



## COMPLIANCE REVIEW OF THE DEPARTMENT OF VETERANS AFFAIRS (VA) FREEDOM OF INFORMATION ACT (FOIA) PROGRAM

What OGIS Found	What OGIS Recommends
<p>1. VA acknowledged requests in an average of two weeks after receipt in fiscal year (FY) 2024, but veterans seeking their own records from the Veterans Benefits Administration (VBA) waited an average of five months to receive records. <i>(Recommendation 1)</i></p>	<p>1. VA should be transparent about the time it takes veterans to obtain their own benefits records.</p>
<p>2. VA's handling of first-party requests, particularly with regard to the intersection between FOIA and the Privacy Act, is complex and confusing. <i>(Recommendation 2)</i></p>	<p>2. VA should consider whether its current processes best serve the needs of veterans who are requesting their own records.</p>
<p>3. VA's confusing communication to veterans seeking their own benefits records prevents them from knowing whether they can expect administrative rights under FOIA. <i>(Recommendations 3-5)</i></p>	<p>3. VBA should remove administrative appeal rights from its first-party request acknowledgment letters and add those rights to final determination letters in accordance with FOIA.</p> <p>4. When VBA uses FOIA exemptions to withhold information from veterans benefits files, it should inform requesters of the correct 90-day appeal window in all final determination letters in accordance with FOIA.</p> <p>5. When VBA uses FOIA exemptions to withhold information from veterans benefits files, it should</p>

	inform requesters of the availability of its FOIA Public Liaison and the Office of Government Information Services (OGIS).
<b>4. VA is not consistently complying with the FOIA statutory requirement to provide requesters with estimated dates of completion (EDCs) upon request. (<i>Recommendation 6</i>)</b>	<b>6. If VA tells requesters that records will be processed under FOIA, VA should comply with FOIA's statutory mandate of providing estimated dates of completion upon request.</b>
<b>5. Letters from VA's FOIA program to requesters are not written in plain language. (<i>Recommendation 7</i>)</b>	<b>7. VA should review all requester communications related to the FOIA program and re-write as needed all template letters to remove confusing, technical, or legal jargon, and ensure plain language.</b>
<b>6. VA's reporting on the administration of FOIA appears to be inconsistent, complicating review of the FOIA program's performance. (<i>Recommendations 8-10</i>)</b>	<b>8. VA should establish new procedures and quality control checks to ensure consistency in the statute's data reporting requirements.</b>  <b>9. VA should use the final determination date rather than the acknowledgement date for annual FOIA reporting in accordance with FOIA.</b>  <b>10. Congress should consider asking the Government Accountability Office (GAO) to conduct an audit of VA's compliance with FOIA's data reporting requirements in accordance with the statute, 5 U.S.C. § 552(i).</b>
<b>7. VA's decentralized system for obtaining records relies on collateral duty staff to locate records and process requests for records which slows the process. (<i>Recommendation 11</i>)</b>	<b>11. The Veterans Health Administration (VHA) and VBA should each review the structure of their FOIA programs to align their workforce with the FOIA needs of each component.</b>

<p>8. The technology and systems that VA uses to maintain records and process FOIA requests are siloed and not always efficient. Multiple programs are used to process FOIA requests and the platforms are unable to communicate with each other. <i>(Recommendation 12)</i></p>	<p>12. VA should ensure that systems used to maintain records and process FOIA requests are able to efficiently meet statutory requirements, and allow the primary FOIA case management system to assist with management controls and records management.</p>
<p>9. Communication about VA’s FOIA program on the agency’s website is not always clear and consistent, and there is no FOIA handbook as required by the FOIA statute. <i>(Recommendations 13 and 14)</i></p>	<p>13. VA should finish and post the FOIA handbook to the VA FOIA webpage in accordance with 5 U.S.C. § 552(g)(3).</p> <p>14. VA should review its FOIA library as well as the VA FOIA website to ensure all information about veterans records and the FOIA process is current and written in plain language.</p>
<p>10. VA’s FOIA program contact information and FOIA Public Liaison information on FOIA.gov, the government’s central website for FOIA, is often not correct. <i>(Recommendation 15)</i></p>	<p>15. VA should establish a quality control process to ensure all of its agency and subcomponent offices’ contact information is up-to-date and current on FOIA.gov.</p>
<p><b>What OGIS Reviewed</b></p>	
<p>OGIS reviewed written materials including the agency’s FOIA regulations, standard operating procedures, management reports, FOIA Annual Reports, Chief FOIA Officer Reports, and organizational charts, among other materials. OGIS conducted 15 interviews of VA FOIA professionals and an online survey to which 162 VA FOIA professionals responded. OGIS also reviewed a statistically significant random sample of 383 cases processed in FY 2024, the most recent available at the time of our review in early 2025.</p>	

## Introduction

The Freedom of Information Act (FOIA) mandates that the Office of Government Information Services (OGIS) review FOIA policies, procedures and compliance.<sup>1</sup> OGIS periodically conducts independent, systemic reviews of agencies' FOIA programs to evaluate their compliance with FOIA.

Congress mandated that OGIS assess the U.S. Department of Veterans Affairs (VA) FOIA Program in the Consolidated Appropriations Act of 2023, which included the Joseph Maxwell Cleland and Robert Joseph Dole Memorial Benefits and Health Care Improvement Act of 2022 (the Cleland-Dole Act).<sup>2</sup> Among the mandates in the Cleland-Dole Act is that VA would reduce its FOIA backlog no later than December 2027, and that the VA Secretary would request an assessment of its FOIA compliance from the OGIS Director. Then-VA Secretary Denis McDonough requested such an assessment on April 14, 2023. This report is the result of OGIS's compliance review.

Both FOIA and the Privacy Act play a crucial role in providing the nation's 15.8 million veterans access to records they need to receive benefits such as healthcare, tuition and training, or loans.<sup>3</sup> Without prompt access to such records, veterans are delayed in applying for and receiving those benefits. This assessment is focused only on VA's FOIA process, in accordance with the Cleland-Dole Act, and OGIS's statutory mission to review FOIA compliance.

We recognize each agency's records are unique and as such, management of the FOIA process differs across the government—there is no one-size-fits-all approach to administering FOIA. We have observed that successful FOIA

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<sup>1</sup> 5 U.S.C. § 552(h)(2).

<sup>2</sup> Pub. L. 117-328 (2022).

<sup>3</sup> <https://www.census.gov/newsroom/facts-for-features/2024/veterans-day.html>.

programs share three general characteristics: they manage their resources appropriately; they use technology effectively; and they communicate well with requesters. To that end, our compliance assessment program reviews and issues findings regarding a FOIA program's management, technology and communication.

This report is the result of direct observation and review of VA's initial FOIA request case files; a review of VA's FOIA regulations, webpage, and other written materials including standard operating procedures and a draft handbook for implementing FOIA, Annual FOIA Reports, Chief FOIA Officers Reports and organizational charts; interviews with FOIA officials and staff; an online survey to which 162 VA FOIA professionals responded; and a review of VA's FOIA litigation from October 2014 to May 2025.

VA provided us with data about FOIA cases closed in fiscal year (FY) 2024, the most recent available at the time of our assessment. OGIS reviewed 383 initial case files, a statistically significant random sample of the 119,922 requests the agency processed in FY 2024. That allowed us to generalize to the population of FOIA requests the agency processed in FY 2024.

This report is a snapshot in time. The report and our recommendations, which VA had the opportunity to review prior to publication, are intended to assist the agency in fulfilling its statutory responsibilities under FOIA. OGIS will follow up with VA regarding the status of these recommendations in 120 calendar days.

## **Background**

The U.S. Department of Veterans Affairs (VA) is a Cabinet-level department that provides healthcare and benefits to eligible veterans of the armed forces. VA provides healthcare services to military veterans at 170 VA medical centers and outpatient clinics throughout the country, as well as non-healthcare benefits such as disability compensation, vocational rehabilitation, education

assistance, home loans, and life insurance at 56 Regional Offices. VA also provides burial and memorial benefits to eligible veterans and their family members at 156 national cemeteries.

VA is divided into three main administrations: the Veterans Health Administration (VHA), the Veterans Benefits Administration (VBA) and the National Cemetery Administration (NCA), each led by a Deputy Secretary.

The VA FOIA program is decentralized, with VHA, VBA and NCA each administering and processing its own requests for records, and working with the VA Central Office (VACO) that oversees FOIA administration across all three programs. The VACO FOIA Service office is part of the Office of FOIA, Records Management and Assessment Compliance, which is in the Office of Compliance, Risk, and Remediation (CRR), all overseen by the Chief Information Officer and the Assistant Secretary for Information and Technology. VA's Office of General Counsel processes administrative appeals of all FOIA responses.

A law known as the PACT Act,<sup>4</sup> signed into law on August 10, 2022, increased the number of records requests VA received in the last three fiscal years. The PACT Act expanded and extended eligibility for VA health care for veterans with exposures to burn pits, Agent Orange and other toxins, as well as veterans of the Vietnam, Gulf War and post-9/11 eras. As veterans sought records to show their exposure or to document their time in service in certain locations, requests that the agency counted as FOIAs jumped from 22,542 requests received in FY 2022 to 79,590 the following fiscal year to 119,922 in FY 2024. That is more than a five-fold increase over the three fiscal years.

### ***Requests and Backlog***

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<sup>4</sup> The Sergeant First Class (SFC) Heath Robinson Honoring our Promise to Address Comprehensive Toxics Act, Pub. L. 117-168 (2022).

Between FY 2020 and FY 2024, VA reported receiving an average of 50,934 FOIA requests per fiscal year. During that same period, VA reported responding to an average of 53,149 requests per fiscal year. As shown in Figure 1, the backlog (the number of requests that are pending at an agency at the end of the fiscal year that are beyond the statutory response time of 20 working days) ranged from a reported high of 3,220 requests in FY 2020 to a reported low of 780 requests in FY 2023.

Between FY 2020 and FY 2024, the backlog decreased from 3,220 reported in FY 2020 to 1,539 in FY 2024. During the same period, the number of requests VA processed increased by over 515 percent from 19,323 reported in FY 2020 to 119,543 reported in FY 2024.

Between FY 2020 and FY 2024, VA reported responding to simple requests in an average of 33 working days and complex requests in an average of 86 working days. The average response time for complex requests ranged from a low of 44 working days in FY 2023 to a high of 140 working days in FY 2021.

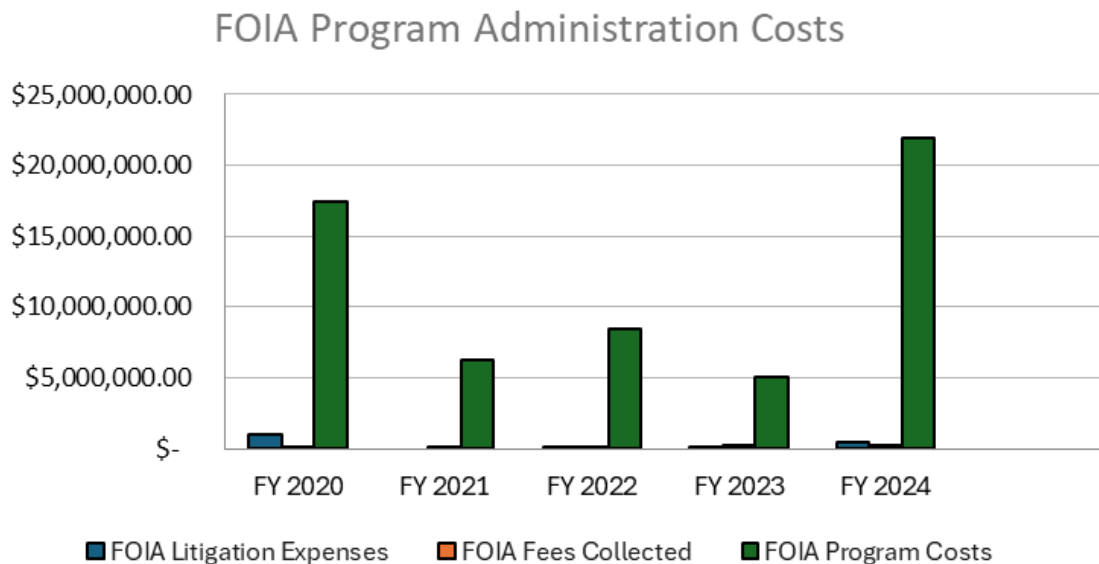
The age of backlogged requests is an important measure in assessing an agency's FOIA program over time. We looked at the 10 oldest FOIA requests that VA reported for FY 2020 through FY 2024. VA reported that the oldest request at the end of FY 2020 was 1,991 days in the backlog; by FY 2023, the oldest request reported in the backlog was 2,318 days. For FY 2024, the days reported for the 10 oldest are not sequential. (The second and fourth oldest requests were reported pending 1,565 days and 1,333 days, respectively, while the third oldest request was reported pending 207 days.)

We also note discrepancies between the numbers that VA reported to the U.S. Department of Justice (DOJ) that are available on FOIA.gov and in the FOIA Annual Reports that are published on the [VA FOIA library](#). (See table "Data Discrepancies in FOIA Reporting" under Finding 6, below.)

## FOIA Program Administration

Between FY 2020 and FY 2024, VA reported that its FOIA program cost an average of \$11.9 million per fiscal year. Litigation-related costs accounted for less than 1 percent of total costs annually from FY 2020 to FY 2024, with a reported high of \$961,885 in FY 2020 to a reported low of \$11,870 in FY 2022.<sup>5</sup>

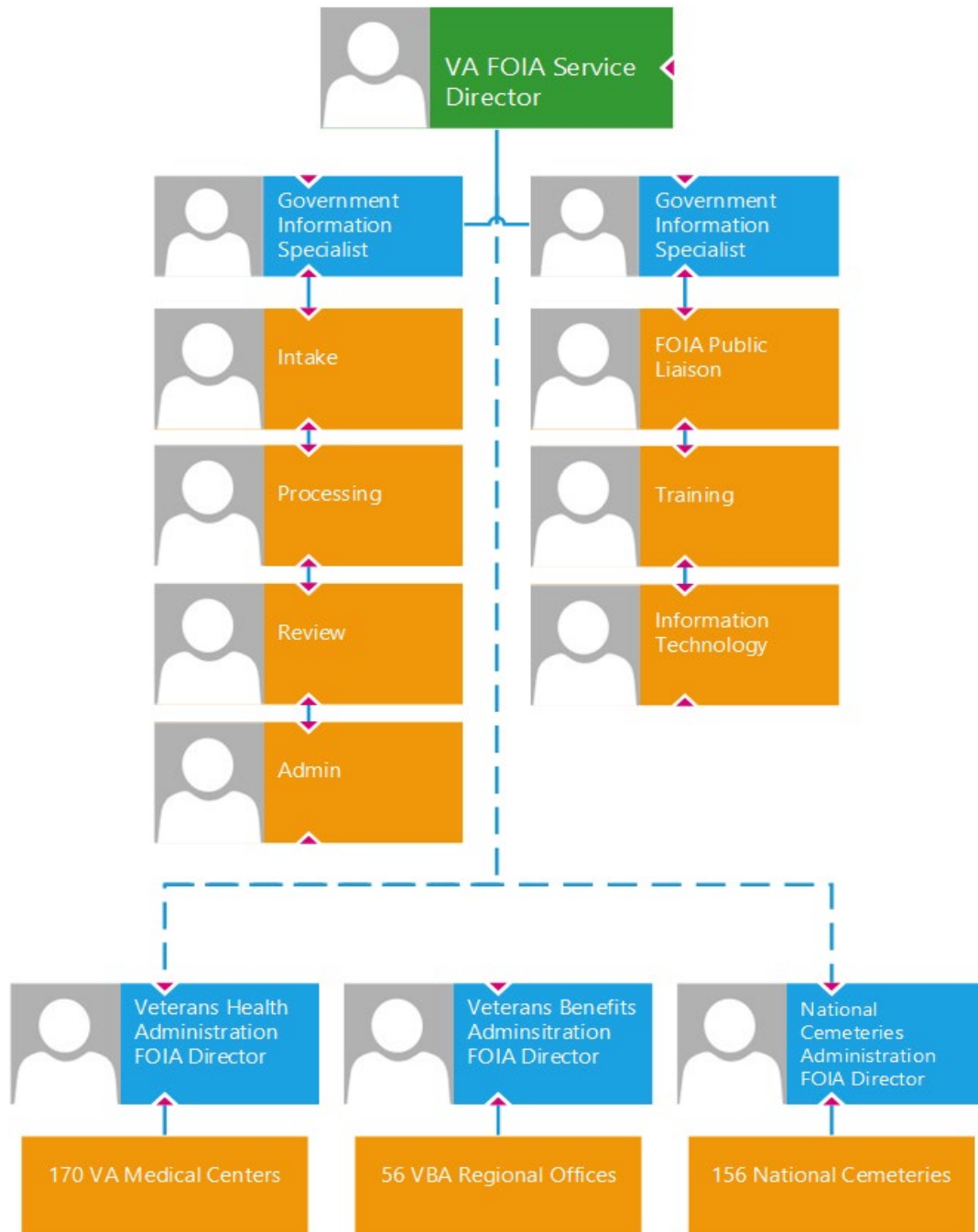
In addition, VA collects processing fees that go to the U.S. Treasury. From FY 2020 to FY 2024 the average amount of fees collected was \$127,337 per fiscal year, 1.1 percent of total costs for the agency's FOIA program over the five-year period.



The FOIA Program operates within VA's Office of Information and Technology, which is overseen by the Assistant Secretary for Information and Technology and Chief Information Officer, who also serves as the Chief FOIA Officer for the agency. The FOIA Service Director manages the FOIA staff at the VA Central Office and works closely with the FOIA staff at the VHA, VBA and NCA.

<sup>5</sup> VA did not report any litigation costs in FY 2021.





## ***FOIA Staffing***

At the time of our assessment, VA’s FOIA program at the VA Central Office consisted of one VA FOIA Service Director who was a Supervisory Government Information Specialist (GIS) at the General Schedule (GS) 15 level. Two GS-14

Supervisory GIS team leads oversaw two teams that included the VA FOIA Public Liaison, Information Technology (IT) Specialist and Training Coordinator, and a processing team.

One team comprised one supervisory GS-14 GIS (as noted above), a non-supervisory GS-14 GIS, two GS-13 GISs, one GS-13 IT Specialist and one GS-11 GIS; two of the GS-13 positions were vacant at the time of our assessment.

The second team comprised one supervisory GS-14 GIS (as noted above), a non-supervisory GS-14 GIS and six GS-13 GISs; three of the GS-13 positions were vacant at the time of our assessment.

More vacancies occurred after the government-wide hiring freeze went into effect on January 20, 2025, and employees departed, including as a result of VA offering the Deferred Resignation Program, buyouts (Voluntary Separation Incentive Payment) or early retirements (Voluntary Early Retirement Authority.)

VA reported to DOJ that the agency had 367 FOIA staff—full-time and full-time equivalents—in FY 2024.<sup>6</sup> That included 267 staff at VBA, 48 at VHA and one at NCA. It also included 15.5 staff working on FOIA in the Office of General Counsel, which processes FOIA administrative appeals for the entire agency, and 10 staff in the Office of Information Technology (OIT) which is where the VA central FOIA program is located. (The remaining staff were reported at the VA Office of Inspector General (IG), whose FOIA program OGIS did not assess, and at various departmental offices.)

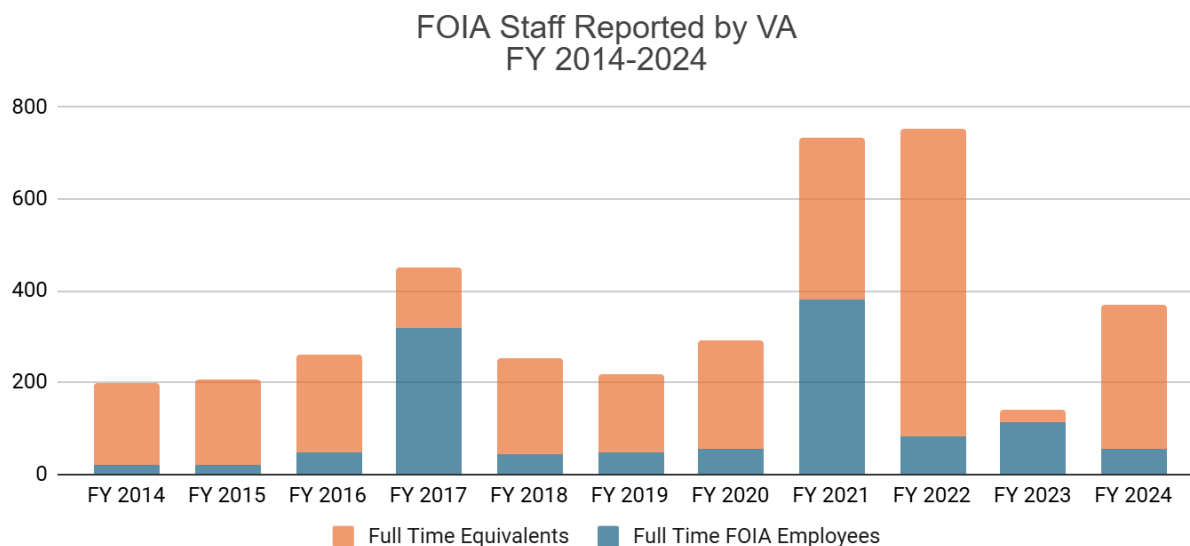
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<sup>6</sup> The Department of Justice Office of Information Policy instructs agencies, in their annual FOIA reporting, to create the number of “equivalent full-time FOIA employees” by “adding together the percentages of time dedicated to FOIA duties by employees performing less than full-time FOIA work. Each time 100% is reached, the time expended is counted as one “equivalent full-time FOIA employee.” <https://www.justice.gov/oip/media/1371841/dl?inline=>.

In FY 2023, VA reported only 140 FOIA staff (less than half of the 367) to DOJ, including two at VBA, five at VHA, two at NCA, 19 at the Office of General Counsel, and 18 at OIT. (These numbers do not include the IG and various departmental offices.) It is unclear why there is such a disparity in the data.

The difference between FY 2023 and FY 2024 is reflected in VA FOIA staffing data for the decade between FY 2014 and FY 2024, during which time VA reported high variation year-to-year in the number of full-time FOIA employees and full-time FOIA equivalents.<sup>7</sup>

In that same time period, VA reported as few as 140 staff (in FY 2023) and as many as 751 staff (in FY 2022). The average number of staff reported over the decade was 352.



As a proxy for the number of individuals working on FOIA across the agency, VA counted the number of software licenses issued for accessing VA’s FOIA tracking

<sup>7</sup> The Department of Justice Office of Information Policy instructs agencies, in their annual FOIA reporting, to create the number of “equivalent full-time FOIA employees” by” adding together the percentages of time dedicated to FOIA duties by employees performing less than full-time FOIA work. Each time 100% is reached, the time expended is counted as one “equivalent full-time FOIA employee.” <https://www.justice.gov/oip/media/1371841/dl?inline=>.

system. VA informed OGIS that as of January 2025, there were roughly 942 such licenses available across the agency.

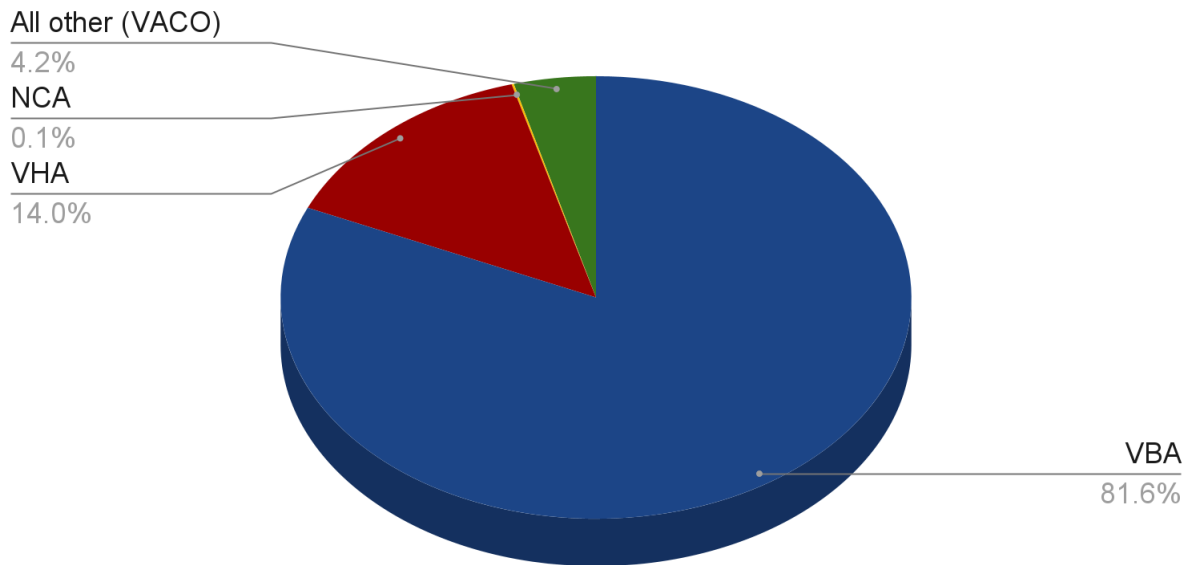
When asked about the wide disparity in reported staffing numbers, the FOIA Director explained that the agency cannot provide a good estimate on staffing because of the decentralized nature of the program, in which VA employees at 170 medical centers (VHA) and 56 regional offices (VBA) process FOIA requests often as a collateral duty, and the time devoted to FOIA depends on the number and complexity of requests received.

Until May 2025, VA FOIA staff also included one information technology (IT) position from the [GS-2210 job series](#) (Information Management Technology Series) to assist the FOIA staff with technology.

### ***FOIA Process***

VA's decentralized FOIA process means that the VBA, VHA and NCA each administers its own FOIA program separately from the VA Central Office (VACO). In addition, there are different requirements for requesting various types of records. The three most common types of records are: veteran benefits records, created and maintained by VBA; veteran health records, created and maintained by VHA; and operational records, created and maintained by every agency during day-to-day operations. Generally, when a veteran requests their own records, it is a first-party request; all other requests are third-party requests.

VA FY 2024 FOIA Cases by Administration



### *Operational Records*

Operational records are the records created in the process of an agency carrying out its mission and responsibilities. These records include contracts, agency policies, employee directories, and other types of policy, administrative, and personnel records. There are multiple ways to request these records from VA, including via U.S. postal mail, email, fax, VA's Public Access website, or the National FOIA Portal at FOIA.gov. When these requests come to VACO, VACO FOIA staff triages requests and sends them to the appropriate office or administration for processing. Certain records requests that relate to a specific location, such as medical center personnel records, may be received, processed, and/or hand-delivered at the facility where they are created. According to OGIS's review of case files, VA processed requests for operational records in an average of 18 working days in FY 2024.

## *Veterans' Health Records*

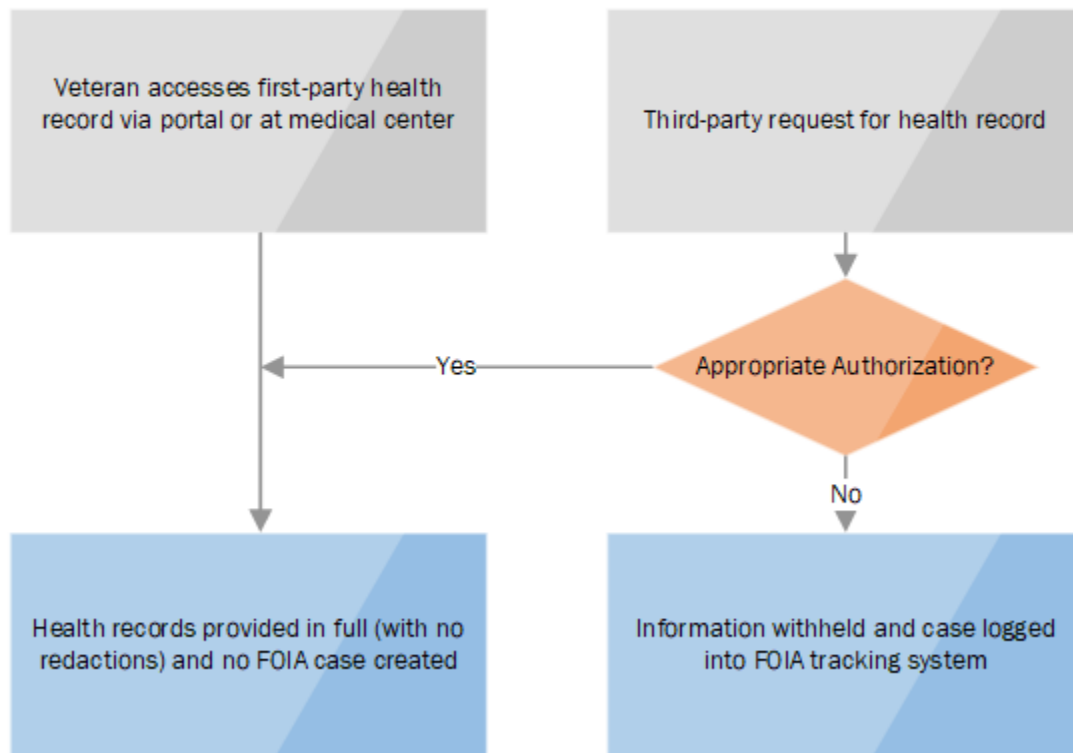
Veterans' health records are created during the treatment of veterans at the nation's 170 VA Medical Centers. A veteran may access their own health records [online](#) or in person at the medical center where treatment occurred. Veterans' health records maintained by VHA are subject to both the Health Insurance Portability and Accountability Act (HIPAA)—the law that established federal standards that protect health information from disclosure without patient's consent—and the Privacy Act—the law prohibiting agency disclosure of an individual's records about themselves without prior written consent.<sup>8</sup> For third-party access of veteran health records, requests to VHA for health records must comply with the release requirements for both acts, as well as other statutes that strengthen release requirements for veterans' health records, which require the patient's authorization.

Each VA Medical Center has its own Release of Information Office, whose responsibilities include ensuring lawful release of records and patient-protected health information. In addition, each VA Medical Center has designated a FOIA Officer responsible for processing any FOIA request that may come in. (Some VHA FOIA Offices receive just a few FOIA requests each year.) Veterans' health records requests are logged into the VA FOIA tracking system only if VA withholds all or a portion of the record under a FOIA exemption.

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<sup>8</sup> Specifically, the Privacy Act governs records or grouping of information about an individual maintained by an agency, retrieved by an individual's name, Social Security number, or other personal identifier, and requires special storage of those types of records in order to prevent unauthorized access, alteration, or destruction. See 5 U.S.C. §§ 552a(a)(4), (a)(5) and (e)(10).

## Request Process for VHA Health Record



### *Veterans' Service Records and Benefits Records*

Veterans' service records are records that were created by the six branches of the U.S. Armed Forces—U.S. Army, U.S. Navy, U.S. Marine Corps, U.S. Air Force, U.S. Space Force, and the U.S. Coast Guard—when a veteran was serving on active duty or in a reserve component. Service records include personnel records and health records from an individual's service. Veteran benefits records are created and maintained by VBA.

When a request for a veteran's benefits records includes a request for records held by another agency, OGIS observed that VBA consistently referred that portion of the request to the service branch that holds the veteran's health

records or to the National Archives and Records Administration (NARA) so the search and processing may happen simultaneously with VBA's process.

The health records from a veteran's time in service may be maintained separately from the rest of the service record. Before 1992, all of the military branches transferred the individual health record, along with the rest of the service record, to NARA's National Personnel Records Center (NPRC) upon a service member's separation from service. Between 1992 and 1998, the branches of the Armed Forces began transferring former members' health records to VA,<sup>9</sup> separate from the rest of the service record. In 2014, the military services began maintaining individuals' health records.

All first-party requests to VA for veterans benefits records are tracked through the VBA's Veterans Benefits Management System (VBMS). VA requires all first-party requests to include a handwritten signature, which the veteran may mail directly to the contractor at the "Evidence Intake Center" in charge of scanning documents or submit at a VBA regional office (which will mail the physical request to the scanning contractor).<sup>10</sup> The contractor sends the scanned request to another contractor, which opens a case in the VBMS system.

VBA's Centralized Support Division (CSD) in St. Louis triages the request which then waits in VBMS until it rises to the top of the queue. CSD assigns it to a processor at one of VBA's 56 regional offices for review and release. If there are any FOIA redactions, the processor opens and closes a case in the FOIA case management system. We observed that these FOIA cases are generally opened and closed the same week or day, sometimes within a few hours. (If there are no FOIA redactions, it is our understanding that a case does not get created in the FOIA case management system).

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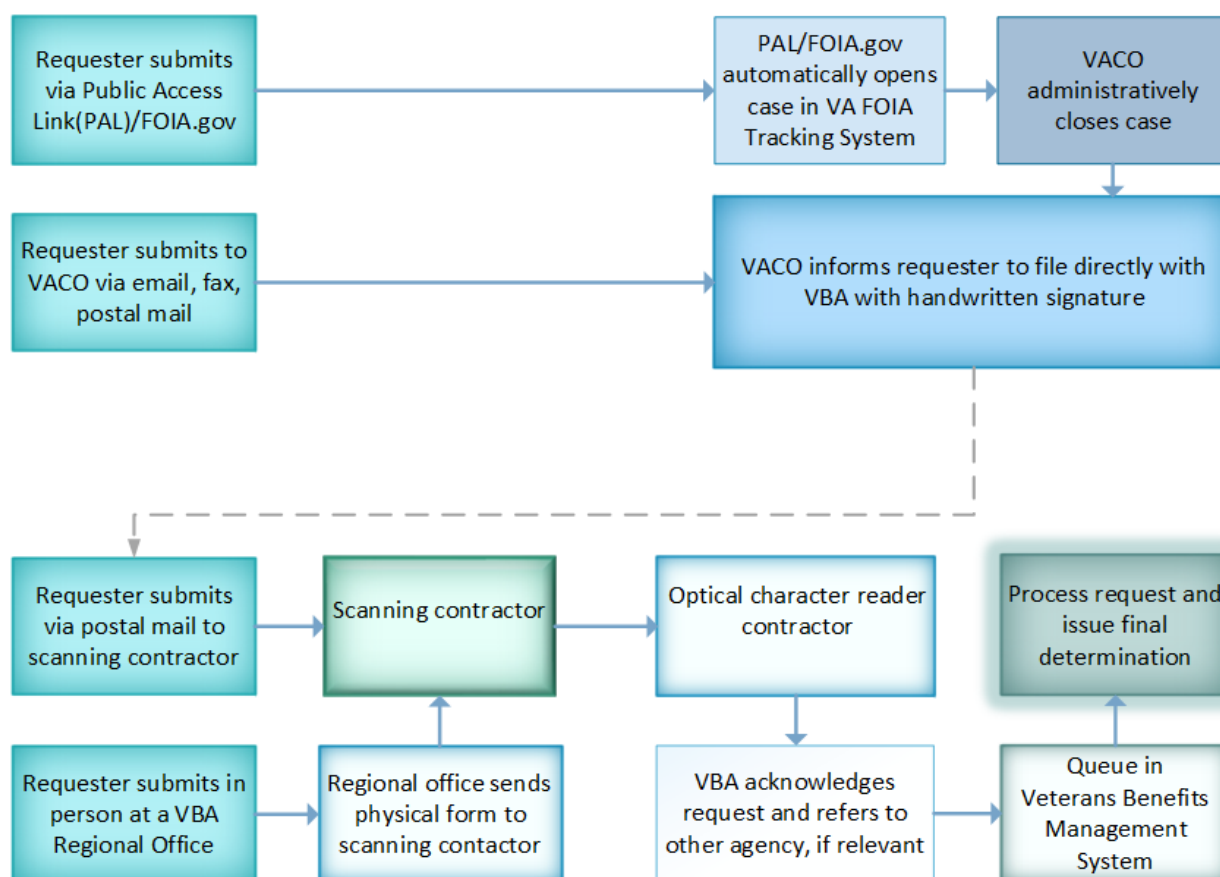
<sup>9</sup> <https://www.archives.gov/veterans/military-service-records/medical-records.html>.

<sup>10</sup> When such a request comes via FOIA.gov or the Public Access Link (PAL), VACO will administratively close the request in the FOIA tracking system and direct the requester to file directly with VBA.



From VBA's acknowledgement letter to the final determination letter, first-party requests are released in an average of 109 working days. However, when the survivors of a deceased veteran request benefit records, VA will process them under FOIA. VA released those records in under a week of receipt in FY 2024 according to OGIS's review of case files.

## Request Process for First-Party Benefits Record



We observed that the processing of a veteran's benefits records can often be completed within a day, but because of the volume of requests for these records, each first-party request sits in a VBMS queue before it is processed for release. The requests are completed on a first-in-first-out basis. A processor must review benefits records before release because the records may include

personally identifiable information of third parties such as the names and Social Security numbers of all the individuals who served in the same military unit.<sup>11</sup>

### VA Records: What, Who and Where

Record type		Who Maintains the record	Where to send request
VA Operational Records		VA	VACO
VHA Health Records		VHA	The VHA Medical Center that created the record
Service Records	<i>Service Health Records</i>	VBA / NPRC / Creating Military Service Branch	VBA - VBA will forward to agency that maintains the record
	<i>Military Service Records and Official Military Personnel Files</i>	NPRC / Creating Military Service Branch	NPRC
Compensation and Pension records and Benefit records	<i>Claim Files, DD Form 214, C&amp;P Exams</i>	VBA	VBA

### *Federal Court Litigation*

We reviewed FOIA litigation filed against VA between October 1, 2014, and May 31, 2025, and identified 115 lawsuits naming VA as a defendant. Sixty-seven lawsuits were third-party requests. Over 90 percent of the lawsuits cited a failure to respond within the FOIA’s statutory 20-working-day response time after VA (or one of its component agencies) acknowledged receipt of the request.

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<sup>11</sup> VA typically asserts FOIA Exemption 6 to protect this information, along with FOIA Exemption 3, specifically 38 U.S.C. § 5701, which protects from disclosure “all files, records, reports, and other papers and documents pertaining to any claim under any of the laws administered by the Secretary and the names and addresses of present or former members of the Armed Forces, and their dependents, in the possession of [VA].”

Approximately 79 percent of the lawsuits were dismissed by one or both parties. Thirty-five lawsuits challenged VA's searches for responsive records, while six lawsuits challenged VA's withholdings under FOIA Exemption 6 (invasion of privacy). Eight cases remain open.

Of the 107 closed cases we reviewed, two resulted in partial rulings in favor of the requester; 19 cases resulted in summary judgment for the agency at the district court level, (although two cases were reversed and remanded for further proceedings by the U.S. Courts of Appeals for the 9th Circuit and the D.C. Circuit);<sup>12</sup> and four cases resulted in a motion to dismiss in favor of the agency.

Courts dismissed 91 cases for various reasons, including failure to state a claim, lack of jurisdiction, mootness or settlement by either joint or unilateral stipulation. Requesters trying to challenge VA's response to their FOIA requests in the U.S. Court of Appeals for Veterans Claims (five cases) were unsuccessful since that court lacks jurisdiction over FOIA cases.

## ***Training***

FOIA requires agency Chief FOIA Officers to "offer training to agency staff regarding their responsibilities under [FOIA]." <sup>13</sup> In addition, the U.S. Department

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<sup>12</sup> Of these 19 cases that resulted in summary judgment for VA, nine were requests for first-party information; one case sought access to records relating to the VA website that serves as a federal government portal for veteran-owned businesses, <https://www.vip.vetbiz.gov>. The remaining nine third-party cases involved requests for access to a wide range of records, including records to shed light on racial disparities across VA benefits system; records related to a national plan to improve delivery of health care to veterans; records related to a false complaint competitor had made against plaintiff's company; records concerning how federal government shares and uses information about veterans' alleged financial incompetency to brand them as "mental defectives" carrying stigma with wide-ranging consequences; and information regarding implementation of VA's Camp Lejeune subject matter expert program.

<sup>13</sup> 5 U.S.C. § 552(j)(2)(F).

of Justice (DOJ) Office of Information Policy (OIP) advises each agency to offer training to staff to comply with this requirement in the statute.<sup>14</sup>

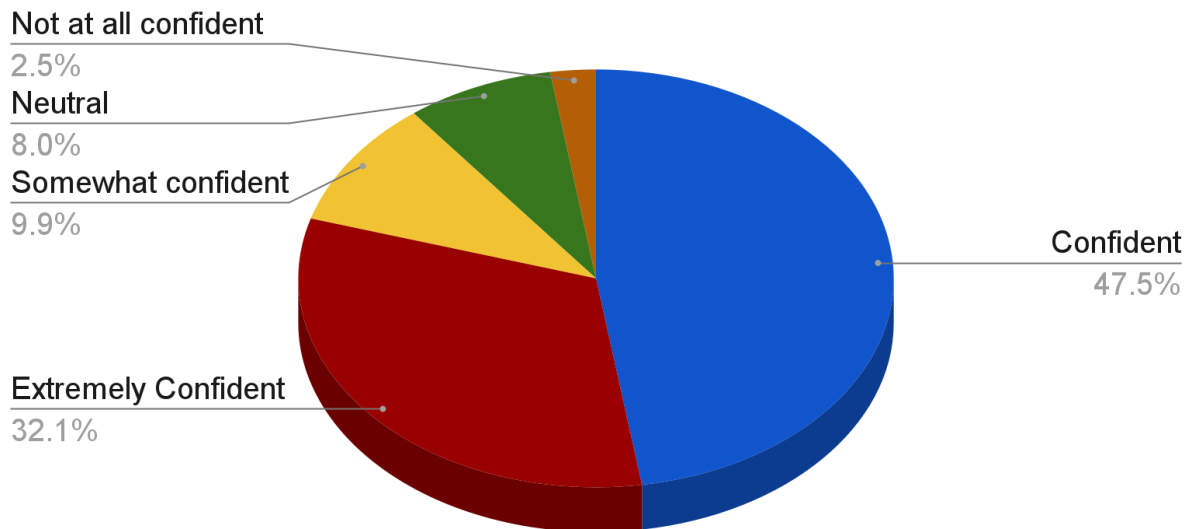
VA estimated in its 2024 Chief FOIA Officer Report that 100 percent of FOIA professionals and staff with FOIA responsibilities attended substantive FOIA training during the year. An online OGIS survey of VA FOIA professionals administered as part of this assessment found that 93% of respondents reported that they were aware that VA offered "training or guidance on how to properly process a FOIA request."

As a measure of training effectiveness, the OGIS survey also asked "How confident are you in knowing the correct legal procedures for how to properly process a FOIA request and/or appeal?" This question gave respondents five answer choices and it received 162 responses. Almost half of respondents (47.5%) selected "confident," with approximately one-third (32.1%) selecting "extremely confident." Approximately 10 percent (9.9%) of respondents answered "somewhat confident," 8 percent of respondents selected "neutral," and 2.5 percent selected "not at all confident."

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<sup>14</sup> See [OIP Guidance for Further Improvement Based on 2024 Chief FOIA Officer Report Review and Assessment](#), (updated February 12, 2025).

How confident are you in knowing the correct legal procedures for how to properly process a FOIA request and/or appeal?



The VACO FOIA Service Office has a person assigned to oversee FOIA training throughout the agency, among other duties. Office staff works to ensure that every employee who works on FOIA receives continuing training, even those who may process only one or two FOIA requests a year. OGIS's online survey showed that 7 percent of respondents were not aware that VA offered training or guidance on how to properly process a FOIA request.

The VACO training lead hosts a weekly meeting for FOIA staff from across the agency to discuss issues and challenges with processing. The weekly meeting is open to anyone and is geared toward those employees for which FOIA is a collateral duty. In addition to the weekly meeting, the training lead offers targeted training and creates each training in multiple formats to accommodate individuals' differing learning styles.

## Findings and Recommendations

### **Finding 1: VA acknowledged requests in an average of two weeks after receipt in FY 2024, but veterans seeking their own records from VBA waited an average of five months to receive records.**

Based on OGIS’s review of VA case files, in FY 2024, VA as a whole acknowledged records requests in an average of 10 working days—two weeks. However, the average processing times differed dramatically depending on whether the request was from a veteran seeking their own records from VBA or from a requester seeking either their own medical or health records from VHA or other records from VA.

Veterans seeking their own benefits records from VBA, who accounted for 83 percent of the FY 2024 cases we reviewed, waited an average of 110 working days—five months—while other requesters received their records in an average of 19 working days—approximately one month.

Upon acknowledging requests for benefits claims files, VBA sends the request to a processing queue where it is processed in order of receipt. OGIS’s review of the 317 VBA cases included in our statistically significant random sample showed that once a request moved to the top of the queue, it often took a matter of hours to review and release.

OIP’s training, "Customer Service and the FOIA," instructs agencies that agency FOIA Requester Service Centers and FOIA Public Liaisons “serve a vital role in helpful and timely explanations of the FOIA process to members of the public.”<sup>15</sup>

**Recommendation 1:** VA should be transparent about the time it takes veterans to obtain their own benefits records.

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<sup>15</sup> <https://www.justice.gov/oip/media/1334641/dl?inline>.

**Finding 2: VA’s handling of first-party requests, particularly with regard to the intersection between FOIA and the Privacy Act, is complex and confusing.**

When requesters ask for records pertaining to themselves, VA informs requesters that it will process requests under both the FOIA and the Privacy Act. While the FOIA and the Privacy Act each has its own distinct access provisions, the two laws overlap to some extent but not entirely.

When veterans seek their own benefits records in a claims file, or “C-file,” and submit their requests via VA’s Public Access Link (PAL) or [FOIA.gov](https://www.foia.gov), a case is automatically opened in VA’s main FOIA tracking system. VACO informs the requester that VA considers the request a Privacy Act request, not a FOIA request, instructs the requester to file a request directly with VBA, and closes the case in the FOIA tracking system. When the requester re-files with VBA, VBA promptly issues an acknowledgement letter with language that leaves unclear the statute under which the request will be processed (see Finding 3 and [Appendix B](#)). It is important to note that unlike FOIA, the Privacy Act has no statutory deadline for responding to requests for records.

Months later, when the request reaches the top of the processing queue and VA locates and reviews the records, it frequently applies FOIA exemptions because the records often contain information about other veterans that VBA must protect from disclosure. The most common occurrence of this is military orders for deployment. C-files contain military orders from the various branches of service, which used to contain the names and Social Security numbers for all members of a particular unit that was being deployed. That information is exempt from disclosure under FOIA’s Exemption 6, which protects information from release that would be a “clearly unwarranted invasion of personal privacy.”

This FOIA-to-Privacy Act-to-FOIA approach results in unnecessary confusion for requesters.

**Recommendation 2:** VA should consider whether its current processes best serve the needs of veterans who are requesting their own records.

**Finding 3: VA’s confusing communication to veterans seeking their own benefits records prevents them from knowing whether they can expect administrative rights under FOIA.**

A veteran reading VBA's acknowledgment letter may be confused about how the process works and what next steps, if any, they should take. FOIA requires decentralized agencies such as VA to properly route misdirected requests within 10 working days or less.<sup>16</sup> In our review, we saw no evidence that VACO regularly forwards first-party benefits record requests to VBA.

Before processing responsive documents, or even conducting the search for records, VBA sends requesters a five-page acknowledgement letter (see [Appendix B](#)) that it interprets as a determination letter under FOIA.

***Incorrect determination dates***

VBA incorrectly uses the acknowledgment letter to determine it has complied with FOIA and to provide FOIA administrative appeal language *before* responsive records are released. Upon receiving records and a final determination letter, veterans are generally either not given appeal rights, or they are incorrectly told they have 60 days to appeal. And nowhere in the process is it clear where and how a veteran can request an estimated date of completion as required by FOIA.

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<sup>16</sup> 5 U.S.C. § 552 (a)(6)(A)(ii).



The U.S. Court of Appeals for the D.C. Circuit has specifically addressed that an acknowledgment letter which contains an initial statement that the agency will generally comply with a FOIA request and produce non-exempt documents and claim exemptions at some point in the future does not meet the requirement of a substantive determination response under 5 U.S.C. § 552(a)(6)(A)(i). “Rather, in order to make a ‘determination’ and thereby trigger the administrative exhaustion requirement, the agency must at least: (i) gather and review the documents; (ii) determine and communicate the scope of the documents it intends to produce and withhold, and the reasons for withholding any documents; and (iii) inform the requester that it can appeal whatever portion of the “determination” is adverse.”<sup>17</sup>

In its acknowledgement letter, VBA informs requesters that it has determined it *will* comply with FOIA by releasing records in the future. Counting the acknowledgment as the date of determination is inconsistent with the statute’s reporting requirements as well. (See Finding 6, below.)

### ***Premature administrative appeal rights***

VBA’s acknowledgment letter also gives veterans FOIA administrative appeal language *before* they receive responsive records. (One exception to this is if the acknowledgment letter includes a fee determination or a decision about whether to process expeditiously, requesters should be provided appeal information right away.)

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<sup>17</sup> *Citizens for Resp. and Ethics in Washington v. Fed. Election Comm’n*, 711 F.3d 180, 188-189 (D.C. Cir. 2013) (“To be clear, a ‘determination’ does not require actual production of the records to the requester at the exact same time that the ‘determination’ is communicated to the requester. Under the statutory scheme, a distinction exists between a ‘determination’ and subsequent production. As to actual production, FOIA requires that the agency make the records ‘promptly available,’ which depending on the circumstances typically would mean within days or a few weeks of a ‘determination,’ not months or years.”) (citations omitted).

Without any records in hand, there is nothing for the requesters to appeal. Once the requesters receive records, FOIA gives them the right to appeal the agency's actions from the search that was conducted to any decision the agency made to withhold records.

### ***Incorrect appeal time and lack of FOIA Public Liaison and OGIS language***

Upon receiving benefits claims records, veterans are generally either not given appeal rights, or they are incorrectly told they have 60 days to appeal. This does not comply with FOIA.

If, upon processing the records, VBA determines that a FOIA exemption applies, it reopens the request in the FOIA case management system. VBA then issues a final determination letter that either omits appeal rights entirely or incorrectly cites a 60-day rather than a 90-day appeal timeframe required by the statute.

None of the VBA final determination letters that OGIS reviewed as part of this assessment included OGIS or VA FPL contact information for requesters to pursue dispute resolution services, which also does not comply with the statute.

Under FOIA, a final determination letter must include, “in the case of an adverse determination — the right of [the requester] to appeal to the head of the agency, within ...not less than 90 days after the date of such adverse determination; and the right of [the requester] to seek dispute resolution services from the FOIA Public Liaison of the agency or the Office of Government Information Services.”<sup>18</sup>

As part of this assessment, OGIS created an annotated VBA acknowledgment letter showing plain language annotations for each section, which is included as [Appendix B](#) in this report.

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<sup>18</sup> 5 U.S.C. §§ 552 (a)(6)(A)(i)(II) and (III).

**Recommendation 3:** VBA should remove administrative appeal rights from its first-party request acknowledgment letters and add those rights to final determination letters in accordance with FOIA.

**Recommendation 4:** When VBA uses FOIA exemptions to withhold information from veterans benefits files, it should inform requesters of the correct 90-day appeal window in all final determination letters in accordance with FOIA.

**Recommendation 5:** When VBA uses FOIA exemptions to withhold information from veterans benefits files, it should inform requesters of the availability of its FOIA Public Liaison and OGIS.

**Finding 4: VA is not consistently complying with the FOIA statutory requirement to provide requesters with estimated dates of completion (EDCs) upon request.**

FOIA requires agencies to provide a requester with an EDC by which the agency expects to complete work on a request when the requester asks for one. The OPEN Government Act of 2007<sup>19</sup> amended the FOIA to include a provision requiring agencies to “establish a telephone line or Internet service that provides information about the status of a request to the person making the request ... including ... an estimated date on which the agency will complete action on the request.”<sup>20</sup>

Nearly half of VA employees who responded to the OGIS online survey stated that they always provide requesters with estimated dates of completion and nearly 22 percent responded that they often do. But nearly 17 percent reported sometimes providing EDCs, 3 percent reporting rarely and nearly 4 percent never.

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<sup>19</sup> <https://www.congress.gov/bill/110th-congress/senate-bill/2488>.

<sup>20</sup> 5 U.S.C. § 552 (a)(7)(B).

A review of the more than 1,000 requests for assistance to OGIS from requesters seeking help with VA FOIA requests in FY 2023 and FY 2024 indicates that more than one-third (37 percent) were from requesters seeking help with learning the status of their requests.

Estimated dates of completion are just that—*estimates*. As long as an agency can show that it is working with a requester and providing an EDC to the best of its ability, the agency can show it is complying with FOIA’s EDC requirement.

In 2020, OGIS published an [Advisory Opinion](#) and an [Issue Assessment on Agency Compliance with the Estimated Date of Completion Requirement](#) that should aid in resolving this issue.

**Recommendation 6:** If VA tells requesters that records will be processed under FOIA, VA should comply with FOIA’s statutory mandate of providing estimated dates of completion upon request.

**Finding 5: Letters from VA’s FOIA program to requesters are not written in plain language.**

In addition to the administrative confusion surrounding VBA’s acknowledgement and final determination letters in the previous finding, we encountered numerous examples of overly technical and legal jargon in other communications with requesters from across VA.

Like most agencies, VA uses templates for its acknowledgement and response letters. Nearly 96 percent of respondents to the OGIS’s online survey reported VA maintains and uses standard template letters or language.

We observed response letters that informed requesters that FOIA places requesters in three categories for fees purposes and that they were in the “all other” FOIA fee category; the letter explained what fees all other requesters can be charged, and concluded after nine sentences that there were no processing

fees. The nine sentences included one statutory citation and two citations of the VA FOIA regulations.

Another example involves FOIA Exemption 6, which protects information from release that would be a “clearly unwarranted invasion of personal privacy.”<sup>21</sup> VA’s letter contains a six-paragraph explanation of the three-step legal analysis used to determine whether the record met a public interest threshold and whether Exemption 6 could be used to withhold information. The letter does tell the requester what information was withheld under Exemption 6, a best practice, but the six paragraphs appear geared more toward legal and FOIA experts, not everyday requesters seeking to obtain their own records or trying to understand why VA withheld information.

FOIA requires that when an agency withholds a record in part or in full, it must provide the requester with “the names and titles or positions of each person responsible for the denial of such request.”<sup>22</sup> In our review of the VA FOIA case files, we rarely saw this in practice.

Additionally, over the past two fiscal years OGIS has received nearly 1,000 requests for assistance from VA requesters and has observed letters with missing appeal rights and/or incorrect timelines to appeal, some providing 60 days instead of 90 days, as noted in above. The Plain Writing Act of 2010 requires federal agencies to use clear government communication that the public can understand and use.<sup>23</sup> Moreover, in 2018 OGIS published an [Advisory Opinion](#) on Agency Communication with Requesters.<sup>24</sup>

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<sup>21</sup> Courts have found substantial privacy interests in personally identifying information such as a person’s name, physical address, email address, image, computer user ID, phone number, date of birth, place of birth, criminal history, medical history, and Social Security number. See Department of Justice Guide to the Freedom of Information Act, <https://www.justice.gov/oip/page/file/1207336/dl?inline>, at 11-12, n. 38 and cases cited therein.

<sup>22</sup> 5 U.S.C. § 552(a)(6)(C)(i).

<sup>23</sup> See Plain Writing Act of 2010, Pub. L. No. 111-274, 124 Stat. 2861 (Oct. 13, 2010).

<sup>24</sup> OGIS Advisory Opinion No. 2018-01: Agency Communication with Requesters, July 18, 2018, <https://www.archives.gov/ogis/advisory-opinions/2018-01-agency-comms-with-requesters>.

**Recommendation 7:** VA should review all requester communications related to the FOIA program and re-write as needed all template letters to remove confusing, technical, or legal jargon, and ensure plain language.

**Finding 6: VA’s reporting on the administration of FOIA appears to be inconsistent, complicating review of the FOIA program’s performance.**

As noted above—in Requests and Backlog, and FOIA Staffing—we observed discrepancies in the data that VA reported on its FOIA performance, particularly with regard to FY 2024. The Cleland-Dole Act requires VA to report to Congress on its backlog reduction efforts while FOIA requires agencies to report DOJ certain data about its FOIA administration.

The number of cases VA reported receiving in FY 2023 and FY 2024 differs between what the agency reported in its Annual FOIA Reports for those two fiscal years and in the [Second Annual Report to Congress on the Cleland-Dole Act, Section 406](#), published in March 2025. For example, VA reported a backlog of 535 FOIA requests (those beyond the 20-working-day statutory response time) at the end of FY 2024 in the Cleland-Dole report to Congress and a backlog of 1,539 FOIA requests in the FY 2024 Annual FOIA Report, a significant difference of 1,004 requests.

Data Discrepancies in FOIA Reporting			
	FOIA.gov & FOIA Annual Reports on VA website	Cleland-Dole Report to Congress (March 2025)	Percentage difference between reporting on FOIA.gov and Cleland- Dole (absolute value of the difference divided by the average of the two numbers)
Received FY 2024	105,725	113,000	6.7%

## Data Discrepancies in FOIA Reporting

Processed FY 2024	119,453	118,950	0.4%
Backlog end of FY 2024	1,539	535	96.8%
Received FY 2023	79,590	71,587	10.6%
Processed FY 2023	72,403	72,000 <sup>25</sup>	0.6%
Backlog end of FY 2023	780	780	0.0%

Additionally, as noted above in Finding 3, VBA asserts that its acknowledgment letter complies with FOIA's requirement to issue a determination within 20 days. This is despite the fact that, in cases in which the request comes in via PAL or [FOIA.gov](https://www.foia.gov), VACO administratively closes the case claiming it is not a FOIA. If there are exemptions to be applied later, VBA creates a new case in the main FOIA tracking system. This inflates the number of FOIA cases reported annually by about 1 percent.<sup>26</sup>

**Recommendation 8:** VA should establish new procedures and quality control checks to ensure consistency in the statute's data reporting requirements.

**Recommendation 9:** VA should use the final determination date rather than the acknowledgment date for annual FOIA reporting in accordance with FOIA.

**Recommendation 10:** Congress should consider asking the Government Accountability Office (GAO) to audit VA's compliance with FOIA's data reporting requirements in accordance with the statute, 5 U.S.C. § 552(i).

<sup>25</sup> The discrepancy in cases processed in FY 2023 is possibly a rounding error.

<sup>26</sup> In OGIS's sample of 383 cases from FY 2024 in VA's FOIA tracking system, four cases (1.04%) were administratively closed for this reason. Based on the sample, of the 119,922 FOIA cases in FY 2024, approximately 1,252 were first-party benefits record requests that came via FOIA.gov or PAL.

**Finding 7: VA's decentralized system for obtaining records relies on collateral duty staff to locate records and process requests for records which slows the process.**

The decentralized nature of VA's FOIA program within VBA and VHA relies on dispersed staff working on FOIA as a collateral duty, creating inefficiencies in training, proficiency, and communication. Collateral duty staff do not spend as much time on FOIA as full-time FOIA staff, sometimes processing just one or two FOIA requests a year. That does not allow them to develop proficiency with the process and familiarity with the statute and regulations.

As noted above, each of the 170 VA Medical Centers has a Release of Information Office whose main responsibility is to process requests for patient health information under privacy and confidentiality laws and regulations, as well as a designated FOIA Office. Additionally, each of the 56 regional VBA offices processes its own FOIA requests. VBA staff reported that only six regional offices receive more than two requests per month, and noted that individuals cannot become experts if they are processing only two requests per month. Use of collateral duty staff can lead to untimely search results, uncertainty on how to apply withholdings, and inconsistent and—in some cases—incorrect communication with requesters.

OGIS observed examples of communication with requesters that contained outdated or otherwise inaccurate information. OGIS also observed inconsistencies from region to region in what is communicated to requesters. It appears that inadequate oversight of collateral duty staff at VA hinders consistent administration of FOIA. Management can oversee full-time staff more easily, and can ensure consistently updated templates as well as clear and accurate communication with requesters. Keeping staff updated on changing requirements is less difficult with full-time FOIA staff, because full-time staff



have greater capacity to keep up-to-date with changes to FOIA, such as the latest court decisions related to the application of exemptions.

Collateral duty staff have the opportunity to attend weekly FOIA training to ensure they can handle requests effectively and compliantly; however, each hour of training for an employee who works on FOIA part-time is less efficient than the same training for a full-time FOIA employee. VBA noted that VACO requires all VBA processors to attend a one-hour weekly training. At the time of OGIS's assessment, VBA reported 52 processors spend 52 labor-hours per week on this required training, equivalent to 1.25 full-time employees.

OGIS's survey of VA FOIA professionals (see Training, above) found that 7 percent of respondents were not aware that VA offered "training or guidance on how to properly process a FOIA request." More than 20 percent of respondents selected choices less than "confident" to answer the question "How confident are you in knowing the correct legal procedures for how to properly process a FOIA request and/or appeal?"

In its March 2025 report to Congress under the Cleland-Dole Act, VA noted that "having individuals split attention between FOIA and other areas has proven to be an inefficient way to conduct business." The report also noted that a Staffing Working Group is gathering, analyzing and reviewing information about FOIA staffing models.<sup>27</sup>

**Recommendation 11:** VHA and VBA should each review the structure of their FOIA programs to align their workforce with the FOIA needs of each component.

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<sup>27</sup> See Second Annual Report to Congress on the Cleland-Dole Act, Section 406, published in March 2025, <https://department.va.gov/foia/wp-content/uploads/sites/6/2025/04/FY2025-Second-Section-406-FOIA-Action-Plan.pdf>.

## **How the National Archives handled a 600,000-request backlog**

The Cleland-Dole Act requires VA to reduce its FOIA request backlog by December 2027. The National Archives and Records Administration (NARA) was in a similar situation in 2022 with a backlog of 600,000 plus requests at its National Personnel Records Center (NPRC). NARA is the repository of millions of military personnel, health, and medical records of discharged and deceased veterans of all services during the 20th century. A large backlog of requests for these records began accumulating in 2020 due to on-site building occupancy limits during the COVID pandemic. While the NPRC in St. Louis, MO, never fully closed during the pandemic because of the need to respond to emergency records requests, such as those required to support medical emergencies, funeral services, and shelter for homeless veterans, the pandemic restrictions significantly curtailed records request responses. A backlog of over 600,000 requests accumulated, which NARA began working to clear in 2022.

To eliminate this backlog by January 2024, the NPRC team deployed technology improvements, added staff, expanded work hours and contract labor, and made numerous building improvements to support additional work capacity. NPRC also entered into multiple agreements with VA to expedite the digitization of NPRC holdings, which continues today. With the backlog cleared, NPRC is now able to respond to most routine requests for separation documents in less than a week and other types of requests within 20 days, even as it continues to receive more than 4,000 new requests each day.

**Finding 8: The technology and systems that VA uses to maintain records and process FOIA requests are siloed and not always efficient. Multiple programs are used to process FOIA requests and the platforms are unable to communicate with one another.**

VHA and VBA create and maintain records about individuals that often contain personally identifiable information (PII) or health information. Because of the sensitive nature of these records, VA must maintain several records management systems to comply with both the Privacy Act and HIPAA, the latter which sets national standards for protecting privacy and security of patient health information. These systems must be separate and do not communicate with each other, posing challenges for release of records.

The system is made more challenging by the fact that VA uses a commercial off-the-shelf (COTS) FOIA case management system, an internal SharePoint platform and a COTS system called the Veterans Integrated Enterprise Workflow Solution (VIEWS) to help administer FOIA, and fulfill statutory reporting requirements. A Supervisory GIS shared with OGIS that when they compile FOIA Annual Report data from the FOIA case management system, the data does not match data in the other systems and has to be manually reconciled. Another Supervisory GIS shared with OGIS that they do not have confidence in the metrics from the COTS product, noting that without reliable data, they cannot support staffing requests or workload analysis.

We learned from our interviews with VA FOIA staff that the FOIA case management system does not offer robust redaction tools, and different types of records require different technology for redaction. We also observed that pieces of the FOIA administrative case file are maintained in several locations, not in the FOIA case management system that OGIS reviewed, which contained some, but not all of the administrative record. OGIS observed that the separation of these three systems makes it difficult to track and manage requests and impedes VA's primary FOIA case management system from

containing the administrative record. An administrative record is important during the administrative appeal process, and if a case ends up being appealed or litigated, to assist the appellate authority or the court in determining whether VA acted lawfully and followed proper procedures. The siloed nature of the tools used for FOIA administration also appears to interfere with the accuracy of annual reporting as required by FOIA, 5 U.S.C. § 552(e). (See Finding 6 above.)

VHA has particular challenges with technology and FOIA. VHA uses a system known as Release of Information-Plus (ROI-plus) to maintain and track all requests for protected health records. The ROI-plus system is designed to comply with HIPAA, which requires that patient health records must be kept separate from other records to prevent unauthorized access or misuse of sensitive data.

All requests from veterans seeking their own health records are tracked and processed entirely using the ROI-plus system; however, some third-party requests may be logged into both ROI-plus and the FOIA case management system when there is a withholding under FOIA. Many VHA records can be released directly to a first-party requester; however, when a third party requests the records, explicit authorization from the patient is required.

In addition to HIPAA, VHA must comply with 38 U.S.C. § 7332 (confidentiality of certain medical records), which protects from disclosure records of patients being treated for certain conditions, including drug and alcohol abuse, HIV, and sickle cell anemia. VHA withholds that information under Exemption 3, which allows for the withholding of information prohibited from disclosure by another federal statute.<sup>28</sup>

VA's department-wide IT challenges are well documented. Although neither FOIA nor records management were specifically mentioned, GAO noted in a July

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<sup>28</sup> See 5 U.S.C. § 552(b)(3).

2025 testimony statement that “VA has a long history of failed IT modernization efforts” and noted three failed attempts between 2001 and 2018 to modernize its legacy health information system. The statement goes on to say: “In December 2024, VA announced plans for additional deployments restarting in 2026. VA has experienced similar weaknesses in acquiring major IT systems, managing its IT workforce, tracking software licenses, and standardizing cloud computing procurement.”<sup>29</sup> The testimony notes that VA plans to spend about \$7.3 billion on IT in FY 2026.

At the time of our assessment, VA was in the process of publishing a request for information (RFI) for FOIA technology to eliminate the need for three different tools to administer FOIA. VA reported to Congress in its March 2025 Cleland-Dole report that a Technology Working Group was working to finalize a request for proposal (RFP) for a “modern eFOIA solution.”<sup>30</sup>

**Recommendation 12:** VA should ensure that systems used to maintain records and process FOIA requests are able to efficiently meet statutory requirements, and allow the primary FOIA case management system to assist with management controls and records management.

**Finding 9: Communication about VA’s FOIA program on the agency’s website is not always clear and consistent, and there is no FOIA handbook as required by the FOIA statute.**

As part of this assessment OGIS reviewed the VA FOIA website and library for information about the agency’s FOIA process. We looked for information such as

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<sup>29</sup> Testimony by Carol Harris, GAO Director of Information Technology and Cybersecurity, titled “Veterans Affairs Leading Practices Can help Achieve IT Reform Goals,” before the Subcommittee on Technology Modernization, House Committee on Veterans’ Affairs, July 14, 2025, <https://www.gao.gov/assets/gao-25-108627.pdf>.

<sup>30</sup> Second Annual Report to Congress on the Cleland-Dole Act, Section 406, published in March 2025, <https://department.va.gov/foia/wp-content/uploads/sites/6/2025/04/FY2025-Second-Section-406-FOIA-Action-Plan.pdf>.

the types of records that require a FOIA request to access, steps a requester would take to file a FOIA or other type of request for records, information about fees and fee categories, appeals, and checking the status of a FOIA request, Chief FOIA Officer Reports, Annual FOIA Reports, and the FOIA Handbook, the latter required by 5 U.S.C. § 552(g)(3). While some reports were listed, other reports prior to 2020 were not available or easy to locate. In addition, as noted in Findings 3 and 5, VA's written communications are, at times, technical and written in legalese.<sup>31</sup>

FOIA requires agencies to post on their websites “a handbook for obtaining various types and categories of public information from the agency.”<sup>32</sup> VA issued VA Directive 6213 on September 15, 2021, which replaced a 1998 handbook establishing procedures for implementing FOIA at VA. The 2021 version of Directive 6213 lists FOIA responsibilities from undersecretaries and assistant secretaries to staff FOIA officers. It also defines common FOIA terms. It does not provide instructions for obtaining public information from the agency as required by statute.<sup>33</sup>

The VA FOIA Director and a Supervisory GIS shared a draft updated Directive 6213 with OGIS and noted that it was undergoing internal review and would be posted soon. The draft update establishes policies and procedures for FOIA implementation within VA and includes requirements for making a FOIA request. At the time of this assessment, the updated directive had not yet been posted, although there is information on the website for how to submit a FOIA request.<sup>34</sup>

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<sup>31</sup> Legalese is the specialized language of the legal profession.

<sup>32</sup> 5 U.S.C. § 552(g)(3).

<sup>33</sup> The 2021 version of Directive 6213 is online on the VA Publications page, [va.gov/vapubs](https://va.gov/vapubs), and located by searching “6213.”

<sup>34</sup> See <https://department.va.gov/foia/>.

OIP encourages agencies “to regularly review their FOIA websites ... to ensure that they contain essential resources, and are informative and user-friendly.”<sup>35</sup>

**Recommendation 13:** VA should finish and post the FOIA handbook to the VA FOIA webpage in accordance with 5 U.S.C. § 552(g)(3).

**Recommendation 14:** VA should review its FOIA library as well as the VA FOIA website to ensure all information about veterans records and the FOIA process is current and written in plain language.

**Finding 10: VA’s FOIA program contact information and FOIA Public Liaison information on FOIA.gov, the government’s central website for FOIA, is often not correct.**

As a part of this assessment OGIS examined the [FOIA.gov](https://www.foia.gov) directory entry for VA to check the listing for agency contact information at headquarters, VBA, VHA and 23 other subcomponent offices. OGIS found multiple listings with incorrect contact names and phone numbers. OGIS checked this information several times during our assessment, including in the first half of calendar 2025 when there were a lot of changes to the federal workforce.

[FOIA.gov](https://www.foia.gov), the government’s central FOIA website, includes a government-wide directory of publicly available FOIA contacts and is helpful not only to requesters but also to other government agencies for interagency coordination. An agency’s inclusion of contact information in the FOIA.gov directory is an important part of an agency’s customer service, and FOIA.gov is often the first place requesters, agency FOIA professionals and OGIS visit for contact information.

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<sup>35</sup>OIP Guidance: Agency FOIA Websites 2.0, <https://www.justice.gov/oip/oip-guidance/agency-foia-websites-20>

While FOIA.gov is maintained by DOJ OIP, it is the responsibility of each individual agency to ensure that important information about its FOIA administration, including contact information, is updated as often as necessary. To aid in this effort, OIP offers a list of information items that need to be included in each FOIA.gov listing.

On May 20, 2025, the OGIS Director, as co-chair of the Chief FOIA Officers Council, issued [a memo](#) across all executive branch agencies stressing the importance of keeping contact information current on [FOIA.gov](#). To update their information on [FOIA.gov](#), OIP instructs agencies to log into the portal via an agency log in.

**Recommendation 15:** VA should establish a quality control process to ensure all of its agency and subcomponent offices' contact information is up-to-date and current on FOIA.gov.

### **Scope and Methodology**

OGIS's three-person Compliance Team conducted the assessment of the VA FOIA program.

This report is the result of their first-hand review of VA FOIA initial request files; analysis of applicable data and documents including annual FOIA data; VA FOIA regulations; VA's FOIA website and other written material; interviews with VA FOIA officials; and an online survey of VA FOIA staff.

We conducted virtual interviews on January 13–15, 2025; January 23, 2025; and January 29, 2025, with:

*Veterans Affairs Central Office (VACO)*



- Executive Director of Risk and Remediation at the Office of Information Technology
- Deputy Chief Information Officer for Compliance, Risk, and Mediation
- Deputy Chief Information Officer and Chief Privacy Officer
- Deputy Chief Counsel for Information and Administrative Law Group at the Office of General Counsel
- Director of the VA FOIA Service
- VACO Supervisory Government Information Specialists and Training Lead
- VA FOIA Public Liaison
- VACO FOIA Intake Lead
- VACO Government Information Specialists

#### *VA Administrations*

- Director of the Veterans Health Administration (VHA) FOIA
- Director of Veterans Benefits Administration (VBA) FOIA
- VBA Supervisory Government Information Specialist
- FOIA Officer at the National Cemetery Administration (NCA)

We re-interviewed the VHA FOIA Director on May 1, 2025, and the VBA Supervisory Government Information Specialist on May 13, 2025. We sent follow-up questions to VACO supervisory staff via email on April 30, 2025, and May 12, 2025.

We also attended the following meetings of the VACO staff:

- VACO FOIA daily stand-up meetings on January 13-17, 2025
- Weekly managers meeting on January 13, 2025
- Weekly Activity Report (WAR) and task management meeting on January 14, 2025
- Case tracking system meeting on January 14, 2025
- Weekly standing "Intake Caseload & Program" meeting on January 14, 2025

- Weekly Training/Office hours/Discussion of processing issues and challenges on January 14, 2025
- VA-wide FOIA Service presentation on January 14, 2025

As part of the preparatory work for this assessment, VA provided a spreadsheet of its FOIA cases closed in FY 2024. We used an online sample size calculator (<https://www.surveysystem.com/sscalc.htm>) to calculate that we needed to review 383 case files for a confidence level of 95 percent. We used Excel to assign sequential numbers to each of the 119,922 cases and the random number generator to select the random sample of 383 cases. That provided us with a statistically significant sample of FOIA cases VA processed in FY 2024, which allows us to say that the findings and analysis in this report apply to the entire population of 119,922 cases VA processed in FY 2024. VA provided us with temporary read-only access to its FOIA tracking system on February 14, 2025, and we finished our review of the case files on or about March 10, 2025.

In assessing VA's FOIA program, we measured our observations and analysis against the FOIA statute; guidance from the Department of Justice (DOJ) Office of Information Policy, including DOJ's Guide to the Freedom of Information Act; and other guiding authorities. We also took into account inconsistencies and non-compliance observed during OGIS's mediation services for cases involving VA.

Although OGIS Compliance staff members are not auditors per se, we generally follow *Government Auditing Standards*, published by GAO.

Please direct questions to OGIS at [ogis@nara.gov](mailto:ogis@nara.gov) or 202-741-5770.

## Appendix A



THE SECRETARY OF VETERANS AFFAIRS  
WASHINGTON

April 14, 2023

Alina M. Semo  
Director  
Office of Government Information Services (OGIS)  
National Archives and Records Administration  
8601 Adelphi Road  
College Park, MD 20740

Dear Ms. Semo:

The Consolidated Appropriations Act of 2023, HR 2617, Division U, Title IV, § 406, directs that I request an assessment from you. The Department of Veterans Affairs (VA) strives to remain in compliance with § 552 of title 5, United States Code, Freedom of Information Act (FOIA). I am confident that a compliance assessment from your office will assist us in improving VA's FOIA program.

Although Section 406 does not specify a timeline for your review, my initial report to the Senate and House Committees on Veterans' Affairs will indicate I have requested your assessment. As Section 406 requires, I will incorporate information from your assessment in subsequent reports to the Committees.

Please have a member of your staff contact Mr. Michael Sarich, Director, FOIA Service, at 202-461-5329 or michael.sarich@va.gov to schedule the initial discussion and coordinate your compliance assessment. I appreciate the opportunity to work more closely with your office.

Sincerely,

A handwritten signature in black ink, appearing to read "DMcDonough".

Denis McDonough

## Appendix B

Claims files, or C-files, contain essential documents such as service and medical records that are necessary for evaluating a veteran's benefits claim. Upon receiving a request for a C-file or information contained within, the Veterans Benefit Administration (VBA) sends the requester an acknowledgement letter which VA considers to be the agency's FOIA *determination* letter, that provides appeal language *before* the requester receives their records and that is not written in plain language. (See Findings 2 and 3.)

Below is an annotated version of the letter, with the VBA's language on the left and OGIS's plain-language annotation in the middle, and a comment in the right column.

VA Letter - Original Language	Plain Language	OGIS Comment
This letter acknowledges receipt of your request for a copy of your or your client's Department of Veterans Affairs (VA) claims file or information contained therein, including service treatment records.	VA acknowledges your request.	

<p>This letter also serves as the Agency's determination that available agency records responsive to your request will be provided to you upon completion of processing.</p>	<p>VA will send you the records you requested after VA has found them and reviewed them for release.</p>	
<p>Processing Your Request</p>		
<p>When VA receives a request for a claims file, or information contained therein, from a Veteran, a Veteran's representative or third party, we consider the request under both the Freedom of Information Act (FOIA), 5 U.S.C. § 552, and the Privacy Act of 1974, 5 U.S.C. § 552a, and the records are released pursuant to whichever law provides the most access.</p>	<p>There are two federal records access laws, FOIA and the Privacy Act, and VA uses both laws to process records for release.</p>	
<p>Your request was assigned a FOIA case number listed at the top of this letter. Please include that case number in all future</p>		

communications concerning this request.		
Due to current volume, a processed copy of a VA claims folder or documents may be significantly delayed as they are being processed on a first in/first out basis, which may take several months to process.	There is a large volume of requests, and there are significant delays in providing people with their records. Records are reviewed in the order the requests were received. It may take us several months to respond to your request.	
<p>To request your responsive records on paper, please mail your request to:</p> <p>Department of Veterans Affairs Evidence Intake Center Attn: Paper Copy Request P.O. Box 4444 Janesville, WI 53547-4444</p> <p>You may also fax your request "Attn: Paper Copy Request" to 844-531-7818 (Toll Free) or 248-524-4260 (Utilized for Foreign Claimants).</p>	Records will be sent to you electronically unless you request them on paper.	VA sends claims file records to veterans on CD-ROM, requiring the requester to have access to a CD/DVD drive reader, which many computers no longer have.

Our agency may not be the custodian of some of the records you requested such as official personnel records, medals, service medical records for members discharged prior to 1992 or after January 1, 2014.	We may not have all of the records you requested—other agencies may have them.	
To assist in expediting your request for those records, we have referred your request to the agency(ies) listed below to provide a response for any records which may not be in the records in our holdings.  [ADDRESS OF AGENCY]	VA has forwarded your request to the agency or agencies we list below that we believe have the records you seek.	
FOIA		
FOIA requires an agency provide a determination within 20 days, this acknowledgment letter	VA considers this letter a response under FOIA's 20-working-day response time.	An acknowledgement letter does not meet the statutory requirement of

is that required determination.		a substantive response, 5 U.S.C (a)(6)(A)(i).
Records responsive to your request will be provided to you under FOIA; however, due to the volume of requests for claims folders, requests are delayed and are being processed in a first in/first out basis.	Non-exempt records will be released to you under FOIA. There is a large volume of requests ahead of yours, and VA processes them in the order they are received.	
VA uses two processing tracks in addressing a request for records: simple and complex. This classification is based on the amount of work and/or time required to process a request. The complex processing track is the slower of the two tracks.	Agencies generally sort requests into “tracks” for FOIA processing so that smaller and easier requests do not get stuck behind larger and more difficult requests.	
Because of the volume of records contained in a VA claims file, your request is treated as a	All requests for VA claims files are processed in the complex track, so VA will	This statement is legally correct, but does not align with the process



complex request under FOIA.	treat your request as complex.	OGIS observed. See Finding 3.
FOIA provides that federal agencies must disclose records requested unless they may be withheld in accordance with one or more of nine statutory exemptions. 5 U.S.C. § 552(b).	FOIA requires agencies to disclose records unless one or more of the nine FOIA exemptions that Congress included in the law apply.	
Given the subject of your request, FOIA's Exemption 6, 5 U.S.C. § 552(b)(6), may apply to a limited number of documents or information contained within a document. For example, claims files frequently contain personally identifiable information (PII) of other individuals and/or VA employees. Releasing the PII of other individuals would constitute a clearly unwarranted invasion of	VA claims files often contain information about other people, the release of which would be an invasion of privacy. Names and other personal information will be redacted under FOIA's personal privacy exemption (Exemption 6). It may be helpful to know that VA protects your identity in much the same way, were VA to receive a request for your records from anyone other than you.	

a living individual's personal privacy, and Exemption 6 will be applied in order to withhold this information.		
Please know the Agency will apply Exemption 6 minimally, and it will not be used to withhold information related only to yourself.	We will apply Exemption 6 only when necessary; no information about you will be withheld under Exemption 6.	
Privacy Act		
The Privacy Act provides that records maintained by a federal agency about an individual that are retrieved by that individual's name or other unique identifier are confidential and may not be disclosed without the consent of the individual, unless one or more of twelve	The Privacy Act is a separate law from the FOIA. It protects personally identifiable information about a person. Furthermore, it generally requires that person's consent for the information to be released.	

exceptions applies. 5 U.S.C. § 552a(b).		
Generally, an agency shall provide an individual access to his or her record upon request. 5 U.S.C. § 552a(d)(l).	Agencies generally provide individuals with their own records upon request.	
Unlike FOIA, the Privacy Act does not impose a time for agency responses to access requests. VBA processes Privacy Act requests on a first in first out basis. Your request will be processed as soon as practicable.	Your request will be processed in the order it was received. The Privacy Act does not require a specific response time.	
Next Steps for Processing/Appeal Rights		

Should any portion of your request be denied, you will receive written notice and the reasons for any such denial.	If we withhold any information we will identify it along with the reason for redaction.	
<p>If you disagree with the Agency's decision to process your request under both FOIA and Privacy Act, or to the possible use of Exemption 6, you have the right to appeal.</p> <p>Please be advised that should you desire to do so; you may appeal the determination made in this response to:</p> <p>Office of General Counsel (024) Department of Veterans Affairs 810 Vermont Avenue, N.W. Washington, D.C. 20420 E-mail: <a href="mailto:ogcfoiaappeals@va.gov">ogcfoiaappeals@va.gov</a></p>	We are advising you of your appeal rights. You will have the right to appeal after you receive your records.	An acknowledgement letter is generally not an appropriate place to give appeal rights, especially if the agency has not yet conducted a search nor withheld information, so there is not yet anything to be appealed.

<p>Should you choose to file an appeal, please include a copy of this letter with your written appeal and clearly indicate the basis for your disagreement with the determination set forth in this response.</p>	<p>If you decide to file an appeal, include this letter and explain why you disagree with our actions.</p>	
<p>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.</p> <p>Please note, once you have been provided your requested documents, you will once again be given the opportunity to appeal should any document or portions of a document be withheld.</p>	<p>If any information is withheld under FOIA, you will have a 90-day appeal window after you receive your records.</p>	<p>This statement is legally correct, but many final determination letters that OGIS reviewed provided 60 days—or none at all—to appeal.</p>

<p>You may also seek assistance and/or dispute resolution services from VBA's FOIA Public Liaison and or Office of Government Information Services (OGIS) as provided below.</p>		
<p>Chief FOIA/PA Officer Veterans Benefits Administration 810 Vermont Avenue, N.W. (20) Washington, DC 20420 Telephone: (202) 461-9516 E-mail: FOIA.VBACO@va.gov</p> <p>Because 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</p>	<p>When a person seeks access to their own records, it is generally considered a Privacy Act request. Once the agency has located your records, it will analyze the content under both the Privacy Act and FOIA, and, as noted above, to apply the law that allows us to release as much information as possible.</p>	

<p>1974. You may contact OGIS as follows:</p> <p>The contact information for OGIS is:</p> <p>Office of Government Information Services National Archives and Records Administration 8601 Adelphi Road-OGIS College Park, MD 20740-6001 Telephone: 202-741-5770 Toll-Free: 1-877-684-6448 E-mail: <a href="mailto:ogis@nara.gov">ogis@nara.gov</a></p>		
<p>Thank you for your interest in the Department of Veterans Affairs. If you have questions regarding this letter, please call VA National Call Center at 1-800-827-1000 between the hours of 8:00AM until 9:00PM Monday - Friday EST and please provide the Veteran's identifying information.</p>		

## Appendix C

FOIA lawsuits filed against VA between October 1, 2014, and May 31, 2025<sup>36</sup>

1. *Acad. Med., Inc. v. U.S. Dep't of Veterans Affairs*, Civ. No. 20-01794 (D.D.C. Mar. 31, 2021) (joint motion to dismiss granted) (third-party request);
2. *Active Thermal Concepts, Inc. v. U.S. Dep't of Veterans Affairs*, Civ. No. 20-00050 (N.D. Iowa Aug. 20, 2020) (dismissed with prejudice);
3. *AFGE Local 520 v. U.S. Dep't of Veterans Affairs*, Civ. No. 19-00994 (D.D.C. July 27, 2020) (stipulation of dismissal with prejudice by plaintiff) (third-party request);
4. *Alford v. McDonald*, Civ. No. 16-2170 (D.D.C. April 10, 2020) (dismissed as moot);
5. *Am. First Legal Found. v. U.S. Dep't of Veterans Affairs*, Civ. No. 22-01900 (D.D.C. Jan. 18, 2024) (stipulation of dismissal with prejudice by plaintiff) (third-party request);
6. *Am. Oversight v. U.S. Dep't of Veterans Affairs, et al.*, Civ. No. 18-00656 (D.D.C. Nov. 5, 2019) (stipulation of dismissal with prejudice by plaintiff) (third-party request);
7. *Am. Oversight v. U.S. Dep't of Veterans Affairs, et al.*, Civ. No. 18-02463 (D.D.C. Dec. 9, 2020) (voluntary dismissal by plaintiff) (third-party request);
8. *Am. For Prosperity Found. v. U.S. Dep't of Veterans Affairs*, Civ. No. 21-01954 (D.D.C. July 12, 2024) (stipulation of dismissal with prejudice by plaintiff) (third-party request);
9. *Bailey v. U.S. Dep't of Veterans Affairs*, Civ. No. 20-00046 (M.D. Ga. May 26, 2021) (defendant's summary judgment granted);
10. *Bajorek v. U.S. Dep't of Veterans Affairs*, Civ. No. 15-14313 (E.D. Mich. Jan. 12, 2016) (dismissed without prejudice);
11. *Black Veterans Project, et al. v. U.S. Dep't of Veterans Affairs*, Civ. No. 21-00935 (D. Conn. June 16, 2022) (judgment entered in favor of defendant) (third-party request);
12. *Cappy v. U.S. Dep't of Veterans Affairs*, Civ. No. 20-02448 (D.D.C. April 8, 2022) (dismissed with prejudice);

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<sup>36</sup> Unless otherwise indicated, all cases involve first-party requests.



13. *Caring Hands Health Equip. & Supplies, LLC v. U.S. Dep't of Veterans Affairs*, Civ. No. 19-00441 (D.D.C. Aug. 19, 2019) (stipulation of dismissal by plaintiff) (third-party request);
14. *Cause Of Action Inst. v. U.S. Dep't of Veterans Affairs*, Civ. No. 19-00413 (D.D.C. Sept. 4, 2019) (stipulation of dismissal by defendant) (third-party request);
15. *Cause Of Action Inst. v. U.S. Dep't of Veterans Affairs*, Civ. No. 20-00997 (D.D.C. April 20, 2021) (defendant's summary judgment granted and plaintiff's cross-summary judgment denied) (third-party request);
16. *Clavito v. U.S. Dep't of Veterans Affairs*, Civ. No. 18-00431 (E.D. Cal. Dec. 10, 2018) (dismissed for lack of subject matter jurisdiction);
17. *Cletta v. U.S. Dep't of Veterans Affairs, et al.*, Civ. No. 15-20964 (S.D. Fla. May 14, 2015) (settled and stipulation of dismissal by defendant);
18. *Cooperman v. U.S. Dep't of Veterans Affairs*, Civ. No. 25-00685 (D.D.C. filed Mar. 7, 2025) (pending);
19. *Crockett v. U.S. Dep't of Veterans Affairs*, Civ. No. 17-00186 (W.D. Va. Sept. 21, 2018) (defendant's summary judgment granted);
20. *Davis v. U.S. Dep't of Veterans Affairs*, Civ. No. 16-00701 (D. Colo. Aug. 22, 2017) (judgment in favor of defendant), *aff'd*, *Davis v. U.S. Dep't of Veterans Affairs*, No. (10th Cir. May 16, 2018);
21. *Democracy Forward Found. v. U.S. Dep't of Veterans Affairs*, Civ. No. 18-02346 (D.D.C. Nov. 24, 2020) (stipulation of dismissal with prejudice by plaintiff) (third-party request);
22. *Demoruelle, et al. v. U.S. Dep't of Veterans Affairs*, Civ. No. 16-00562 (D. Haw. June 30, 2017) (plaintiffs' summary judgment granted in part and denied in part; defendant's cross-motion for summary judgment granted);
23. *Demoruelle, et al. v. U.S. Dep't of Veterans Affairs*, Civ. No. 17-00077 (D. Haw. Sept. 11, 2017) (plaintiff's summary judgment granted in part and denied in part);
24. *Demoruelle, et al. v. U.S. Dep't of Veterans Affairs*, Civ. No. 18-00007 (D. Haw. Oct. 10, 2018) (dismissed with prejudice);
25. *Dyer v. U.S. Dep't of Veterans Affairs*, Civ. No. 19-11025 (D. Mass. Sept. 3, 2019) (settlement order of dismissal) (third-party request);

26. *E. Coast Metal Structures Corp. v. U.S. Dep't of Veterans Affairs*, Civ. No. 22-02664 (M.D. Fla. Dec. 1, 2023) (dismissed by joint stipulation) (third-party request);
27. *El Malik v. U.S. Dep't of Veteran Affairs, et al.*, Civ. No. 19-09471 (C.D. Cal. July 8, 2020) (dismissed without prejudice for lack of jurisdiction);
28. *Ercole v. Wilkie*, Civ. No. 19-11961 (S.D.N.Y. Oct. 16, 2023) (defendant's motion to dismiss granted; plaintiff's complaint for leave to amend dismissed);
29. *Faith Enters. Inc. v. U.S. Dep't of Veterans Affairs*, Civ. No. 24-00364 (D. Colo. filed Feb. 6, 2024) (pending) (third-party request);
30. *Gold Cross EMS, Inc. v. U.S. Dep't of Veterans Affairs*, Civ. No. 17-00169 (S.D. Ga. Jan. 16, 2019) (dismissed with prejudice);
31. *Gregorski v. Wilkie*, No. 18-7095 (Ct. Vet. App. June 5, 2020) (FOIA claim dismissed for lack of jurisdiction);
32. *Henry v. McDonough*, No. 20-8753 (Ct. Vet. App. June 7, 2021) (writ of mandamus dismissed for lack of jurisdiction);
33. *Hooker v. U.S. Dep't of Veterans Affairs*, Civ. No. 20-02750 (M.D. Fla. April 14, 2021) (dismissed with prejudice);
34. *Hooker v. U.S. Dep't of Veterans Affairs*, Civ. No. 20-02994 (M.D. Fla. June 9, 2021) (dismissed with prejudice);
35. *Hooker v. U.S. Dep't of Veterans Affairs*, Civ. No. 21-01691 (D.D.C. Sept. 14, 2022) (defendant's summary judgment granted);
36. *Hooker v. U.S. Dep't of Veterans Affairs*, Civ. No. 22-00956 (M.D. Fla. Feb. 10, 2023) (defendant's summary judgment granted);
37. *Hum. Rts. Def. Ctr. v. U.S. Dep't of Veterans Affairs*, Civ. No. 20-02719 (D.D.C. Sept. 17, 2021) (stipulation of dismissal by defendant) (third-party request);
38. *Illinois Ass'n of Cnty. Veterans Assistance Comm'ns v. U.S. Dep't of Veterans Affairs*, Civ. No. 22-03445 (D.D.C. June 28, 2023) (stipulation of dismissal by defendant) (third-party request);
39. *Jackson v. Varono*, Civ. No. 18-1055 (W.D. La. Dec. 3, 2018) (dismissed without prejudice);

40. *Jong-Fast v. U.S. Dep't of Veterans Affairs, et al.*, Civ. No. 20-00574 (D.D.C. Oct. 6, 2022) (stipulation of dismissal by defendant) (third-party request);
41. *Judicial Watch, Inc. v. U.S. Dep't of Veterans Affairs*, Civ. No. 17-01589 (D.D.C. Aug. 20, 2018) (stipulation of dismissal by plaintiff) (third-party request);
42. *Judicial Watch, Inc. v. U.S. Dep't of Veterans Affairs*, Civ. No. 17-01078 (D.D.C. Nov. 13, 2020) (dismissed with prejudice) (third-party request);
43. *Judicial Watch, Inc. v. U.S. Dep't of Veterans' Affairs*, Civ. No. 17-00994 (D.D.C. Feb. 7, 2020) (dismissed with prejudice) (third-party request);
44. *Kachmar, et al. v. U.S. Dep't of Veterans Affairs, et al.*, Civ. No. 14-01038 (M.D. Ala. Jan. 20, 2015) (dismissed with prejudice) (third-party request);
45. *Kinman v. U.S.A., et al.*, Civ. No. 16-00329 (S.D. Ohio Dec. 6, 2016) (dismissed with prejudice) (third-party request);
46. *Labuda v. U.S. Dep't of Veterans Affairs*, Civ. No. 16-01949 (D. Md. June 1, 2018) (dismissed for lack of jurisdiction) (third-party request);
47. *LAF, et al. v. U.S. Dep't of Veterans Affairs*, Civ. No. 17-05035 (N.D. Ill. April 22, 2019) (settled and dismissed with prejudice);
48. *Lawrence v. Wilkie*, 33 Vet. App. 158 (Ct. Vet. App. 2020) (per curiam) (dismissing request for *en banc* review due to lack of jurisdiction in Court of Appeals for Veterans' Claims);
49. *Lewis v. U.S. Dep't of Treasury, et al.*, Civ. No. 20-0494 (D. Md. July 21, 2022) (dismissed claim against U.S. Department of Veterans Affairs as moot);
50. *Maryland v. U.S. Dep't of Veterans Affairs, et al.*, Civ. No. 14-1318 (D.D.C. Sept. 17, 2015) (defendant's summary judgment granted);
51. *Mayo-Smith v. Veterans Health Admin.*, Civ. No. 18-02274 (D.D.C. Feb. 19, 2019) (dismissed with prejudice) (third-party request);
52. *McBride v. U.S. Dep't of Veterans Affairs, et al.*, Civ. No. 19-00423 (D. N.M. Aug. 14, 2019) (stipulation of dismissal by plaintiff);
53. *Mckinney v. U.S. Dep't of Veterans Affairs*, Civ. No. 18-00372 (D.D.C. May 20, 2019) (settled and dismissed) (third-party request);

54. *Military Religious Freedom Found. v. U.S. Dep't of Veterans Affairs*, Civ. No. 22-00775 (D. N.M. Feb. 3, 2023) (dismissed without prejudice) (third-party request);
55. *Miskowiec et al. v. U.S. Dep't of Veterans Affairs*, Civ. No. 15-02333 (S.D.W. Va. July 30, 2015) (dismissed with prejudice);
56. *Mitchell III v. U.S. Dep't of Veterans Affairs, et al.*, Civ. No. 19-05036 (C.D. Cal. Sept. 20, 2019) (dismissed without prejudice for lack of prosecution by plaintiff);
57. *Mitchell v. U.S. Dep't of Veterans Affairs, et al.*, Civ. No. 18-02672 (S.D.N.Y. Nov. 8, 2021), appeal dismissed, *Mitchell v. U.S. Dep't of Veterans Affairs, et al.*, No. 21-2927 (2nd Cir. May 27, 2022) (defendant's summary judgment granted) (third-party request);
58. *Molina v. Wilkie*, No. 20-7206 (Ct. Vet. App. Jan. 8, 2021) (dismissing from U.S. Court of Appeals for Veterans Claims for lack of jurisdiction);
59. *Morello v. U.S. Dep't of Veterans Affairs*, Civ. No. 24-00373 (D.D.C. filed Feb. 8, 2024) (pending) (third-party request);
60. *Murray v. Shulkin*, Civ. No. 16-02295 (D.D.C. Sept. 19, 2017) (defendant's summary judgment granted);
61. *Murtagh v. U.S. Dep't of Veterans Affairs*, Civ. No. 20-00916 (D.D.C. filed April 6, 2020) (pending);
62. *Nat'l Ass'n of Minority Veterans v. U.S. Dep't of Veterans Affairs*, Civ. No. 21-01298 (D.D.C. July 30, 2024) (stipulation of dismissal by defendant) (third-party request);
63. *Nat'l Pub. Radio, Inc. et al. v. U.S. Dep't of Veterans Affairs*, Civ. No. 18-05772 (N.D. Cal. July 28, 2021) (dismissed with prejudice) (third-party request);
64. *Nat'l Student Legal Defense Network v. U.S. Dep't of Veterans Affairs*, Civ. No. 18-01827 (D.D.C. Dec. 6, 2018) (dismissed with prejudice) (third-party request);
65. *Nat'l Veterans Legal Servs. Program v. U.S. Dep't of Veterans Affairs*, Civ. No. 16-00125 (D.D.C. May 5, 2016) (settled and dismissed with prejudice by joint stipulation) (third-party request);
66. *Nat'l Veterans Legal Servs. Program v. U.S. Dep't of Veterans Affairs*, Civ. No. 22-01826 (D.D.C. Nov. 22, 2022) (stipulation of dismissal by defendant) (third-party request);
67. *Nat'l Veterans Legal Servs. Program v. U.S. Dep't of Veterans Affairs*, Civ. No. 21-03228 (D.D.C. Feb. 18, 2022) (dismissed with prejudice) (third-party request);

68. *Nat'l Veterans Legal Servs. Program v. U.S. Dep't of Veterans Affairs*, Civ. No. 24-02578 (D.D.C. May 9, 2025) (dismissed by joint stipulation) (third-party request);
69. *New York Legal Assistance Grp. v. U.S. Dep't of Veterans Affairs*, Civ. No. 19-04028 (S.D. N.Y. Nov. 19, 2019) (dismissed by joint stipulation) (third-party request);
70. *O'Brien v. U.S. Dep't of Veterans Affairs*, Civ. No. 24-01011 (D.D.C. April 28, 2025) (dismissed with prejudice);
71. *Ojeda v. U.S. Dep't of Veterans Affairs*, Civ. No. 19-00613 (S.D.W. Va. Feb. 25, 2020) (defendant's motion to dismiss granted);
72. *Olsen v. U.S. Dep't of Veterans Affairs*, Civ. No. 14-02143 (D.D.C. Sept. 21, 2015) (settled and stipulation of dismissal by defendant) (third-party request);
73. *Oram v. Wilkie, et al.*, Civ. No. 21-00075 (W.D. Wash. Oct. 28, 2021) (defendant's summary judgment granted and case dismissed);
74. *Owens v. U.S. Dep't of Veterans Affairs*, Civ. No. 16-05142 (C.D. Cal. Aug. 23, 2017) (stipulation of dismissal without prejudice by defendant);
75. *Owen v. U.S. Dep't of Veterans Affairs*, Civ. No. 18-00492 (D.D.C. Sept. 25, 2018) (stipulation of dismissal by plaintiff) (third-party request);
76. *Payne v. U.S. Dep't of Veterans Affairs, et al.*, Civ. No. 17-03068 (N.D. Ga. Dec. 28, 2017) (dismissed with prejudice);
77. *Perioperative Servs. & Logistics, LLC v. U.S. Dep't of Veterans Affairs*, Civ. No. 20-00095 (D.D.C. Sept. 30, 2021) (defendant's summary judgment granted) (third-party request) (third-party request); *aff'd*, *Perioperative Servs. & Logistics, LLC v. U.S. Dep't of Veterans Affairs*, No. 21-5223 (D.C. Cir. Jan. 17, 2023);
78. *Pinnicchia v. U.S. Dep't of Veterans Affairs*, Civ. No. 17-02139 (D. Conn. Mar. 13, 2019) (defendant's summary judgment granted);
79. *Pomares v. U.S. Dep't of Veterans Affairs*, Civ. No. 21-00084 (S.D. Cal. Jan. 6, 2023) (defendant's summary judgment granted) (third-party request); *aff'd in part, rev'd in part*, *Pomares v. U.S. Dep't of Veterans Affairs*, No. 23-55205 (9th Cir. Aug. 13, 2024) (remanding district court's grant of defendant's summary judgment);

80. *Pro Publica, Inc. et al. v. U.S. Dep't of Veterans Affairs*, Civ. No. 17-00124 (D.D.C. Mar. 11, 2021) (stipulation of dismissal by defendant) (third-party request);
81. *Pro Publica, Inc. v. U.S. Dep't of Veterans Affairs*, Civ. No. 16-02462 (D.D.C. Mar. 11, 2021) (stipulation of dismissal by defendant) (third-party request);
82. *Progressive Industries, Inc. v. U.S. Dep't of Veterans Affairs*, Civ. No. 14-08551 (N.D. Ill. April 21, 2015) (dismissed with prejudice) (third-party request);
83. *Protect Our Defs., et al. v. U.S. Dep't of Veterans Affairs*, Civ. No. 18-00403 (D. Conn. May 1, 2019) (voluntary dismissal by plaintiff) (third-party request);
84. *Reclaim the Recs., et al. v. U.S. Dep't of Veterans Affairs*, Civ. No. 18-08449 (S.D. N.Y. July 31, 2023) (dismissed with prejudice) (third-party request);
85. *Roll v. U.S. Dep't of Veterans Affairs*, Civ. No. 19-02825 (N.D. Ohio Feb. 21, 2020) (dismissed without prejudice);
86. *Rosebrock, et al. v. U.S. Dep't of Veterans Affairs*, Civ. No. 17-01327 (D.D.C. Nov. 5, 2019) (stipulation of dismissal by defendant)
87. *Siu v. U.S. Dep't of Veterans Affairs*, Civ. No. 21-01110 (S.D. Cal. May 10, 2022) (dismissed with prejudice);
88. *Snowton v. U.S. Dep't of Veterans Affairs*, Civ. No. 18-01019 (N.D. Ga. April 6, 2018) (dismissed as frivolous), dismissed, *Snowton v. U.S. Dep't of Veterans Affairs*, No. No. 18-11817 (11th Cir. June 25, 2018);
89. *Stelmaszek v. U.S. Dep't of Veterans Affairs*, Civ. No. 19-00172 (D.D.C. Aug. 12, 2020) (defendant's summary judgment granted);
90. *Swords to Plowshares, et al. v. U.S. Dep't of Veterans Affairs*, Civ. No. 20-07146 (N.D. Cal. Mar. 18, 2024) (stipulation with proposed order of settlement and dismissed with prejudice) (third-party request);
91. *The Few, The Proud, The Forgotten, et al. v. U.S. Dep't of Veterans Affairs*, Civ. No. 16-00647 (D. Conn. Aug. 14, 2019) (plaintiffs' summary judgment and civil contempt denied; defendant's summary judgment granted in part and denied in part) (third-party request);

92. *The Mil. Religious Freedom Found. v. U.S Dep't of Veterans Affairs*, Civ. No. 25-00492 (D. N.M. filed May 23, 2025) (pending) (third-party request);
93. *Toomer v. McDonald*, Case No. 2014-7045 (Fed. Cir. April 21, 2015) (Veterans Court's failure to address plaintiff's FOIA request was proper as court lacked jurisdiction);
94. *Torres Consulting and Law Grp., LLC v. U.S. Dep't of Veterans Affairs*, Civ. No. 15-01279 (D. Ariz. Feb. 9, 2016) (dismissed with prejudice) (third-party request);
95. *Torres Consulting & Law Grp., LLC v. U.S. Dep't of Veterans Affairs*, Civ. No. 15-01905 (D. Ariz. Mar. 30, 2017) (f defendant's cross-summary judgment granted) (third-party request);
96. *Torres Consulting & Law Grp., PLLC v. U.S. Dep't of Veterans Affairs*, Civ. No. 20-01360 (D. Ariz. Dec. 16, 2020) (dismissed with prejudice) (third-party request);
97. *Veteran Esquire Legal Sols., PLLC et al. v. U.S. Dep't of Veterans Affairs*, Civ. No. 18-00287 (D.D.C. Feb. 8, 2018) (settled and dismissed with prejudice by joint stipulation);
98. *Voice of San Diego, et al. v. Veterans Health Admin., et al.*, Civ. No. 22-00833 (S.D. Cal. Dec. 9, 2022) (dismissed with prejudice) (third-party request);
99. *Votevets Action Fund v. U.S. Dep't of Veterans Affairs*, Civ. No. 18-00762 (D.D.C. Feb. 14, 2020) (stipulation of dismissal with prejudice by plaintiff) (third-party request);
100. *Votevets Action Fund v. U.S. Dep't of Veterans Affairs*, Civ. No. 19-01090 (D.D.C. Sept. 17, 2020) (stipulation of dismissal with prejudice by plaintiff) (third-party request);
101. *Wadhwa v. U.S. Dep't of Veterans Affairs*, Civ. No. 15-02777 (D. N.J. March 29, 2017) (dismissed without prejudice), *aff'd*, *Wadhwa v. Sec'y U.S. Dep't of Veterans Affairs*, No. 17-1686 (3rd Cir. Sept. 13, 2017);
102. *Watkins Law & Advoc., PLLC v. U.S. Dep't of Justice, et al.*, Civ. No. 17-01974 (D.D.C. Sept. 30, 2019) (defendant VA's summary judgment granted) (third-party request), *aff'd in part, vacated in part*, *Watkins Law & Advoc., PLLC v. U.S. Dep't of Justice, et al.*, No. 21-5108 (D.C. Cir. Aug. 18, 2023) (defendant VA's grant of summary judgment vacated and remanded) (on remand case is pending);
103. *White v. McDonald et al.*, Civ. No. 15-231 (N.D. Okla. March 24, 2016)(dismissed as moot since all records were released);

104. *White Coat Waste Project v. U.S. Dep't of Veterans Affairs*, Civ. No. 17-01155 (D.D.C. April 3, 2020) (settled and stipulation of dismissal by defendant) (third-party request);
105. *White Coat Waste Project v. U.S. Dep't of Veterans Affairs*, Civ. No. 17-02264 (D.D.C. May 4, 2020) (stipulation of dismissal with prejudice by plaintiff) (third-party request);
106. *White Coat Waste Project v. U.S. Dep't of Veterans Affairs*, Civ. No. 19-01019 (D.D.C. Nov. 24, 2020) (stipulation of dismissal with prejudice by defendant) (third-party request);
107. *White Coat Waste Project v. U.S. Dep't of Veterans Affairs*, Civ. No. 19-03837 (D.D.C. Jan. 19, 2021) (dismissed with prejudice) (third-party request);
108. *White Coat Waste Project v. U.S. Dep't of Veterans Affairs*, Civ. No. 20-02416 (D.D.C. Jan. 22, 2021) (dismissed with prejudice) (third-party request);
109. *White Coat Waste Project v. U.S. Dep't of Veterans Affairs*, Civ. No. 20-03096 (D.D.C. Feb. 2, 2021) (dismissed with prejudice) (third-party request);
110. *White Coat Waste Project v. U.S. Dep't of Veterans Affairs*, Civ. No. 23-03280 (D.D.C. filed Nov. 2, 2023) (pending) (third-party request);
111. *White Coat Waste Project v. U.S. Dep't of Veterans Affairs*, Civ. No. 24-02094 (D.D.C. June 16, 2025) (joint stipulation to dismiss with prejudice) (third-party request);
112. *Whittecar v. U.S. Dep't of Veterans Affairs, et al.*, Civ. No. 19-00164 (D. Wyo. May 15, 2020) (dismissed with prejudice);
113. *Winkler Law, LLC v. U.S. Dep't of Veterans Affairs*, Civ. No. 20-12125 (D. Mass. Sept. 24, 2021) (joint notice of stipulated dismissal) (third-party request);
114. *WP Co. LLC v. U.S. Dep't of Veterans Affairs*, Civ. No. 24-02661 (D.D.C. filed Sept. 17, 2024) (pending) (third-party request);
115. *Zaldivar v. U.S. Dep't of Veterans Affairs*, Civ. No. 14-01493 (D. Ariz. Oct. 27, 2015) (defendant's motion to dismiss granted).

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