

Exhibit 1

EMPOWER OVERSIGHT

Whistleblowers & Research



August 6, 2021

VIA ELECTRONIC TRANSMISSION: [VACOFOIASERVICE@VA.GOV](mailto:vacofoiaservice@va.gov)

FOIA SERVICE
Department of Veterans Affairs
810 Vermont Avenue, NW
(005R1C) VACO
Washington, DC 20420

**RE: RECORDS REGARDING VA'S REFUSAL TO RESPOND TO CONGRESSIONAL
OVERSIGHT OF CONFLICTS OF INTEREST AND FAILURE TO SAFEGUARD MATERIAL
NON-PUBLIC INFORMATION**

Dear FOIA Officer:

Empower Oversight Whistleblowers & Research ("Empower Oversight") is a nonpartisan, nonprofit educational organization dedicated to enhancing independent oversight of government and corporate wrongdoing. We work to help insiders safely and legally report waste, fraud, abuse, corruption, and misconduct to the proper authorities help to hold those authorities accountable to act on such reports. Empower oversight also publishes information related to waste, fraud, abuse, corruption and misconduct, as well as information regarding whistleblower retaliation against those who report such wrongdoing.

We write today regarding the appearance of a conflict of interest by Department of Veterans Affairs staff administering our veterans' educational benefits and the Department's refusal to timely comply with related congressional oversight requests.

Through the GI Bill, Americans have long honored our veterans' service by providing them well-earned educational opportunities. As with all large government programs, the administration of these benefits is subject to a vast bureaucratic process—a process that should be free from improper influence, and even the appearance of improper influence.

However, according to whistleblower reports received by Empower Oversight, as well as witness statements and documents reportedly provided to Congress (Attachment A), an official at the Veterans Benefits Administration ("VBA"), Ms. Charmain Bogue, the Executive Director of VBA's Education Service, allegedly failed to recuse herself from VBA activity involving her husband's clients and his employers, Veterans Education Success ("VES") and Student Veterans of America ("SVA").

Four months ago, Senate Judiciary Committee Ranking Member Charles Grassley asked the Department a number of questions about Ms. Bogue's participation in the announcement of an enforcement action advocated by her husband's clients and employers.¹ The enforcement action, announced on March 9, 2020, would have denied veterans access to GI Bill benefits at certain educational institutions. Months later the Department "backed down" on July 2, 2020 after deciding that no such action was warranted.²

However, the announcement had done its damage. Days before the March 9 announcement, a Department official warned others to safeguard advanced notice of the announcement because publicly traded companies operated some of the impacted schools.³ Yet, market sensitive details were reportedly released during the trading day to VES, one the employers paying Ms. Bogue's husband, and may have been leaked in the preceding weeks.⁴ The leaks appear to have negatively impacted stock prices, and the select few with inside knowledge of the Department's plans could have profited from that information.⁵

Moreover, Senator Grassley's letter also raised serious questions about several senior VBA officials, including Ms. Bogue's boss and current Acting Undersecretary of Benefits Thomas Murphy.⁶ Mr. Murphy would have been responsible for ensuring that Ms. Bogue complied with ethics requirements and recused herself from any matters involving or otherwise benefiting her husband's employers. However, according to whistleblower allegations described in the letter, Mr. Murphy has a history of alleged failure to follow controlling ethical standards, having been personally proposed for suspension for accepting gifts from outside stakeholders.⁷

Yet the Department has refused to provide any meaningful response in the four months since receiving these inquiries from the Ranking Member of the Senate Judiciary Committee (see Attachment B).⁸ Previous administrations have attempted to improperly slow-walk or ignore requests for information from the opposite political party when that party does not constitute a majority in Congress.⁹

To address such concerns, a policy adopted on July 20, 2017 and formally cited by the Justice Department's Office of Legal Counsel ("OLC") on February 13, 2019 requires that each Executive Branch agency "respect the rights of all individual Members [of Congress], *regardless of party affiliation*, to request information about Executive Branch policies and programs" and "use its *best efforts to be as timely and responsive as possible* in answering such requests."¹⁰

¹ Letter from Senator Charles Grassley to Secretary Denis McDonough ([Apr 2, 2021](#)) (Attachment A).

² "VA backs down from plan to suspend University of Phoenix and other colleges from accessing GI Bill benefits," *Washington Post* ([Jul 2, 2020](#)).

³ Letter from Senator Charles Grassley to Secretary Denis McDonough ([Apr 2, 2021](#)) (Attachment A) at 3.

⁴ *Id.* at 3-4.

⁵ *Id.*

⁶ *Id.* at 2.

⁷ *Id.*

⁸ Letter from Senator Charles Grassley to Secretary Denis McDonough ([Jul 20, 2021](#)) (Attachment B).

⁹ Letter from Senator Charles Grassley to President Donald J. Trump, ([Jun 7, 2017](#)).

¹⁰ "Requests by Individual Members of Congress for Executive Branch Information" *DOJ Office of Legal Counsel*, 43 Op. O.L.C. ____ ([Feb 13, 2019](#))(emphasis added).

Unless the current administration has rescinded the policy referenced by OLC without informing the public, the Department of Veterans Affairs appears to be in violation by essentially ignoring serious questions from the Ranking Member of the Senate Judiciary Committee for four months. That manifestly does not constitute “best efforts,” particularly when some of the questions are relatively simple to answer.

For example, according to new whistleblower information provided to Empower Oversight, the first question in Senator Grassley’s letter should have been an easy one. Senator Grassley asked whether Acting Undersecretary Thomas Murphy was ever recommended for a suspension for improperly accepting gifts¹¹ According to the new information, the answer appears to be “yes”—on February 25, 2019. This detail should have been readily accessible in the Department’s files and known to senior Department leadership, yet the Department has failed to provide it to the Senate for four months.

The proposed suspension would have been for 10 days due to an alleged violation of 5 C.F.R. § 2635.202(b)(2) in connection with accepting a NASCAR pass valued in excess of \$500 while the VBA had an ongoing contract with NASCAR and without seeking guidance from a Department ethics official. According to whistleblower disclosures, however, on May 7, 2019, former Secretary Robert Wilkie accepted the recommendation of Assistant Secretary for Human Resources Dan Sitterly to reduce the proposed suspension to a mere admonishment for failure to seek ethics advice.¹²

Assistant Secretary Sitterly allegedly cited the fact that three separate similar instances involving Department executives and NASCAR as evidence that the rules on accepting such gifts must be unclear. Failing to hold senior leadership accountable for following rules on which Department officials receive regular training merely because multiple executives also did so would be an engraved invitation to misconduct.

The public has a compelling interest in understanding why the Department is refusing to comply with oversight requests for information from its elected representatives on these important issues of public integrity. They are of significant public importance and impact veterans’ confidence in the Department that is supposed to serve them as they served our country. Transparency from the VBA is the only way to ensure accountability. Accordingly, we are filing this FOIA request to seek the facts.

Please Provide All Records Relating to the Following:¹³

1. The Department of Veterans Affairs’ receipt of, discussions related to, processing of, and response to Senator Grassley’s April 2, 2021 letter to Secretary McDonough and/or his July 20, 2021 letter to Secretary McDonough. (Attachments A and B).

¹¹ Letter from Senator Charles Grassley to Secretary Denis McDonough ([Apr 2, 2021](#)) (Attachment A) at 4.

¹² Mr. Sitterly has also been the subject of inquiries from Senators Tester and Schatz about his transfer from a political position to a career slot in, ironically, the Office of Accountability and Whistleblower Protection. Letter from Senators Jon Tester and Brian Schatz to Secretary Robert Wilkie ([Dec 3, 2020](#)).

¹³ As used herein “record” and “communication” include any disclosure, transfer, or exchange of information or opinion, however made. The term includes letters; telegrams; inter-office communications; memoranda; reports; records; instructions; specifications; notes; notebooks; scrapbooks; diaries; plans; photographs; photocopies; charts; graphs; descriptions; drafts, whether or not they resulted in a final document; minutes of meetings,

2. Communications between the Department of Veterans Affairs OIG (“VA OIG”) and Department employees relating to the VA OIG’s “administrative investigation to evaluate the allegations that Ms. Charmain Bogue, Executive Director of VBA’s Education Service, may have violated applicable conflict of interest laws or regulations concerning her official duties and her spouse’s business interests.” (*see* Attachment B).
3. Internal communications within the Department (other than the with VA OIG), as well as communications between Department employees and any other persons, relating to the VA OIG’s investigation referenced above.
4. Any ethics opinion or recusal involving Ms. Bogue, including any related to VES, SVA, and any other entities with which her husband had a financial relationship.
5. Calendar entries and notes of any meetings between Ms. Bogue and VES/SVA representatives, including Barrett Bogue.
6. The alleged proposal to suspend Thomas Murphy for 10 days, including:
 - a. the February 25, 2019 proposal by Principal Under Secretary for Benefits Margarita Devlin,
 - b. the March 18, 2019 decision memo by Under Secretary for Benefits Paul Lawrence upholding the proposed suspension;
 - c. the April 30, 2019 decision memo summary for Secretary Wilkie from Assistant Secretary Sitterly, relative to the proposed suspension;
 - d. all communications relating to Assistant Secretary Sitterly’s April 30, 2019 decision memo summary, including the May 7, 2019 approval thereof; and
 - e. any resulting letter(s) of admonishment.
7. Communications between Department employees and any Congressional staff, member of the House of Representatives, or Senators, regarding the issues described above.

Fee Waiver Request

Empower Oversight requests a waiver of fees associated with processing this request, in keeping with 5 U.S.C. § 552 (a)(4)(A)(iii). The information sought is in the public interest because it is likely to contribute significantly to the public understanding of the operations or activities of the government. Empower Oversight is a non-profit educational organization as

conferences, and telephone or other conversations or communications; recordings; published or unpublished speeches or articles; publications; transcripts of telephone conversations; phone mail; electronic-mail; microfilm; microfiche; tape or disc recordings; and computer print-outs.

defined under Section 501(c)(3) of the Internal Revenue Code and has no commercial interest in making this request.

The public has a significant interest in understanding the Department of Veterans Affairs' response to allegations of conflicts of interests of senior Department personnel. Empower Oversight is committed to government accountability and public integrity and is committed to public disclosure of documents via its website, and by providing these documents to the media for public dissemination. For ease of administration and to conserve resources, we ask that documents be produced in a readily accessible electronic format. In the event our request for a fee waiver is denied or if you have any questions about this request, please contact us immediately.

Thank you for your prompt attention to this important matter.

Cordially,

/Jason Foster/

Jason Foster
Founder & President

Exhibit 2



21- 08250-F FOIA Acknowledgment & Final Response



Good Morning Mr. Foster:

This email is to acknowledge and serve as the final response for your August 9, 2021, Freedom of Information Act (FOIA) request to the Department of Veterans Affairs (VA) in which you are requesting:

1. The Department of Veterans Affairs' receipt of, discussions related to, processing of, and response to Senator Grassley's April 2, 2021 letter to Secretary McDonough and/or his

July 20, 2021 letter to Secretary McDonough. (Attachments A and B).

2. Communications between the Department of Veterans Affairs OIG ("VA OIG") and Department employees relating to the VA OIG's "administrative investigation to evaluate the allegations that Ms. Charmain Bogue, Executive Director of VBA's Education Service, may have violated applicable conflict of interest laws or regulations concerning her official duties and her spouse's business interests." (see Attachment B).

3. Internal communications within the Department (other than the with VA OIG), as well as communications between Department employees and any other persons, relating to the

VA OIG's investigation referenced above.

4. Any ethics opinion or recusal involving Ms. Bogue, including any related to VES, SVA, and any other entities with which her husband had a financial relationship.

5. Calendar entries and notes of any meetings between Ms. Bogue and VES/SVA representatives, including Barrett Bogue.

6. The alleged proposal to suspend Thomas Murphy for 10 days, including:

- a. the February 25, 2019 proposal by Principal Under Secretary for Benefits Margarita Devlin,
- b. the March 18, 2019 decision memo by Under Secretary for Benefits Paul Lawrence upholding the proposed suspension;
- c. the April 30, 2019 decision memo summary for Secretary Wilkie from Assistant Secretary Sitterly, relative to the proposed suspension;
- d. all communications relating to Assistant Secretary Sitterly's April 30, 2019 decision memo summary, including the May 7, 2019 approval thereof; and
- e. any resulting letter(s) of admonishment.

7. Communications between Department employees and any Congressional staff, member of the House of Representatives, or Senators, regarding the issues described above.

The information being requested falls under the purview of the FOIA offices listed below. Your request have been referred for processing and direct response to you.

-

Veterans Benefit Administration

VBA Central FOIA office

[810 Vermont Avenue, NW](#)

(20M33) VACO

Washington, DC 20420

FOIA.VBAC0@va.gov

Phone: 202-461-9516

Fax: 202-632-8925

-

Office of Assistant Secretary for Congressional & Legislative Affairs

[810 Vermont Avenue, NW](#)

(009) VACO

Washington, DC 20420

Phone: 202-461-6459

Fax: 202-273-6792

-

Office of Inspection General

[810 Vermont Avenue, NW](#)

(00SB) VACO

Washington, DC 20420

vaoigfoia-pa@va.gov

Phone: 202-632-8204

Fax: 202-461-4301

-

This concludes the VACO FOIA Office response to your request.

We appreciate your interest in the VA.

Sincerely,

Chaquonna Price

Management Analyst, VA FOIA Service

Quality, Performance, and Risk (QPR)

Office of Information and Technology (OI&T)

811 Vermont Ave NW, Room # 5434

Washington, DC 20240

Office: 202 632-7233

E-Fax: 202-632-7581

FOIA Hotline: 877-750-3642

QPR's Mission Statement:

“To lead a culture of quality and accountability to drive an exceptional Veteran and customer experience.”

Exhibit 3



August 23, 2021

Via Email: jf@empowr.us

Jason Foster
Founder & President
2615 Columbia Pike
#445
Arlington, VA 22204

Re: Freedom of Information Act Tracking Numbers **21-08490-F (originally 21-08250-F)**

Dear Mr. Foster,

This letter serves as an updated acknowledgement receipt of your Freedom of Information Act (FOIA) request to the Department of Veterans Affairs (VA) dated August 6, 2021, in which you requested:

1. The Department of Veterans Affairs' receipt of, discussions related to, processing of, and response to Senator Grassley's April 2, 2021 letter to Secretary McDonough and/or his July 20, 2021 letter to Secretary McDonough. (Attachments A and B).
2. Communications between the Department of Veterans Affairs OIG ("VA OIG") and Department employees relating to the VA OIG's "administrative investigation to evaluate the allegations that Ms. Charmain Bogue, Executive Director of VBA's Education Service, may have violated applicable conflict of interest laws or regulations concerning her official duties and her spouse's business interests." (see Attachment B).
3. Internal communications within the Department (other than the with VA OIG), as well as communications between Department employees and any other persons, relating to the VA OIG's investigation referenced above.
4. Any ethics opinion or recusal involving Ms. Bogue, including any related to VES, SVA, and any other entities with which her husband had a financial relationship.
5. Calendar entries and notes of any meetings between Ms. Bogue and VES/SVA representatives, including Barrett Bogue.
6. The alleged proposal to suspend Thomas Murphy for 10 days, including:
 - a. the February 25, 2019 proposal by Principal Under Secretary for Benefits Margarita Devlin.

1 IG has its own tracking number. You will be notified by them of its FOIA tracking number



21-08490-F Foster

Page 2

- b. the March 18, 2019 decision memo by Under Secretary for Benefits Paul Lawrence upholding the proposed suspension.
 - c. the April 30, 2019 decision memo summary for Secretary Wilkie from Assistant Secretary Sitterly, relative to the proposed suspension.
 - d. all communications relating to Assistant Secretary Sitterly's April 30, 2019 decision memo summary, including the May 7, 2019 approval thereof; and
 - e. any resulting letter(s) of admonishment.
7. Communications between Department employees and any Congressional staff, member of the House of Representatives, or Senators, regarding the issues described above.

The FOIA Service received your request on August 8, 2021, and assigned it FOIA tracking numbers **21-08490-F**. Please refer to these numbers when communicating with the VA about this request.

The records you requested are maintained at the Office of the Executive Secretary (OSVA), and Office of Inspector General (OIG)¹. Therefore, we are redirecting your request to these offices for a file search and a direct response to you. If you wish to know the status of your request, please contact them directly at the following addresses:

Department of Veterans Affairs
Attention: Richard Ha
OSVA, (002B) VACO
810 Vermont Avenue, NW
Washington, DC 20420
Email: osvafoia@va.gov
Phone: (202) 461-4857
Fax: (202) 273-4880

Questions regarding the status of your request, please refer to FOIA number **21-008490-F**, and contact Mr. Ha.

¹ IG has its own tracking number. You will be notified by them of its FOIA tracking number



21-08490-F Foster
Page 3

Department of Veteran Affairs
Attention: Ruthlee Gowins-Bellamy
810 Vermont Avenue, NW
OIG, (50CI) VACO
Washington, DC 20420
Email: vaoigfoia-pa@va.gov
Phone: (202) 461- 4412
Fax: (202) 495-5859

Questions regarding the status of your request, please contact Ms. Gowins-Bellamy.

Please know that due to COVID 19, there may be a delay in responding to your request.

This concludes the FOIA Service's response to your request.

We appreciate your interest in the VA. If you have any questions concerning this letter, you may contact me.

Sincerely,

Chaquonna Price

for

Ms. Doloras Johnson
Director, VACO FOIA Service
Quality, Performance, and Risk (QPR)
Office of Information and Technology (OIT)

Exhibit 4



**Department of Veterans Affairs
Office of Inspector General
Washington, DC 20420**

August 23, 2021

Jason Foster
Empower Oversight
2615 Columbia Pike, #445
Arlington, VA 22204
Sent via email to: jf@empower.us

Dear Mr. Foster:

This letter acknowledges receipt of your Freedom of Information Act (FOIA) request dated August 6, 2021, in which you asked for a copy of VA OIG records as follows: communications between the Department of Veterans Affairs OIG ("VA OIG") and Department employees relating to the VA OIG's "administrative investigation to evaluate the allegations that Ms. Charmain Bogue, Executive Director of VBA's Education Service, may have violated applicable conflict of interest laws or regulations concerning her official duties and her spouse's business interests. Portion of your request was referred to this Release of Information Office for processing and direct response to you. We will be reviewing number 2 of your request as it is listed above.

As we advise all requesters, for records protected by a confidentiality statute, regulations (see 38 C.F.R. § 1.554) require the FOIA requester's handwritten signature. For confidential records about another person, the same regulations require proof the requester is authorized to obtain the records. If your request does not satisfy these requirements, it will be denied as it pertains to such records or portions thereof.

We assigned FOIA Tracking Number 21-00357-FOIA to your request. Please refer to this number whenever communicating with VA OIG about your request.

We received your request on August 16, 2021. We are processing your request and our response will be forthcoming.

Sincerely,

A handwritten signature in black ink, appearing to read "Ruthlee G. Bellamy".

Ruthlee G. Bellamy
Supervisory Government Information Specialist
VA OIG Release of Information Office (50CI)

Exhibit 5



**Department of Veterans Affairs
Office of Inspector General
Washington, DC 20420**

September 13, 2021

Jason Foster
Empower Oversight 2615 Columbia Pike, #445
Arlington, VA 22204
Ent via email to: jf@empowr.us

Dear Mr. Foster:

This is in response to your Freedom of Information Act (FOIA) request dated August 6, 2021 in which you asked for a copy of the "communications between the Department of Veterans Affairs OIG ("VA OIG") and Department employees relating to the VA OIG's "administrative investigation to evaluate the allegations that Ms. Charmain Bogue, Executive Director of VBA's Education Service, may have violated applicable conflict of interest laws or regulations concerning her official duties and her spouse's business interests." Your request was received in this office on August 16, 2021.

We have assigned FOIA Tracking Number 21-00357-FOIA to your request. Please refer to it whenever communicating with VA about your request.

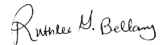
In order to respond to your request, we needed to coordinate with other agency components. Consequently, your request cannot be processed within the time limit specified by the FOIA, at 5 U.S.C. § 552(a)(6)(A)(i), i.e., within 20 days (excepting Saturdays, Sundays, and legal public holidays).

The FOIA allows that under this circumstance, we may extend the time limit by an additional 10 days (excepting Saturdays, Sundays, and legal public holidays). This is notification that we are invoking 5 U.S.C. § 552(a)(6)(B)(i) for the additional 10 days (excepting Saturdays, Sundays, and legal public holidays).

You may appeal the determination made in this response to: Department of Veterans Affairs, Office of Inspector General, Office of Counselor (50C), 810 Vermont Avenue NW, Washington, DC 20420, or by email to: VAOIGFOIA-Appeals@va.gov, or by fax to: (202) 495-5867. If you should choose to make an appeal, your appeal must be sent no later than ninety (90) calendar days after the date of this letter. Your appeal must include the assigned FOIA Tracking Number and any reason(s) why you believe the

response was in error. If you choose to appeal only a portion of the determination, you must specify which part of the determination you are appealing. The appeal should include a copy of the request and VA's response. The appeal should be marked, or subject-titled, "Freedom of Information Act Appeal."

Sincerely,

A handwritten signature in cursive script that reads "Ruthlee G. Bellamy".

Ruthlee G. Bellamy
Supervisory Government Information Specialist
VA OIG Release of Information Office

Exhibit 6



**Department of Veterans Affairs
Office of Inspector General
Washington, DC 20420**

September 29, 2021

Jason Foster
Founder and President of Empower Oversight
2615 Columbia Pike, #445
Arlington, VA 22204
Sent via email: jf@empowr.us

Dear Mr. Foster:

This is in response to your Freedom of Information Act (FOIA) request dated August 6, 2021 in which you asked for the following:

1. The Department of Veterans Affairs' receipt of discussions related to, processing of, and response to Senator Grassley's April 2, 2021 letter to Secretary McDonough and/or his July 20, 2021 letter to Secretary McDonough. (Attachments A and B).
2. Communications between the Department of Veterans Affairs OIG ("VA OIG") and Department employees relating to the VA OIG's "administrative investigation to evaluate the allegation that Ms. Charmain Bogue, Executive Director of VBA's Education Service, may have violated applicable conflict of interest laws or regulations concerning her official duties and her spouse's business interests." (see Attachment B)

Your request was referred to this Information Release Office from VACO FOIA Service to conduct a search relating to the above items in the request. The request was received in this office on August 16, 2021 and we assigned FOIA Tracking Number 21-00357-FOIA. Please refer to it whenever communicating with VA OIG about this request.

We have enclosed redacted copies of the discussion pertaining to item 1 and 2. However, portions of the information have been redacted pursuant to FOIA exemption (b)(5) and (b)(6). An explanation of each exemptions is below:

FOIA Exemption 5, [5 U.S.C. § 552 (b)(5)], protects from disclosure "inter-agency or intra-agency memorandums or information which would not be available by law to a party other than an agency in litigation with the agency." Courts have interpreted Exemption 5 to exempt records that are normally privileged in the civil discovery context. The three primary, most frequently invoked privileges that have been held to be incorporated into Exemption 5 are the deliberative process privilege (referred to by some courts as "executive privilege"), the attorney work-product privilege, and the attorney-client privilege. We are invoking **"the deliberative process privilege"**, the purpose of which is

to "prevent injury to the quality of agency decisions." Specifically, three policy purposes consistently have been held to constitute the bases for this privilege: (1) to encourage open, frank discussions on matters of policy between subordinates and superiors; (2) to protect against premature disclosure of proposed policies before they are adopted; and (3) to protect against public confusion that might result from disclosure of reasons and rationales that were not in fact ultimately the grounds for an agency's action.

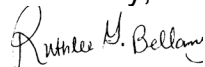
FOIA Exemption 6, [5 U.S.C. § 552 (b)(6)], allows the withholding of all information which, if disclosed, would constitute a clearly unwarranted invasion of an individual's personal privacy. Specifically, names, job titles and other information which could reveal the identity of individuals mentioned in the records have been withheld. We do not find any public interest that outweighs the privacy interests of the individuals.

Further, we did not enclose a copy of the VA Inspector's General response dated May 26, 2021 to the Senator Grassley's April 2, 2021 letter to Secretary McDonough, since it has already been published on the Senator's website. An unredacted copy can be obtained [here](#).

For your information, Congress excluded three discrete categories of law enforcement and national security records from the requirements of the FOIA. See 5 U.S.C. 552(c) (2006 & Supp. IV 2010). This response is limited to those records that are subject to the requirements of the FOIA. This is a standard notification that is given to all our requesters and should not be taken as an indication that excluded records do, or do not, exist.

You may appeal the determination made in this response to: Department of Veterans Affairs, Office of Inspector General, Office of Counselor (50C), 810 Vermont Avenue NW, Washington, DC 20420, or by email to: VAOIGFOIA-Appeals@va.gov, or by fax to: (202) 495-5867. If you should choose to make an appeal, your appeal must be sent no later than ninety (90) calendar days after the date of this letter. Your appeal must include the assigned FOIA Tracking Number and any reason(s) why you believe the response was in error. If you choose to appeal only a portion of the determination, you must specify which part of the determination you are appealing. The appeal should include a copy of the request and VA's response. The appeal should be marked, or subject-titled, "Freedom of Information Act Appeal."

Sincerely,



Ruthlee G. Bellamy
Supervisory Government Information Specialist
VA OIG Release of Information Office

Enclosures

Exhibit 7

Document ID (b)(5)

From: Gromek, Catherine A. (OIG)
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 e5(b)(6)>
 Cc:
 Bcc:
 Subject: RE: Grassley Request
 Date: Tue Apr 06 2021 21:51:52 EDT
 Attachments: (b)(5)

(b)(5)

From: (b)(6) (OIG) <(b)(6)@va.gov>
 Sent: Tuesday, April 6, 2021 2:46 PM
 To: Wilber, Chris (OIG) <(b)(6)@va.gov>; Mitchell, Jamie (OIG) <(b)(6)@va.gov>;
 Fredrikson, Roy (OIG) <(b)(6)@va.gov>; Gromek, Catherine A. (OIG) <(b)(6)@va.gov>
 Subject: Re: Grassley Request

Thanks Chris!

Get Outlook for iOS

From: Wilber, Chris (OIG) <(b)(6)@va.gov>
 Sent: Tuesday, April 6, 2021 1:16:17 PM
 To: Smith, Katherine (OIG) <(b)(6)@va.gov>; Mitchell, Jamie (OIG) <(b)(6)@va.gov>; Fredrikson, Roy (OIG) <(b)(6)@va.gov>; Gromek, Catherine A. (OIG) <(b)(6)@va.gov>
 Subject: Grassley Request

(b)(5)

(b)(5)

(b)(5)

(b)(5)

(b)(5)

(b)(5)

Christopher A. Wilber

Counselor to the Inspector General

U.S. Department of Veterans Affairs

810 Vermont Avenue NW
Washington, DC 20420

E-mail: (b)(6)

Phone: (202) 461-(b)(6)

Mobile: (202) 534-(b)(6)

Webpage: www.va.gov/oig

This e-mail message and all attachments may contain confidential information intended solely for the addressee(s). If the reader of this message is not the intended recipient, you are hereby notified that any reading, dissemination, distribution, copying, forwarding or other use of this message or its attachments is strictly prohibited. If you received this message in error, please notify the sender immediately and delete this message and all copies and backups thereof.

Document ID: 0.7.2866.6650-000001

Owner: Gromek, Catherine A. (OIG) </o=exchangelabs/ou=exchange administrative group (fydibohf23spdl)/cn=recipients/cn=497f23ac564a4726bc23ca37fdd58e1d-gromek, cat>

Filename: image001.png

Last Modified: Tue Apr 06 21:51:52 EDT 2021

Document ID: (b)(5)

From: (b)(6) (OIG)
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Cc:
 Bcc:
 Subject: Re: Grassley Request
 Date: Tue Apr 06 2021 14:46:28 EDT
 Attachments: (b)(5)

Thanks Chris!

Get Outlook for iOS

From: Wilber, Chris (OIG) <(b)(6)@va.gov>
 Sent: Tuesday, April 6, 2021 1:16:17 PM
 To: (b)(6) (OIG) <(b)(6)@va.gov>; Mitchell, Jamie (OIG) <(b)(6)@va.gov>; Fredrikson, Roy (OIG) <(b)(6)@va.gov>; Gromek, Catherine A. (OIG) <(b)(6)@va.gov>
 Subject: Grassley Request

(b)(5)

(b)(5)

(b)(5)

(b)(5)

(b)(5)

(b)(5)

Christopher A. Wilber

Counselor to the Inspector General

U.S. Department of Veterans Affairs

810 Vermont Avenue NW
Washington, DC 20420

E-mail: (b)(6)@va.gov

Phone: (202) 461-(b)(6)

Mobile: (202) 512-(b)(6)

Webpage: www.va.gov/oig

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Document ID (b)(5)

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Subject: Grassley Request
Date: Tue Apr 06 2021 13:16:17 EDT
Attachments: (b)(5)

(b)(5)

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(b)(5)

Christopher A. Wilber

Counselor to the Inspector General

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Mobile: (202) 512-

(b)(6)

Webpage: www.va.gov/oig

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Document ID (b)(5)

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Cc:
Bcc:
Subject: RE: Discussion Re: VBA Referral from Grassley
Date: Tue Apr 06 2021 08:15:44 EDT
Attachments: (b)(5)

Good Morning,

(b)(5)

Regards,

(b)(6)

(b)(6)

Department of Veterans Affairs | Office of Inspector General

810 Vermont Ave NW, Washington, DC 20420

T 202-46 (b)(6) C 202-2 (b)(6) (b)(6) va.gov

OIG Portal | [OIG Public Site](#)

From: (b)(6) (OIG)

Sent: Monday, April 5, 2021 6:06 PM

To: Mitchell, Jamie (OIG) <(b)(6) va.gov> (b)(6) (OIG) <(b)(6) va.gov>; Wilber, Chris (OIG) <(b)(6) va.gov>; Fredrikson, Roy (OIG) <(b)(6) va.gov>; Gromek, Catherine A. (OIG) <(b)(6) va.gov>; (b)(6) (OIG) <(b)(6) va.gov>

Subject: RE: Discussion Re: VBA Referral from Grassley

(b)(5)

Regards,

(b)(6)

(b)(6)

Department of Veterans Affairs | Office of Inspector General

810 Vermont Ave NW, Washington, DC 20420

T 202-46 (b)(6) C 202-2 (b)(6) (b)(6) va.gov

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-----Original Appointment-----

From: (b)(6) (OIG)

Sent: Monday, April 5, 2021 6:04 PM

To: (b)(6) (OIG); Mitchell, Jamie (OIG); (b)(6) (OIG); Wilber, Chris (OIG); Fredrikson, Roy (OIG); Gromek, Catherine A. (OIG); (b)(6) (OIG)

(b)(6)

Subject: Discussion Re: VBA Referral from Grassley
When: Tuesday, April 6, 2021 9:00 AM-10:00 AM (UTC-05:00) Eastern Time (US & Canada).
Where: Microsoft Teams Meeting

Good Afternoon Everyone,

(b)(5)

Regards,

(b)(6)

(b)(6)

Department of Veterans Affairs | Office of Inspector General

810 Vermont Ave NW, Washington, DC 20420

T 202-444-(b)(6) C 202-271-(b)(6) | (b)(6)@va.gov

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Microsoft Teams meeting

Join on your computer or mobile app

[Click here to join the meeting](#)

Or call in (audio only)

+1 872-714-(b)(5) # United States, Chicago

Phone Conference ID: (b)(5)

(b)(5)

Document ID: (b)(5)

From: Gromek, Catherine A. (OIG)
</o=exchangelabs/ou=exchange administrative group
(fydibohf23spdlt)/cn=recipients/cn=497f23ac564a4726bc23ca37fdd5
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e77(b)(6)>
Cc:
Bcc:
Subject: RE: Discussion Re: VBA Referral from Grassley
Date: Tue Apr 06 2021 08:09:38 EDT
Attachments: (b)(5)

This is the letter from Grassley to us. (b)(5)

(b)(5)

From: (b)(6) (OIG) <(b)(6)@va.gov>
Sent: Tuesday, April 6, 2021 7:53 AM
To: Gromek, Catherine A. (OIG) <(b)(6)@va.gov>
Subject: RE: Discussion Re: VBA Referral from Grassley

Hi Cathy,

(b)(5);(b)(6) Thank you.

Regards,

(b)(6)

(b)(6)

Department of Veterans Affairs | Office of Inspector General

810 Vermont Ave NW, Washington, DC 20420

(b)(6)

T 202-4 (b)(6) C 202-28 (b)(6) (b)(6) va.gov

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From: Gromek, Catherine A. (OIG) <(b)(6) va.gov>
Sent: Tuesday, April 6, 2021 7:52 AM
To: (b)(6) (OIG) <(b)(6) va.gov>
Subject: RE: Discussion Re: VBA Referral from Grassley

Hi (b)(6)

(b)(6)

Cathy

From: (b)(6) (OIG) <(b)(6) va.gov>
Sent: Monday, April 5, 2021 6:06 PM
To: Mitchell, Jamie (OIG) <(b)(6) va.gov>; (b)(6) (OIG) (b)(6) va.gov>; Wilber, Chris (OIG) <(b)(6) va.gov>; Fredrikson, Roy (OIG) <(b)(6) va.gov>; Gromek, Catherine A. (OIG) <(b)(6) va.gov>; Johnson, David S. (OIG) (b)(6) va.gov>
Subject: RE: Discussion Re: VBA Referral from Grassley

(b)(5)

Regards,

(b)(6)

(b)(6)

Department of Veterans Affairs | Office of Inspector General

(b)(6)

810 Vermont Ave NW, Washington, DC 20420

T 202-46 (b)(6) C 202-2 (b)(6) (b)(6) va.gov

OIG Portal | [OIG Public Site](#)

-----Original Appointment-----

From: (b)(6) (OIG)

Sent: Monday, April 5, 2021 6:04 PM

To: (b)(6) (OIG); Mitchell, Jamie (OIG); (b)(6) (OIG); Wilber, Chris (OIG);
Fredrikson, Roy (OIG); Gromek, Catherine A. (OIG); (b)(6) (OIG)

Subject: Discussion Re: VBA Referral from Grassley

When: Tuesday, April 6, 2021 9:00 AM-10:00 AM (UTC-05:00) Eastern Time (US & Canada).

Where: Microsoft Teams Meeting

Good Afternoon Everyone,

(b)(6)

Regards,

(b)(6)

(b)(6)

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(b)(6)

Document ID (b)(5)

From: (b)(6) (OIG)

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To: Mitchell, Jamie (OIG)

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5d (b)(6) >

Cc:

Bcc:

Subject: RE: Discussion Re: VBA Referral from Grassley

Date: Mon Apr 05 2021 18:05:43 EDT

Attachments: (b)(5)

Please see attached readahead.

Regards,

(b)(6)

(b)(6)

Department of Veterans Affairs | Office of Inspector General

810 Vermont Ave NW, Washington, DC 20420

T 202-44 (b)(6) C 202-24 (b)(6) (b)(6) va.gov

Sent: Friday, April 2, 2021 5:03 PM

To: Gromek, Catherine A. (OIG) <(b)(6)@va.gov>

Cc: Ragsdale, DeLisa (Judiciary-Rep) <DeLisa_Ragsdale@judiciary-rep.senate.gov>; CEG (Judiciary-Rep) <CEG@judiciary-rep.senate.gov>

Subject: [EXTERNAL] 2021-04-02 CEG to VA OIG

Hello Cathy,

Please find the attached letter from Senator Grassley to the U.S. Department of Veterans Affairs Office of Inspector General.

Please confirm receipt of this letter. Thank you.

--

Best Regards,

Quinton A. Brady

Investigative Counsel

Ranking Member Charles E. Grassley

U.S. Senate Committee on the Judiciary

Exhibit 8



U.S. Department
of Veterans Affairs

Inspector General
Washington DC 20420

May 26, 2021

The Honorable Charles Grassley
Ranking Member
Committee on the Judiciary
U.S. Senate
Washington, DC 20510

Dear Senator Grassley:

I am writing in response to your April 2, 2021 letter regarding allegations related to the Veterans Benefits Administration (VBA) and specifically allegations of ethical violations and other misconduct by VBA leadership.

We have considered your requests and discussed our analysis with your staff. The Office of Inspector General (OIG) has opened an administrative investigation to evaluate the allegations that Ms. Charmain Bogue, Executive Director of VBA's Education Service, may have violated applicable conflict of interest laws or regulations concerning her official duties and her spouse's business interests. The scope of this administrative investigation will also include reviewing any legal opinions that were provided to Ms. Bogue regarding the need for her recusal from decisions based on her spouse's business and reviewing Ms. Bogue's financial disclosures. The OIG's work is in progress, and we will notify your office when we have concluded our work.

For the reasons summarized below, at this time we will not be reviewing the other matters raised in your letter:

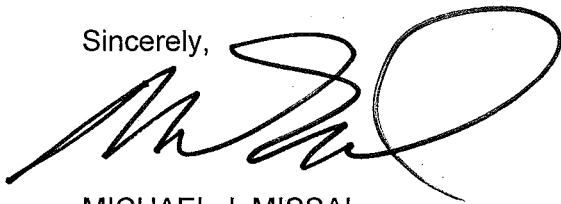
- ***Mitigation of Disciplinary Penalties for Certain Senior VA Officials.*** Your letter requested that the OIG review and report on the reasons why VA allegedly mitigated penalties recommended in disciplinary actions of specific senior-level VBA employees. VA's Office of Accountability and Whistleblower Protection (OAWP) investigated the matters referenced by your letter. The OAWP makes recommendations relating to discipline and it tracks the information that your letter requests. The OIG will defer to OAWP's response to the corresponding request in your letter to VA Secretary McDonough.
- ***Potential Disclosure of Material Non-Public Information Concerning Certain Education Institutions.*** Since you have separately requested the U.S. Securities and Exchange Commission (SEC) to investigate this matter and the VA OIG has limited authority to compel testimony, we will defer to the SEC. If we uncover information relevant to this potential violation during our review, we will refer that information to the SEC for review.

The Honorable Charles Grassley

- ***Financial Disclosures of VA Employees.*** Your letter asked the OIG to review VA employees' compliance with financial disclosure requirements. The allegations presented relate to one individual's disclosures and, even if true, do not appear to suggest the existence of a broad process failure affecting the nearly 700 VA employees who file public financial disclosures every year. Although the OIG may reconsider initiating a broader review at a future time, we note that the Office of Government Ethics has primary authority in this area and is better positioned to evaluate VA's financial disclosure process, especially as it pertains to an individual's compliance with disclosure requirements.
- ***Compliance with Freedom of Information Act (FOIA) Requests.*** The specific FOIA requests mentioned in your letter are the subject of pending litigation. The OIG generally does not investigate matters under litigation if the issue can be resolved by the decision-maker. In this instance, the court's determination will provide the requestor with any appropriate relief and address your question as to whether VA is failing to comply with FOIA requests.
- ***Anonymous Allegations of Reprisal.*** Your letter raises non-specific allegations of reprisal by individuals who provided unspecified information to your office. The OIG lacks the authority to provide redress for reprisals. For current and former VA employees seeking relief from instances of reprisal, VA's OAWP or the U.S. Office of Special Counsel are the most appropriate offices to review those allegations.

We appreciate the opportunity to consider these matters and thank you for your interest in the OIG.

Sincerely,

A handwritten signature in black ink, appearing to read 'Michael J. Missal', with a large, stylized loop at the end.

MICHAEL J. MISSAL