the circumstances presented here. I have also protected the BlackBerry phone (cell) numbers of employees. Although a BlackBerry phone is a government issued device, provides direct contact to the individual during both duty and off-duty hours. The protected information has been redacted and (b6) inserted.

Page 11.

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 materials provided, I have not been able to identify a countervailing public interest of sufficient magnitude to outweigh the privacy interest in this case. The individuals associated with this information have a personal privacy interest in information that outweighs any public interest served by disclosure of their identities under FOIA. Consequently, I am withholding this information under FOIA Exemption 6, 5 U.S.C. § 552 (b)(6).

Additionally, dispite a broad second search, VHA did not locate records responsive to request items 16, 17, and 18. VHA Central Office does not create, gather or store these records as part of its statutory activities. For items 16, 17 and 18, please note that SMEs working in the Camp Lejeune SME Program do so as a collateral duty, they do not serve for a set period of time, they are not paid additional salary dollars to act as an SME, VHA does not track their time specific to this work, and VHA does not maintain a programmatic budget for Camp Lejeune SME Program. VHA is providing a "no records" response to line items 16, 17,and 18. The FOIA is a document production statute that generally requires agencies to produce existing agency records in response to a FOIA request; the FOIA does not require an agency to create records in order to respond to a FOIA request. Specifically, the FOIA does not require VHA to take existing data from multiple data sources and engage in a complex analytical process for the purpose of creataing data to respond to a FOIA request. See Poll v. United States Office of Special Counsel, No. 99-4021, 2000 WL 14422 at *5, n.2 (10th Cir. January 10, 2000). See also LaRouche v. SEC, 289 F. App'x231, 231 (9th Cir. 2008).

VA was informed that item 19 has been modified to include additional requests for emails which will require the VA Office of Information Technology (OIT) to conduct an electronic search of email accounts for the time frame of January, 2010 to December 7, 2015. Upon receipt of the results of the OIT search, VHA will need to organize or categorize the files by the search terms once pulled from the archive server. The VHA FOIA Office will request the emails be placed in Veritas, formerly Clearwell, an ediscovery software, to assist with the review process. Due to the anticipated volume of emails, partial responses will be issues to item 19 on a bi-weekly rolling basis. Modification of item 19 is as follows:

19. Any and all Records concerning internal and external communications sent or received by the following individuals or categories of VA employees concerning the proposal, development, objectives, and implementation of the Camp Lejeune SME Program or discussing or responding to media inquiries concerning the Camp Lejeune SME Program:

Page 12.

- a. Dr. Terry Walters, Dr. Gerald Cross, Brad Flohr, Dr. Michael Koopmeiners, Dr. Victoria Cassano, Dr. Carolyn Clancy, Dr. Ralph Erickson, Dr. Deborah Heaney, Dr. Ronald F. Teichman; Dr. Wanda Blaylark, Dr. Gary B. Wilhelm, Dr. Amir Mohammad; Dr. Ronit Ben-Abraham Katz; Dr. Alan Dinesman;
- b. Any and all SMEs;
- c. Any and all supervisors for SMEs within the Camp Lejeune SME Program;
- d. The "various individuals at DMA responsible for oversight of the SME program since its inception" described in the Farer Declaration;
- e. The VBA employees responsible for the operation of the Camp Lejeune claims adjudication program; **VBA Item**
- f. The VBA "coaches" described in the Supplemental Brown Declaration;
 VBA Item
- g. Any VA employees given access to the SME Sharepoint site; and
- h. Any VA employees involved in the decision to develop and implement the Camp Lejeune SME program.

Requesters also seek any and all Records concerning internal and external communications between any of the above individuals or categories of VA employees and Congressional staff regarding the inception or operation of the Camp Lejeune SME Program, including but not limited to minutes from the July 2015 and December 2015 meetings between VA Secretary McDonald and Members of Congress, including Senators Burr and Tillis.

This concludes our partial response to your FOIA request at this time.

Your request was processed by the undersigned. Please contact the Department of Justice Assistant U.S. Attorney, Mr. John Larson, if you have any questions, or concerns; or if there are any issues or discrepancies at John.Larson@usdoj.gov or (860)760-7960.

Sincerely, January

Carol E. Farer, RHIA, CHPS, CIPP/G, CHPC

VHA FOIA Officer

Enclosures