



OFFICE *of* GOVERNMENT INFORMATION SERVICES

August 18, 2016 — Sent via email

[REDACTED]
[REDACTED]

Re: Case No. 201601144
NG:CM:KG

NATIONAL
ARCHIVES
and RECORDS
ADMINISTRATION

8601 ADELPHI ROAD
OGIS
COLLEGE PARK, MD
20740-6001

web: www.ogis.archives.gov
e-mail: ogis@nara.gov
phone: 202-741-5770
toll-free: 1-877-684-6448
fax: 202-741-5769

Dear [REDACTED]:

This responds to your July 25, 2016 request to the Office of Government Information Services (OGIS), which we received via email. Your request for assistance concerns your Freedom of Information Act (FOIA) request to the Department of Veterans Affairs (VA).

OGIS was created to complement existing FOIA practice and procedure; we strive to work in conjunction with the existing request and appeal process. The goal is for OGIS to allow, whenever practical, the requester to exhaust his or her remedies within the agency, including the appeal process. Please know that OGIS has no investigatory or enforcement power, nor can we compel an agency to release documents. OGIS serves as the Federal FOIA Ombudsman and our jurisdiction is limited to assisting with the FOIA process.

OGIS provides mediation services to resolve disputes between FOIA requesters and Federal agencies. After opening a case, OGIS gathers information from the requester and the agency to learn more about the nature of the dispute. This process helps us gather necessary background information, assess whether the issues are appropriate for mediation, and determine the willingness of the parties to engage in our services. As part of our information gathering, OGIS carefully reviewed your submission of information regarding your request.

On [REDACTED], you submitted a request to VA for document related to [REDACTED]. VA responded to your request on [REDACTED], denying your request for documents and withholding 152 pages in their entirety pursuant to FOIA Exemption 4, 5 U.S.C. § 552(b)(4). VA's response letter also provided you with information about filing an appeal. You requested OGIS's assistance regarding this matter.

Under the FOIA Improvement Act of 2016, in cases of adverse determinations, agencies shall notify requesters of the right "to seek dispute resolution services from the FOIA Public Liaison of the agency **or** the Office of Government Information Services." 5 U.S.C. § 552 (a)(6)(A)(i)(III). Prior to an agency's decision on an administrative appeal, OGIS is limited in what services



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we can provide. At this point in the process, we can only work with agencies to provide more information about how the records were processed. OGIS cannot compel agencies to release documents, enforce FOIA, process requests or review appeals, or make determinations.

We contacted VA's FOIA Officer ██████████ to discuss your case. ██████████ explained that she reviewed the requested records to determine whether any information within the records could be segregated and released. However, after careful review, ██████████ determined that there were no meaningful segments of the records that she could release; the non-exempt information would produce only incomplete, fragmented, unintelligible sentences composed of isolated, meaningless words. For this reason, ██████████ withheld the records in their entirety.

I understand you have filed an administrative appeal of the agency's decision. The appeal is an important part of the FOIA administrative process. By filing an appeal, you preserve your administrative rights and give the agency a chance to carefully review and reconsider every part of a request and the agency's decision.

I hope this information helps you better understand how your request was reviewed by the agency. Please do not hesitate to contact OGIS if you need further assistance with issues of delay, or if you have questions after the administrative appeal is complete.

Sincerely,

/s/

NIKKI GRAMIAN
Acting Director

We appreciate your feedback. Please visit <https://www.surveymonkey.com/s/OGIS> to take a brief anonymous survey on the service you received from OGIS.