Exhibit 1

Exhibit M
(refiled)

EMPOWER OVERSIGHT
Whistleblowers & Research

EMPOWR.us

December 16, 2021

Via Electronic Transmission: VAOIGFOIA-Appeals@va.gov

Department of Veterans Affairs
Office of Inspector General
Office of Counselor (50C)
810 Vermont Avenue, NW
Washington, DC 20420

RE: Freedom of Information Act Appeal
FOIA Request Number 21-00357

Dear Office of Counselor:

Introduction

With respect to Freedom of Information Act ("FOIA")[1] Request Number 21-00357, Empower Oversight Whistleblowers & Research ("Empower Oversight")[2] appeals the initial determination of the FOIA Staff of the Office of Inspector General of the Department of Veterans Affairs ("VA-OIG") that certain portions of the records requested by Empower Oversight are exempt from disclosure under FOIA Exemptions b(5) and b(6). Empower Oversight respectfully requests that the VA-OIG review its FOIA Staff's exemption claims and correct any errors that are identified.

[1] The FOIA is codified at 5 U.S.C. § 552.

[2] Empower Oversight is a nonpartisan, nonprofit educational organization, which is dedicated to enhancing independent oversight of government and corporate wrongdoing. It works to help insiders safely and legally report waste, fraud, abuse, corruption, and misconduct to the proper authorities, and seeks to hold those authorities accountable to act on such reports by, among other means, publishing information concerning the same.

Moreover, based upon the circumstances, it appears that the VA-OIG FOIA Staff either misinterpreted the scope of Empower Oversight's request for records, failed to conduct a search that was reasonably calculated to uncover all relevant documents, or somehow failed to produce all of the responsive, non-exempt records that they located during their records search. In any event, please review of the search performed by the VA-OIG FOIA Staff and the correct any deficiencies.

Background

1. Empower Oversight's FOIA Request

On August 6, 2021, Empower Oversight submitted to the Department of Veterans Affairs ("VA") a FOIA request that is designed to shed light on the VA's compliance with Congressional oversight requests for information concerning important issues of public integrity surrounding the VA's administration of veterans' educational benefits. Specifically, Empower Oversight's FOIA request seeks "All Records Relating to the Following":

> 1. The Department of Veteran 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.
>
> 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."
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> 3. Internal communications within the Department (other than [with the] VA OIG), as well as communications between Department employees and any other persons, relating to the VA OIG's investigation referenced above.
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> 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.
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> 5. Calendar entries and notes of any meetings between Ms. Bogue and VES/SVA representatives, including Barrett Bogue.
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> 6. The alleged proposal to suspend Thomas Murphy for 10 days, including:
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> > a. the February 25, 2019 proposal by Principal [Deputy] 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.[3]

As background for its August 6th FOIA request, Empower Oversight advised that:

> 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, 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. The enforcement action, announced on March 9, 2020, would have denied veterans access to GI Bill benefits at certain educational institutions.

[3] Empower Oversight's August 6th FOIA request is attached as Exhibit 1 (citations omitted).

Months later the Department "backed down" on July 2, 2020 after deciding that no such action was warranted.

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. 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. 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.

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. 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.

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. 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.

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."

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 gifts. 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.

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.[4]

2. VA's Response(s) to Empower Oversight's FOIA Request

By email dated August 16, 2021, the VA's Office of Information and Technology ("VA-OI&T"):

- Acknowledged receipt of Empower Oversight's FOIA request;
- Assigned it tracking number 21-08**2**50-F; and
- Advised that the information that Empower Oversight seeks "falls under the purview of" the Veterans Benefits Administration, the Office of Assistant Secretary for Congressional & Legislative Affairs, and the VA-OIG; and that VA-OI&T had thus

[4] *See*, Exhibit 1, (citations omitted).

> referred Empower Oversight's FOIA request to those offices for processing and response.[5]

On August 23, 2021, the VA-OI&T submitted to Empower Oversight a letter that "updated" its August 16th acknowledgment email.[6] The VA-OI&T's August 23rd letter advised that the VA received Empower Oversight's FOIA request on August 8, 2021; that VA-OI&T was revising the request's tracking number to 21-084**4**50-F; and that the records that Empower Oversight requested are in the possession of VA's Office of the Executive Secretary and VA-OIG, and thus the VA-OI&T is "redirecting" the request to those offices "for a file search and a direct response."[7]

Also on August 23, 2021, the VA-OIG acknowledged receipt of Empower Oversight's August 6th FOIA request, assigned it tracking number 21-00357-FOIA, and advised that it had received the request on August 16, 2021.[8] Later, by letter dated September 13, 2021, the VA-OIG notified Empower Oversight that, as a consequence of the existence of "unusual circumstances" as defined by Subsection a(6)(B)(i) of the FOIA,[9] it was invoking its authority to extend the deadline for rendering a determination under the FOIA by an additional 10 days.[10]

By letter dated September 29, 2021, the VA-OIG advised that it was providing redacted copies of records responsive to the first and second items of Empower Oversight's request, *i.e.*:

> 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.
>
> 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."[11]

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[5] VA-OI&T's August 16th email is attached as Exhibit 2.

[6] VA-OI&T's August 23rd letter is attached as Exhibit 3.

[7] *See*, Exhibit 3.

[8] VA-OIG's August 23rd letter is attached as Exhibit 4.

[9] As justification, the VA-OIG stated that, in order to respond to Empower Oversight's FOIA request, it "needed to coordinate with other agency components." *See*, Exhibit 5.

[10] VA-OIG's September 13th letter is attached as Exhibit 5.

[11] VA-OIG's September 29th letter is attached as Exhibit 6.

The VA-OIG went on to explain that the 16 pages of records that it was producing had been redacted pursuant to FOIA Exemptions b(5) and b(6).[12] Further, the VA-OIG expressly clarified that the grounds for its purported FOIA Exemption b(5) redactions was the deliberative process privilege.[13]

Based upon the Circumstances, It Appears that the VA-OIG FOIA Staff Failed to Conduct a Records Search that Was Reasonably Calculated to Uncover All Relevant Documents

The legal standard governing the search for records responsive to FOIA requests requires an agency to conduct a search that is "reasonably calculated to uncover all relevant documents."[14] Courts have found searches to be sufficient when, among other things, they are based on a reasonable interpretation of the scope of the subject matter of the request.[15]

It appears unlikely that the VA-OIG FOIA Staff performed an adequate search for records responsive to the first two items of Empower Oversight's August 6th FOIA request. Despite the broad scope of the two items of Empower Oversight's request, the VA-OIG FOIA Staff claims to have located only 16 pages of records. Those records relate exclusively to the first half of the first item of Empower Oversight's request. However, other assertions by the VA-OIG (*e.g.*, assertions about an investigation of Ms. Bogue included in a May 26, 2021, letter to Senator Grassley) strongly suggest the existence of other records that are responsive to the first two items of the request.[16] Thus, either VA-OIG FOIA Staff misunderstood the request, did not devise and execute an adequate search for records, and/or located responsive records that they did not produce. Accordingly, please review the FOIA Staff's records search.

In response to the first and second items of Empower Oversight's August 6th FOIA request, *i.e.*, VA-OIG FOIA Number 21-00357, the VA-OIG's FOIA Staff stated:

> 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).[17]

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[12] *See*, Exhibit 6.

[13] *See*, Exhibit 6.

[14] Weisberg v. DOJ, 705 F.2d 1344, 1351 (D.C. Cir. 1983).

[15] Larson v. Dep't of State, 565 F.3d 857, 869 (D.C. Cir. 2009) (affirming the adequacy of a search based on the agency's reasonable determination regarding records being requested).

[16] Indeed, assuming the accuracy of the VA-OIG's assertions to Senator Grassley, it is likely that records responsive to the third and fourth items of Empower Oversight's FOIA request are in the possession of the VA-OIG's Office of Investigations.

[17] *See*, Exhibit 6.

In other words, the FOIA Staff advised Empower Oversight that it had located records "pertaining" to both items of Empower Oversight's request.[18] The VA-OIG FOIA Staff did not state that they were unable to locate records responsive to either of the items.[19]

Further, the VA-OIG FOIA Staff advised that "portions" of the responsive records had been "redacted" pursuant to FOIA Exemptions b(5) and b(6).[20] They did not state that they had withheld any records in their entirety under b(5), b(6), or any other FOIA Exemption.[21]

Items one and two of Empower Oversight's August 6th FOIA request seek "All Records Relating to":

> 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.
>
> 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."[22]

The VA-OIG produced to Empower Oversight 16 pages of heavily redacted records.[23] These records appear to reflect electronic communications among VA-OIG staff over the course of only three business days (*i.e.*, April 2, 5, and 6, 2021).[24] And, although it is impossible to certify from the face of the records (given the extent of their redaction), it appears that the communications relate exclusively to the VA-OIG's receipt of the April 2, 2021, correspondence from Senator Grassley,[25] analysis of (or response to) such correspondence,[26] and an internal meeting to discuss such correspondence.[27]

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[18] *See*, Exhibit 6.

[19] *See*, Exhibit 6.

[20] *See*, Exhibit 6.

[21] *See*, Exhibit 6.

[22] *See*, Exhibit 1 (citations omitted).

[23] The 16 heavily redacted pages produced by the VA-OIG are attached as Exhibit 7.

[24] *See*, Exhibit 7.

[25] *See e.g.*, Exhibit, 7, pp. 12 and 16.

[26] *See*, Exhibit, 7, pp. 1 – 2, 5 – 6, and 7 – 8.

[27] *See*, Exhibit, 7, pp. 10 – 11.

1. The Records Produced by the VA-OIG FOIA Staff Do Not Appear to Be Responsive to the Second Item of Empower Oversight's August 6th FOIA Request

In its September 29th response to the first and second items of Empower Oversight's FOIA request, VA-OIG FOIA Number 21-00357, the VA-OIG FOIA Staff claims to be producing documents "pertaining" to Empower Oversight's request for communications between the VA-OIG and the VA relating to the VA-OIG's investigation of allegations that Ms. Bogue may have violated conflict of interest laws and/or regulations that control her official duties that may intersect with her husband's business dealings.[28] In contrast, the VA-OIG FOIA Staff does not advise that it was unable to locate records related to the topic.[29]

Further, although the VA-OIG FOIA Staff advises that it had redacted portions of the records that it was producing pursuant to FOIA Exemptions b(5) and b(6), it does not notify Empower Oversight of the existence of any responsive records that it may have withheld in their entirety.[30] In that regard, when an agency withholds responsive records in their entirety, the FOIA requires them to "make a reasonable effort to estimate the volume" of such records and apprise the requester of the estimate.[31] DOJ has advised that an agency's "volume estimate usually will take the form of numbers of pages of records that are being withheld."[32]

Hence, a plain reading of the VA-OIG's September 29th FOIA response indicates that:

- The VA-OIG had compiled communications between the VA-OIG and the VA relating to the VA-OIG's investigation of allegations that Ms. Bogue may have violated conflict of interest provisions;
- The VA-OIG was producing such communications; and
- Although portions of the communications may have been redacted pursuant to purportedly applicable FOIA exemptions, the VA-OIG withheld no responsive records in full.

In contrast to this reasonable construction of the VA-OIG's September 29th response, the 16 pages of heavily redacted records that the VA-OIG forwarded to Empower Oversight do not

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[28] *See*, Exhibit 6.

[29] *See*, Exhibit 6.

[30] *See*, Exhibit 6.

[31] *See*, 5 U.S.C. § 552(a)(6)(F); *see also*, Mobley v. DOJ, 845 F. Supp. 2d 120, 123 – 124 (D.D.C. 2012).

[32] *See*, DOJ, *FOIA Update: FOIA Counselor: Questions & Answers*, Vol. XVIII, No. 2, (January 1, 1997), available at https://www.justice.gov/oip/blog/foia-update-foia-counselor-questions-answers-1.

appear to be or relate to communications with the VA about an investigation of Ms. Bogue.[33] Admittedly, the VA-OIG FOIA Staff redacted the 16 pages so heavily that it is impossible to demonstrate that the records do not include communications between the VA-OIG and the VA concerning an investigation of Ms. Bogue's compliance with conflicts of interest standards.[34] However, the timing of the records, the parties to the communications reflected by the records, and the subject lines of such communications strongly suggest that they cannot be fairly characterized as communications between the VA-OIG and its parent agency concerning an internal conflicts of interest investigation.

With respect to timing, all of the records were created within three business days of the VA-OIG's receipt of a letter from Senator Grassley on April 2, 2021.[35] Weeks later, by letter dated May 26, 2021, the VA-OIG responded to Senator Grassley's April 2, 2021 letter, advising:

> 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 conflicts 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.[36]

Whether the VA-OIG's investigation began before or after the three business-day span of April 2 – 6, 2021, the VA-OIG asserted to Senator Grassley that it was in progress on May 26th. The second item of Empower Oversight's FOIA request is designed to seek communications relative to that investigation.

One would normally expect there to be a stream of communications between the VA-OIG and VA personnel, notifying the parent agency of the existence of the administrative investigation, requesting records, scheduling interviews, requesting and responding to requests

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[33] *See generally*, Exhibit 7.

[34] For example, the email from the VA-OIG's Chief Counsel, which the VA-OIG produced three times, is comprised of six paragraphs that are completely redacted. *See*, Exhibit 7, pp. 1 – 2, 5 – 6, and 7 – 8. Hence, the VA-OIG FOIA Staff necessarily maintain that not a single word the Chief Counsel uttered over the course of his six paragraphs was factual; every utterance was deliberative. For further discussion of the Chief Counsel's email and other contested redactions, *see* below in the section entitled *Numerous Redactions Made by the VA-OIG FOIA Staff Appear to Be Beyond the Scope of What Is Acceptable Under FOIA Exemptions b(5) and b(6): 1. The VA-OIG FOIA Staff Put Forward FOIA Exemption b(5) to Justify Redacting Information that Normally Would Not Have Been Privileged in Civil Discovery*.

[35] *See*, Exhibit 7.

[36] The VA-OIG's May 26, 2021, letter to Senator Grassley is attached as Exhibit 8.

for briefings, etc. It does not seem credible that the basic communications associated with the progress of a thorough administrative investigation could be confined to these three business-days and these 16 pages.

Regarding the parties to the communications reflected by the 16 pages that the VA-OIG produced, with the exception of a single email from Senator Grassley's office to VA-OIG's Director of Congressional Relations,[37] all of the communications appear to be *internal* discussions among VA-OIG staff exclusively.[38] Like with the timing, it's reasonable to presume that a thorough administrative investigation would involve, among other things, investigative notifications and requests for documents and interviews. In this case, such communications would have to involve VA personnel but, except for a representative of Senator Grassley's office, all of the communicants included in the 16 pages produced by the VA-OIG are VA-OIG staffers.[39]

Last, with respect to the subject lines of the communications reflected in the 16 pages, they all relate to the VA-OIG's receipt of Senator Grassley's letter. The subject lines include, "Grassley Request," "Discussion Re: VBA Referral from Grassley," and "2021-04-02 CEG to VA OIG."[40] The latter subject title characterizes the April 2nd email from Senator Grassley's office forwarding his correspondence to the VA-OIG.[41] It does not seem reasonable that the VA-OIG would continuously cite to the name of a Senator when titling its communications about an internal administrative investigation.

Thus, the circumstances beg the question whether the VA-OIG FOIA Staff intended to—but failed to:

- Withhold a group of records in full pursuant to FOIA Exemptions b(5) and/or b(6);[42] or
- Produce records in addition to the 16 heavily redacted pages that were produced.

Either way, it appears that the VA-OIG FOIA Staff's response to Empower Oversight was in error and should be reviewed and remedied.

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[37] *See*, Exhibit 7, p. 16.

[38] *See*, Exhibit 7, pp. 1 – 15.

[39] *See*, Exhibit 7.

[40] *See*, Exhibit 7.

[41] *See*, Exhibit 7, p. 16.

[42] Another possibility is that VA-OIG FOIA Staff intended to—but failed to—make a "no records" response concerning the second item of Empower Oversight's August 6th FOIA request. However, this alternative construction is much less likely given VA-OIG's May 26th assertion to Senator Grassley that it had opened an administrative investigation, and such investigation naturally should have generated communications between the VA-OIG and the VA. (*See*, Exhibit 8.)

2. The Records Produced by the VA-OIG FOIA Staff Do Not Appear to Encompass the Full Scope of the First Item of Empower Oversight's August 6th FOIA Request

As stated above, the first item of Empower Oversight's August 6th FOIA request seeks "All Records Relating to . . . The Department of Veteran 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."[43] Whereas the VA-OIG's September 29th response to Empower Oversight's FOIA request, VA-OIG FOIA Number 2021-00357, purports to respond to the first item of Empower Oversight's request, the VA-OIG FOIA Staff produced 16 pages of heavily redacted pages of communications that were originated on three business days: April 2, 5, and 6, 2021.[44] Further, on May 26, 2021, approximately 54 days after the VA-OIG received a copy of Senator Grassley's April 2nd letter, it dispatched a response to his request for an investigation.[45]

Given that none of the VA-OIG's three business days worth of records were created fewer than 50 days prior to the VA-OIG's May 26th response to Senator Grassley's April 2nd letter to VA Secretary McDonough, a reasonable construction of the VA-OIG's September 29th response to the first item of VA-OIG FOIA Number 20221-00357 is that all of the records in its possession that relate to the "receipt of, discussions related to, processing of, and response to" Senator Grassley's correspondence were created on or before April 6th. In other words, the plain language of the VA-OIG's September 29th FOIA response provides that it originated no records relating to its consideration of, and response to, Senator Grassley's two letters after April 6, 2021.[46]

Of course, that assertion is not credible. The extent of redactions of the 16 pages prevents Empower Oversight from refuting that those pages could, in theory, constitute all the records related to the drafting of the May 26th response to Senator Grassley as well as the records necessary to support its assertion to the Senator that the VA-OIG had commenced an investigation of Ms. Bogue. However, that possibility is simply not plausible. Why would the VA-OIG complete its consideration of, and response to, Senator Grassley's letter by April 6, 2021, and then wait another month-and-a-half before sending its response on May 26, 2021? And, how would it do so without creating any more records responsive to Empower Oversight's

[43] *See*, Exhibit 1.

[44] *See*, Exhibit 6.

[45] *See*, Exhibit 7, p. 16, and Exhibit 8.

[46] An alternative interpretation is that the VA-OIG no longer possesses other records related to its consideration of, and response to, Senator Grassley's April 2nd letter that it originated between April 6, 2021, and May 26, 2021. However, such an alternative interpretation appears infeasible because it naturally invokes questions related to the VA-OIG's compliance with the Federal Records Act and IT security requirements.

request during that time (*e.g.*, records associated with the initiation of the investigation of Ms. Bogue that would be responsive to the second item of Empower Oversight's FOIA request)?

Moreover, given that the records that the VA-OIG produced were originated on the three business days ending on April 6, 2021, the obvious conclusion from the VA-OIG's September 29th response to VA-OIG FOIA Number 20221-00357 is that VA-OIG asserts that it has no records related to the "receipt of, discussions related to, processing of, and response to" Senator Grassley's July 20th letter to VA Secretary McDonough. In that regard, it is inconceivable that records created on April 2, 5, and 6, of 2021, could relate to the receipt of, and response to, correspondence that could not have been sent to the VA-OIG for another three-and-a-half months.

Accordingly, please review the VA-OIG FOIA Staff's records search to ensure that they produced all records relating to the VA-OIG's "receipt of, discussions related to, processing of, and response to Senator Grassley's" letters dated April 2nd and July 20th; and the VA-OIG's communications with the VA regarding the investigation of Ms. Bogue.

Numerous Redactions Made by the VA-OIG Staff Appear to Be Beyond the Scope of What Is Acceptable Under FOIA Exemptions b(5) and b(6)

As stated above, along with its September 29th letter responding to Empower Oversight's August 6th FOIA request, the VA-OIG forwarded to Empower Oversight 16 pages of heavily redacted records, which appear to be copies of electronic communications among VA-OIG staff over the course of three business days (*i.e.*, April 2, 5, and 6, 2021).[47] The VA-OIG FOIA Staff explained that the 16 pages of records had been redacted pursuant to FOIA Exemptions b(5) and b(6).[48] Further, with respect to its redactions pursuant to FOIA Exemption b(5), they expressly clarified that the grounds for their redactions were confined to the deliberative process privilege.[49]

As set forth in detail below, the VA-OIG FOIA Staff's assertions of FOIA Exemptions b(5) and b(6) exceed, or appear to exceed, the understood parameters of the exemptions, and the VA-OIG should closely review the claims of its FOIA Staff and remedy all deficiencies.

1. <u>The VA-OIG FOIA Staff Put Forward FOIA Exemption b(5) to Justify Redacting Information that Normally Would Not Have Been Privileged in Civil Discovery</u>

[47] *See generally*, Exhibit 7.

[48] *See*, Exhibit 6.

[49] *See*, Exhibit 6.

Subsection b(5) of the FOIA provides that the FOIA "does not apply to matters that are":

> inter-agency or intra-agency memorandums or letters that would not be available by law to a party other than an agency in litigation with the agency, provided that the deliberative process privilege shall not apply to records created 25 years or more before the date on which the records were requested.[50]

Courts have construed FOIA Exemption b(5) to "exempt those documents, and only those documents, that are normally privileged in the civil discovery context."[51] Although the United States Circuit Court of Appeals for the District of Columbia Circuit ("Circuit Court") has held that "all civil discovery rules" are incorporated into FOIA Exemption b(5),[52] the VA-OIG's September 29th response to VA-OIG FOIA Number 2021-00357 states that the VA-OIG's reliance on the exemption is limited to deliberative process.[53]

The purpose of the deliberative process privilege is to "prevent injury to the quality of agency decisions."[54] In this setting, the Circuit Court has explained that "quality" encompasses encouraging frank discussions during policy making, preventing advance disclosure of decisions, and protecting against public confusion that may result from disclosure of reasons or rationales that were not in fact the grounds for agency decisions.[55]

To claim the deliberative process privilege with respect to a record, the Circuit Court has held that an agency must show[56] that the record is "predecisional" (*i.e.*, "antecedent to the adoption of agency policy")[57] and "deliberative" (*i.e.*, "a direct part of the deliberative process in that it makes recommendations and expresses opinions on legal or policy matters").[58]

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[50] 5 U.S.C. § 552(b)(5).

[51] NLRB v. Sears, Roebuck & Co., 421 U.S. 132, 149 (1975); *see also*, Martin v. Office of Special Counsel, 819 F.2d 1181, 1184 (D.C. Cir. 1987).

[52] *See*, Martin, 819 F.2d at 1185.

[53] *See*, Exhibit 6.

[54] Sears, 421 U.S. at 151.

[55] *See*, Russell v. Dep't of the Air Force, 682 F.2d 1045, 1048 (D.C. Cir. 1982); Coastal States Gas Corp. v. DOE, 617 F.2d 854, 866 (D.C. Cir. 1980); Jordan v. DOJ, 591 F.2d 753, 772 – 773 (D.C. Cir. 1978).

[56] Coastal States Gas Corp., 617 F.2d at 866.

[57] *See*, Ancient Coin Collectors Guild v. U.S. Dep't of State, 641 F.3d 504, 513 (D.C. Cir. 2011).

[58] *See*, Vaughn v. Rosen, 523 F.2d 1136, 1143 – 1144 (D.C. Cir. 1975).

To be "deliberative," a record must reflect[] the give-and-take of the consultative process," either by assessing the merits of a particular viewpoint, or by articulating the process used by the agency to formulate policy.[59]

Factual information, on the other hand, is not covered by the deliberative process privilege because the release of factual information does not expose the deliberations or opinions of agency personnel.[60] Accordingly, factual information is typically available in civil discovery and its release is not considered to have a chilling effect on agency deliberations.[61]

Several items that the VA-OIG FOIA Staff redacted purportedly pursuant to FOIA Exemption b(5) are clearly factual in nature, not deliberative. In six instances the VA-OIG FOIA staff claim that a "Document ID" number and the title(s) of one or more "Attachments" is protected by deliberative process.[62] It is unreasonable on its face to characterize document numbers and attachment titles[63] as "recommendations and express[ion]s opinions on legal or policy matters," assessments of the merits of a particular viewpoint, or articulations of the process used by the VA-OIG to formulate policy. They obviously are not these things: they are factual data, which is not protected by the deliberative process privilege.[64]

Additionally, the VA-OIG FOIA Staff redacted entire passages of text purportedly pursuant to FOIA Exemption b(5).[65] Again, Empower Oversight cannot see behind the VA-OIG FOIA Staff's redactions, and thus, cannot definitively refute the legitimacy of their claims, but given their baseless assertions of privilege with respect to the document numbers and attachment titles, a review by the VA-OIG is warranted.

In further regard to the redacted text passages, where a FOIA exemption may be appropriate within a record, the FOIA requires that segregable portions of such record must be

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[59] Coastal States Gas Corp., 617 F.2d at 867.

[60] Coastal States Gas Corp., 617 F.2d at 867; *see also*, McGrady v. Mabus, 635 F. Supp. 2d 6, 18 – 21 (D.D.C. 2009) (distinguishing between draft letters and memoranda that may be deliberative and data used during a decision making process, *e.g.*, key personnel data and evaluation summaries used in promotion decisions, which contain only factual material and are not deliberative).

[61] *See*, EPA v. Mink, 410 U.S. 73, 87 – 88 (1973); *see also*, Montrose Chem. Corp. v. Train, 491 F.2d 63, 66 (D.C. Cir. 1974) (holding that release of factual material would not be "injurious" to decision making process).

[62] *See*, Exhibit 7, pp. 1, 5, 7, 9, 12, and 15.

[63] Empower Oversight recognizes that, as an alternative, the VA-OIG FOIA Staff could have been trying to convey that they were withholding the attachment(s) itself(themselves) purportedly pursuant to FOIA Exemption b(5), as opposed to redacting the title of the attachment. However, this alternative would be in error also because such an approach would not be a proper method to advise a FOIA requester that a record had been withheld in its entirety. First, as would be in this case, such an approach could confuse the requester concerning whether a document that has been produced has been redacted, or whether a document that was not produced has been withheld. Second, it fails to satisfy an agency's responsibility to apprise requesters of the estimated volume of records that have been withheld. *See*, 5 U.S.C. § 552(a)(6)(F); *see also*, Mobley, 845 F. Supp. 2d at 123 – 124.

[64] Indeed, in one instance the VA-OIG FOIA Staff appears to concede that a "Document ID" is not deliberative, by disclosing such ID number. (*See*, Exhibit 7, p. 4.)

[65] *See*, Exhibit 7, pp. 1 – 2, 5 – 6, 7 – 8, 10, 11, and 13.

produced.[66] For example, it is unlikely that the six consecutive paragraphs that are redacted in their entirety three times at pages 1 – 2, 5 – 6, and 7 – 8 of Exhibit 7 include no segregable factual data. In other words, it is improbable that such consecutive paragraphs are comprised of nothing but "recommendations and express[ion]s opinions on legal or policy matters," assessments of the merits of a particular viewpoint, and articulations of the process used by the VA-OIG to formulate policy. Recommendations and opinions on legal and policy matters inevitably arise in factual circumstances, and a description of such circumstances is often necessary to provide context for the recommendations and opinions. Hence, redacting Chief Counsel Wilber's six consecutive paragraphs in their entirety presupposes that the entirety of his text excludes the underlying context of his recommendations and opinions.

Accordingly, please review the VA-OIG FOIA Staff's assertions of FOIA Exemption b(5) to confirm that their redactions are confined to matter that is appropriately characterized as predecisional and deliberative.

2. The VA-OIG FOIA Staff Asserted FOIA Exemption b(6) in Circumstances that Do Not Involve Personal Privacy Interests and Are in Conflict with the Public Interest in Ensuring the Integrity of the VA's Operations

Subsection b(6) of the FOIA provides that the FOIA "does not apply to matters that are … personnel and medical files and similar files the disclosure of which would constitute a clearly unwarranted invasion of personal privacy."[67] Courts have found that the plain language of FOIA Exemption b(6) requires agencies to engage in a four-step analysis of records that are potentially responsive to a FOIA request; agencies must:

1. Determine whether a record at issue constitutes a personnel, medical, or "similar" file;

2. Determine whether there is a significant privacy interest invoked by information in such records;

3. Evaluate the requester's asserted FOIA public interest in disclosure of the records that include information that invoke a privacy interest; and

4. Balance competing interests to determine whether disclosure of the records "would constitute a clearly unwarranted invasion of personal privacy," if there is a FOIA public

[66] 5 U.S.C. § 552(b) ("Any reasonably segregable portion of a record shall be provided to any person requesting such record after deletion of the portions which are exempt under this subsection").

[67] 5 U.S.C. § 552(b)(6).

interest in disclosure of records that include information that invokes a significant privacy interest.[68]

Among the 16 pages that the VA-OIG produced in response to VA-OIG FOIA Number 2021-00357 are numerous redactions that were made purportedly pursuant to FOIA Exemption b(6).[69] The redactions include the names of government officials,[70] official email addresses of government officials,[71] and passages of text.[72]

It goes without saying that Empower Oversight cannot look behind the redactions of text on pages 13 and 14 of Exhibit 7, and so it has no way to confirm or refute the VA-OIG FOIA Staff's claims that the passages invoke significant privacy interests, and that those privacy interests outweigh the public interest in the VA's and VA-OIG's operations. On the other hand, there is no, or a weakened, privacy interest in the names and official email addresses of government officials, and the VA-OIG FOIA Staff's untenable extensions of FOIA Exemption b(6) that are discussed below argue in favor of a comprehensive review of all of their b(6) claims.

According to an Office of Personnel Management ("OPM") regulation, the names, titles, grades, salaries, duty stations, and position descriptions of officials of the United States government is public information.[73] Accordingly, the names of government officials generally are not protected under FOIA Exemption b(6).[74]

The status of contact information of government officials is less clear cut. Various courts have reached differing conclusions regarding the protection of official email addresses under FOIA Exemption b(6).[75] However, in reaching their differing opinions, courts have evinced a common expectation that agencies need to make a showing regarding the subject officials' positions, the substance of the underlying agency action, and the nature of the record in question in order to support an exemption claim.[76] The import of this information is to demonstrate how

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[68] *See*, Multi Ag Media LLC v. USDA, 515 F.3d 1224, 1229 (D.C. Cir. 2008); NARA v. Favish, 541 U.S. 157, 172 (2004); Wash. Post Co. v. HHS, 690 F.2d 252, 261 (D.C. Cir. 1982).

[69] *See generally*, Exhibit 7.

[70] *See*, Exhibit 7, pp. 1, 5, 7, 9, 10, and 11 – 15.

[71] *See*, Exhibit 7, pp. 1 – 2, and 5 – 16.

[72] *See*, Exhibit 7, pp. 13 – 14.

[73] 5 C.F.R. § 293.311(a).

[74] *See*, Leadership Conference on Civil Rights v. Gonzales, 404 F. Supp. 2d 246, 257 (D.D.C. 2005) (noting that Justice Department paralegals' names and work numbers "are already publicly available from" OPM), *appeal dismissed voluntarily*, No. 06-5055, 2006 WL 1214937 (D.C. Cir. April 28, 2006).

[75] *Compare*, Pinson v. DOJ, 313 F. Supp. 3d 88, 112 (D.D.C. 2018); Leadership Conference on Civil Rights, 404 F. Supp. 2d at 257.

[76] *See*, Sai v. TSA, 315 F.Supp. 3d 218, 262 (D.D.C. 2018) (finding the defendant had not met its burden of showing a substantial privacy interest in contact information withheld pursuant to FOIA Exemption b(6) because it had "offered little more than conclusory assertions applicable to each redaction, without regard to the position held by the relevant employee, the role played by that employee, the substance of the

disclosure impacts the privacy of individuals, *i.e.*, how disclosure could subject them to annoyance, embarrassment, harassment, or retaliation.[77]

In support of their redactions of the 16 pages purportedly pursuant to FOIA Exemption b(6), the VA-FOIA staff state:

> 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.[78]

In other words, the VA-FOIA staff justify their redactions on the grounds that releasing the government officials' email addresses, *i.e.*, "other information," "could reveal" their identities. This rationale may be acceptable in connection with an investigative report concerning the actions of low-level government officials, but in this case it is problematic on several levels. First, as stated above, the names and titles—key identifiers—of government officials are public information according an OPM regulation.[79] Second, in many cases, the VA-OIG FOIA Staff disclosed the names of the government officials whose email addresses they redacted.[80] And, third, in the September 29, 2021, response to VA-OIG FOIA Number 2021-00357, the VA-OIG FOIA Staff failed to provide any information—even self-serving, conclusory statements—regarding the positions of the officials to whom the email addresses belong, the substance of the underlying agency action, the nature of the records in question, or how the disclosure of the email addresses of government officials who organized and participated in a conference call to discuss congressional correspondence could subject them to annoyance, embarrassment, harassment, or retaliation. Thus, they did not adduce adequate support for their claim that FOIA Exemption b(6) is applicable.[81]

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underlying agency action, or the nature of the agency record at issue"); and Kleinert v. BLM, 132 F. Supp. 3d 79, 96 (D.D.C. 2015) (finding that the defendant did not meet its burden to support the use of FOIA Exemption b(6) to withhold email addresses because "'[t]he disclosure of names and addresses is not inherently and always a significant threat to the privacy of those listed; whether it is a significant or a de minimis threat depends upon the characteristic(s) revealed . . . and the consequences likely to ensue'" (quoting Nat'l Ass'n of Retired Fed. Emps. v. Horner, 879 F.2d 873, 877 (D.C. Cir. 1989)).

[77] Sai, 315 F.Supp. 3d at 262 – 263; Kleinert, 132 F. Supp. 3d at 96 – 97.

[78] *See*, Exhibit 6, p. 2 (emphasis added).

[79] 5 C.F.R. § 293.311(a).

[80] *See, e.g.*, Exhibit 7, pp. 2 – 3, 6, and 8.

[81] *See, e.g.*, Sai, 315 F.Supp. 3d at 262; Kleinert, 132 F. Supp. 3d at 96.

In contrast to the weak or non-existent privacy interests attached to the names and official email addresses of government employees, there is a strong public interest in the VA's compliance with legitimate requests for information from oversight authorities, such as duly elected United States Senators, the VA-OIG's efforts to investigate allegations of conflicts of interest (*e.g.*, possible promotion of personal financial interests) by the Executive Director of VBA's Education Service, and the accuracy of the VA-OIG's May 26th assertions to Senator Grassley.

The "public interest" championed by the FOIA is to inform the public about "an agency's performance of its statutory duties."[82] Such information is "a structural necessity in a real democracy" and "should not be dismissed."[83] Here, the public has a clear and unmitigated right to know whether the VA complied with its responsibility to respond to Senator Grassley's April 2nd and July 20th oversight letters, as well as the progress and results of the VA-OIG's investigation of allegations of potential conflicts of interest by the Executive Director of VBA's Education Service.

Hence, please review the VA-OIG FOIA Staff's assertions of FOIA Exemption b(6) to confirm that their redactions actually protect the personal privacy of individuals and that any such privacy interest is not outweighed by the strong public interest in the VA's and the VA-OIG's operations.

Conclusion

For the reasons set forth herein, Empower Oversight respectfully requests that the VA-OIG review the records search performed by the VA-OIG FOIA Staff to confirm whether it was reasonably calculated to uncover all relevant documents, and correct any deficiencies that are identified. Additionally, Empower Oversight requests that the VA-OIG review and confirm that the VA-OIG FOIA Staff's initial determinations that document IDs and attachment titles[84] are protected by FOIA Exemption b(5); that the six paragraphs of text in Chief Counsel Wilber's email[85] and other text passages[86] are protected in their entirety by FOIA Exemption b(5); and that the names and official email addresses of government officials, as well as text passages[87] are

[82] DOJ v. Reporters Comm. for Freedom of the Press, 489 U.S. 749, 773 (1989).

[83] NARA, 541 U.S. at 172.

[84] *See*, Exhibit 7, pp. 1, 5, 7, 9, 12, and 15.

[85] *See*, Exhibit 7, pp. pp. 1 – 2, 5 – 6, and 7 – 8.

[86] *See*, Exhibit 7, pp. 1, 10, 11, and 13.

[87] *See*, Exhibit 7, pp. 1 – 2 and 5 – 16.

protected by FOIA Exemption b(6) under the circumstances of this matter, and—if they are not—produce the non-exempt records or portions thereof.

Thank you for your time and consideration. Please don't hesitate to contact me with any questions.

Cordially,

/Jason Foster/

Jason Foster
Founder & President

Exhibit 1

EMPOWER OVERSIGHT
Whistleblowers & Research

EMPOWR.us

August 6, 2021

VIA ELECTRONIC TRANSMISSION: 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]

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[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 gifts[11] 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 summery, 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

[redacted]

21- 08250-F FOIA Acknowledgment & Final Response

[redacted]

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 summery, 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

U. S Department of Veteran Affairs

810 Vermont Ave NW
Washington DC 20420
www.va.gov

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

U. S Department of Veteran Affairs
810 Vermont Ave NW
Washington DC 20420
www.va.gov

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 Wilkiefrom Assistant Secretary Sitterly, relative to the proposed suspension.
d. all communications relating to Assistant Secretary Sitterly's April 30,2019 decision memo summery, 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

U. S Department of Veteran Affairs

810 Vermont Ave NW
Washington DC 20420
www.va.gov

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)

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

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,

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,

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.

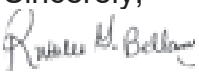
FOIA Exemption 6, [5 U.S.C. § 552 (b)(6)], allows the withholding of all information which, if disclosed, would constitute a clearly unwarranted invasion of an individual's personal privacy. Specifically, names, job titles and other information which could reveal the identity of individuals mentioned 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) </o=exchangelabs/ou=exchange administrative group (fydibohf23spdlt)/cn=recipients/cn=497f23ac564a4726bc23ca37fdd58e(b)(6)>
To: (b)(6) (OIG) </o=exchangelabs/ou=exchange administrative group (fydibohf23spdlt)/cn=recipients/cn=18ee1667001f43ca9e2319b3f8dda17(b)(6)>; Wilber, Chris (OIG) </o=exchangelabs/ou=exchange administrative group (fydibohf23spdlt)/cn=recipients/cn=c4dbcebbc1924cfe94b520ca50a557(b)(6)>; Mitchell, Jamie (OIG) </o=exchangelabs/ou=exchange administrative group (fydibohf23spdlt)/cn=recipients/cn=02783f0f27b244ea813a5be5b46849(b)(6)>; Fredrikson, Roy (OIG) </o=exchangelabs/ou=exchange administrative group (fydibohf23spdlt)/cn=recipients/cn=5246bb6f626d448c95e0582d51fae5(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) (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) (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) 4(b)(6)

Mobile: (202) 53(b)(6)

Webpage: www.va.gov/oig

Document ID: 0.7.2866.6650-000001	
Owner:	Gromek, Catherine A. (OIG) </o=exchangelabs/ou=exchange administrative group (fydibohf23spdlt)/cn=recipients/cn=497f23ac564a4726bc23ca37fdd58e1d-gromek, cat>
Filename:	image001.png
Last Modified:	Tue Apr 06 21:51:52 EDT 2021

Document ID: (b)(5)

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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)
(b)(6) va.gov>
Subject: Grassley Request

(b)(5)

(b)(5)

(b)(5)

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(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) 46 (b)(6)

Mobile: (202) 5 (b)(6)

Webpage: www.va.gov/oig

Document ID: (b)(5)

From: Wilber, Chris (OIG) </o=exchangelabs/ou=exchange administrative group (fydibohf23spdlt)/cn=recipients/cn=c4dbcebbc1924cfe94b520ca50a5574(b)(6)

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Cc:

Bcc:

Subject: Grassley Request

Date: Tue Apr 06 2021 13:16:17 EDT

Attachments: (b)(5)

(b)(5)

(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) 4(b)(6)

Mobile: (202) 5(b)(6)

Webpage: www.va.gov/oig

Document ID (b)(5)

From: (b)(6) (OIG)
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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) (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

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)(5)

Regards,

(b)(6)

(b)(6)

Department of Veterans Affairs | Office of Inspector General

810 Vermont Ave NW, Washington, DC 20420

T 202-4(b)(6) C 202-2(b)(6) | (b)(6) va.gov

OIG Portal | OIG Public Site

Microsoft Teams meeting

Join on your computer or mobile app

Click here to join the meeting

Or call in (audio only)

+1 872-7(b)(5)# United States, Chicago

Phone Conference ID: (b)(5)

Document ID: (b)(5)

From: Gromek, Catherine A. (OIG)
</o=exchangelabs/ou=exchange administrative group
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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

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

OIG Portal | OIG Public Site

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) (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 202-4(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)

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

Document ID: (b)(5)

From: (b)(6) (OIG)
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</o=exchangelabs/ou=exchange administrative group (fydibohf23spdlt)/cn=recipients/cn=c4dbcebbc1924cfe94b520ca50a5 57(b)(6)>; Fredrikson, Roy (OIG)
</o=exchangelabs/ou=exchange administrative group (fydibohf23spdlt)/cn=recipients/cn=5246bb6f626d448c95e0582d51fa e55(b)(6)>; Gromek, Catherine A. (OIG)
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</o=exchangelabs/ou=exchange administrative group (fydibohf23spdlt)/cn=recipients/cn=27844be405cd4ed3a789f36b323e 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 202-4(b)(6) C 202-2(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

VA | 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.

- ***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,

MICHAEL J. MISSAL

Exhibit 2

0001

Document ID: 0.7.2866.6650

From: Gromek, Catherine A. (OIG) </o=exchangelabs/ou=exchange administrative group (fydibohf23spdlt)/cn=recipients/cn=497f23ac564a4726bc23ca37fdd58e(b)(6)>

To: Smith, Katherine (OIG) </o=exchangelabs/ou=exchange administrative group (fydibohf23spdlt)/cn=recipients/cn=18ee1667001f43ca9e2319b3f8dda17(b)(6)>; Wilber, Chris (OIG) </o=exchangelabs/ou=exchange administrative group (fydibohf23spdlt)/cn=recipients/cn=c4dbcebbc1924cfe94b520ca50a557(b)(6)>; Mitchell, Jamie (OIG) </o=exchangelabs/ou=exchange administrative group (fydibohf23spdlt)/cn=recipients/cn=02783f0f27b244ea813a5be5b46849(b)(6)>; Fredrikson, Roy (OIG) </o=exchangelabs/ou=exchange administrative group (fydibohf23spdlt)/cn=recipients/cn=5246bb6f626d448c95e0582d51fae5(b)(6)>

Cc:

Bcc:

Subject: RE: Grassley Request

Date: Tue Apr 06 2021 21:51:52 EDT

Attachments: image001.png

(b)(5)

From: Smith, Katherine (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)(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)(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)

0003

Phone: (202) 4(b)(6)

Mobile: (202) 53(b)(6)

Webpage: www.va.gov/oig

0004

Document ID: 0.7.2866.6650-000001	
Owner:	Gromek, Catherine A. (OIG) </o=exchangelabs/ou=exchange administrative group (fydibohf23spdlt)/cn=recipients/cn=497f23ac564a4726bc23ca37fdd58e1d-gromek, cat>
Filename:	image001.png
Last Modified:	Tue Apr 06 21:51:52 EDT 2021

0005

Document ID: 0.7.2866.6565

From: Smith, Katherine (OIG) </o=exchangelabs/ou=exchange administrative group (fydibohf23spdlt)/cn=recipients/cn=18ee1667001f43ca9e2319b3f8dda1[redacted]>

To: Wilber, Chris (OIG) </o=exchangelabs/ou=exchange administrative group (fydibohf23spdlt)/cn=recipients/cn=c4dbcebbc1924cfe94b520ca50a557[redacted]>; Mitchell, Jamie (OIG) </o=exchangelabs/ou=exchange administrative group (fydibohf23spdlt)/cn=recipients/cn=02783f0f27b244ea813a5be5b46849[redacted]>; Fredrikson, Roy (OIG) </o=exchangelabs/ou=exchange administrative group (fydibohf23spdlt)/cn=recipients/cn=5246bb6f626d448c95e0582d51fae5[redacted]>; Gromek, Catherine A. (OIG) </o=exchangelabs/ou=exchange administrative group (fydibohf23spdlt)/cn=recipients/cn=497f23ac564a4726bc23ca37fdd58e1[redacted]>

Cc:

Bcc:

Subject: Re: Grassley Request

Date: Tue Apr 06 2021 14:46:28 EDT

Attachments: image001.png

Thanks Chris!

Get Outlook for iOS

From: Wilber, Chris (OIG) <[redacted]va.gov>
Sent: Tuesday, April 6, 2021 1:16:17 PM
To: Smith, Katherine (OIG) <[redacted]va.gov>; Mitchell, Jamie (OIG) <[redacted]va.gov>; Fredrikson, Roy (OIG) <[redacted]va.gov>; Gromek, Catherine A. (OIG) <[redacted][redacted]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) 46(b)(6)

Mobile: (202) 53(b)(6)

Webpage: www.va.gov/oig

0007

Document ID: 0.7.2866.6531
From: Wilber, Chris (OIG) </o=exchangelabs/ou=exchange administrative group (fydibohf23spdlt)/cn=recipients/cn=c4dbcebbc1924cfe94b520ca50a5574(b)(6)
To: Smith, Katherine (OIG) </o=exchangelabs/ou=exchange administrative group (fydibohf23spdlt)/cn=recipients/cn=18ee1667001f43ca9e2319b3f8dda174(b)(6) Mitchell, Jamie (OIG) </o=exchangelabs/ou=exchange administrative group (fydibohf23spdlt)/cn=recipients/cn=02783f0f27b244ea813a5be5b46849(b)(6); Fredrikson, Roy (OIG) </o=exchangelabs/ou=exchange administrative group (fydibohf23spdlt)/cn=recipients/cn=5246bb6f626d448c95e0582d51fae5(b)(6); Gromek, Catherine A. (OIG) </o=exchangelabs/ou=exchange administrative group (fydibohf23spdlt)/cn=recipients/cn=497f23ac564a4726bc23ca37fdd58e1(b)(6)
Cc:
Bcc:
Subject: Grassley Request
Date: Tue Apr 06 2021 13:16:17 EDT
Attachments: image001.png

(b)(5)

(b)(5)

(b)(5)

(b)(5)

(b)(5)

0008

(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) 46(b)(6)

Mobile: (202) 53(b)(6)

Webpage: www.va.gov/oig

0009

Document ID: 0.7.2866.6186

From: (b)(6) (OIG)
</o=exchangelabs/ou=exchange administrative group (fydibohf23spdlt)/cn=recipients/cn=25fb1fa0b7634676be2ac28f9fee e772(b)(6)

To: Mitchell, Jamie (OIG)
</o=exchangelabs/ou=exchange administrative group (fydibohf23spdlt)/cn=recipients/cn=02783f0f27b244ea813a5be5b468 491(b)(6) Smith, Katherine (OIG)
</o=exchangelabs/ou=exchange administrative group (fydibohf23spdlt)/cn=recipients/cn=18ee1667001f43ca9e2319b3f8dd a17(b)(6) ; Wilber, Chris (OIG)
</o=exchangelabs/ou=exchange administrative group (fydibohf23spdlt)/cn=recipients/cn=c4dbcebbc1924cfe94b520ca50a5 5741(b)(6) Fredrikson, Roy (OIG)
</o=exchangelabs/ou=exchange administrative group (fydibohf23spdlt)/cn=recipients/cn=5246bb6f626d448c95e0582d51fa e5(b)(6) ; Gromek, Catherine A. (OIG)
</o=exchangelabs/ou=exchange administrative group (fydibohf23spdlt)/cn=recipients/cn=497f23ac564a4726bc23ca37fdd5 (b)(6) ; Johnson, David S. (OIG)
</o=exchangelabs/ou=exchange administrative group (fydibohf23spdlt)/cn=recipients/cn=27844be405cd4ed3a789f36b323e 5de(b)(6)

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)

0010

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>; Smith, Katherine (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) (b)(6) va.gov>
Subject: RE: Discussion Re: VBA Referral from Grassley

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 202-46(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); Smith, Katherine (OIG); Wilber, Chris (OIG); Fredrikson, Roy (OIG); Gromek, Catherine A. (OIG); Johnson, David S. (OIG)

0011

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,

Sorry for the late notice on this. Kate and Jamie asked me to get this scheduled for everyone and this is the only time on everyone's calendar that was available tomorrow. If this time doesn't work for you, please let me know and we can work to reschedule. I have an attachment that I will forward via email, separately.

Regards,

(b)(6)

(b)(6)

Department of Veterans Affairs | Office of Inspector General

810 Vermont Ave NW, Washington, DC 20420

T 202-4(b)(6) C 202-2(b)(6) | (b)(6) va.gov

OIG Portal | OIG Public Site

Microsoft Teams meeting

Join on your computer or mobile app

Click here to join the meeting

Or call in (audio only)

+1 872-7(b)(5)# United States, Chicago

Phone Conference ID: (b)(5)

0012

Document ID: 0.7.2866.6184

From: Gromek, Catherine A. (OIG) </o=exchangelabs/ou=exchange administrative group (fydibohf23spdlt)/cn=recipients/cn=497f23ac564a4726bc23ca37fdd58e(b)(6)>

To: (b)(6) (OIG) </o=exchangelabs/ou=exchange administrative group (fydibohf23spdlt)/cn=recipients/cn=25fb1fa0b7634676be2ac28f9feee77(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,

I forwarded this to Dave Johnson also. Thank you.

Regards,

(b)(6)

(b)(6)

Department of Veterans Affairs | Office of Inspector General

810 Vermont Ave NW, Washington, DC 20420

0013

T 202-4(b)(6) C 202-2(b)(6) (b)(6) va.gov

OIG Portal | OIG Public Site

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)

You might want to send Dave Johnson the letter from Grassley to VA as well. I sent it yesterday to Kate, Jamie, Chris, and Roy.

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>; Smith, Katherine (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) a.gov>; Johnson, David S. (OIG) <(b)(6) (b)(6) va.gov>
Subject: RE: Discussion Re: VBA Referral from Grassley

Please see attached readahead.

Regards,

(b)(6)

(b)(6)

Department of Veterans Affairs | Office of Inspector General

0014

810 Vermont Ave NW, Washington, DC 20420

T 202-4(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); Smith, Katherine (OIG); Wilber, Chris (OIG); Fredrikson, Roy (OIG); Gromek, Catherine A. (OIG); Johnson, David S. (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,

Sorry for the late notice on this. Kate and Jamie asked me to get this scheduled for everyone and this is the only time on everyone's calendar that was available tomorrow. If this time doesn't work for you, please let me know and we can work to reschedule. I have an attachment that I will forward via email, separately.

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

0015

Document ID: 0.7.2866.6153

From: [redacted] (OIG)
</o=exchangelabs/ou=exchange administrative group (fydibohf23spdlt)/cn=recipients/cn=25fb1fa0b7634676be2ac28f9fee e7[redacted]>

To: Mitchell, Jamie (OIG)
</o=exchangelabs/ou=exchange administrative group (fydibohf23spdlt)/cn=recipients/cn=02783f0f27b244ea813a5be5b468 49[redacted]; Smith, Katherine (OIG)
</o=exchangelabs/ou=exchange administrative group (fydibohf23spdlt)/cn=recipients/cn=18ee1667001f43ca9e2319b3f8dd a17[redacted]; Wilber, Chris (OIG)
</o=exchangelabs/ou=exchange administrative group (fydibohf23spdlt)/cn=recipients/cn=c4dbcebbc1924cfe94b520ca50a5 57[redacted]; Fredrikson, Roy (OIG)
</o=exchangelabs/ou=exchange administrative group (fydibohf23spdlt)/cn=recipients/cn=5246bb6f626d448c95e0582d51fa e5[redacted]; Gromek, Catherine A. (OIG)
</o=exchangelabs/ou=exchange administrative group (fydibohf23spdlt)/cn=recipients/cn=497f23ac564a4726bc23ca37fdd5 8e1[redacted]; Johnson, David S. (OIG)
</o=exchangelabs/ou=exchange administrative group (fydibohf23spdlt)/cn=recipients/cn=27844be405cd4ed3a789f36b323e 5d[redacted]>

Cc:

Bcc:

Subject: RE: Discussion Re: VBA Referral from Grassley

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

Attachments: [redacted]

Please see attached readahead.

Regards,

[redacted]

[redacted]

Department of Veterans Affairs | Office of Inspector General

810 Vermont Ave NW, Washington, DC 20420

T 202-46[redacted] C 202-2[redacted] | [redacted]va.gov

0016

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 3

From: McVicker, Carrie A.
Sent: Fri, 9 Apr 2021 19:30:15 +0000
To: Farrisee, Gina S.
Subject: FW: Follow-up for VIEWS 4890714/Grassley
Attachments: Tab1 4890714 Incoming Letter.pdf
Importance: High

Gina – just for SA – this was Ruthann's read on the questions.

But see what Brandye says before you consider below.

V/R

Carrie A. McVicker
The Executive Secretary
Office of the Secretary
Department of Veterans Affairs
(b)(6) @va.gov

From: Parise, Ruthann <Ruthann.Parise@va.gov>
Sent: Friday, April 9, 2021 3:25 PM
To: (b)(6) @va.gov>
Cc: McVicker, Carrie A. (b)(6) @va.gov>; (b)(6) @va.gov>
Subject: FW: Follow-up for VIEWS 4890714/Grassley
Importance: High

Hi (b)(6)

I have reviewed the asks that begin on page 4 and find the following regarding ownership of potential records:

(b)(5)

(b)(5)

(b)(5)

Respectfully,

Ruthann Parise
OSVA FOIA/Privacy Officer
Office of the Executive Secretary
Office of the Secretary, U.S. Dept. of Veterans Affairs (OSVA)
ruthann.parise@va.gov
Phone: (202) 461-4866
iPhone: (202) 306-3112

From: Parise, Ruthann
Sent: Fri, 9 Apr 2021 20:05:12 +0000
To: [redacted]
Cc: McVicker, Carrie A. [redacted]
Subject: RE: Follow-up for VIEWS 4890714/Grassley

You're welcome [redacted]

I just did a search by requests in FOIAXpress and found the following:

[redacted]

[redacted]

Respectfully,

Ruthann Parise
OSVA FOIA/Privacy Officer
Office of the Executive Secretary
Office of the Secretary, U.S. Dept. of Veterans Affairs (OSVA)
ruthann.parise@va.gov
Phone: (202) 461-4866
iPhone: (202) 306-3112

From: [redacted]
Sent: Tue, 6 Apr 2021 14:44:06 +0000
To: McVicker, Carrie A.
Cc: [redacted]
Subject: FW: Plan for VIEWS 4890714

FYI.

From: [redacted]
Sent: Tuesday, April 6, 2021 10:42 AM
To: [redacted]@va.gov>
Subject: FW: Plan for VIEWS 4890714

All OSC referrals are first offered to OIG for first right of refusal. If OSC referral is related to VBA, VHA, etc., it will be assigned to that office. While OMI receives the majority of referrals because of healthcare/VHA facility, they do not receive all of them. In a recent case, it was assigned to the DCOS due to the nature of the issue. Thanks.

From: McVicker, Carrie A. [redacted]@va.gov>
Sent: Tuesday, April 6, 2021 10:38 AM
To: [redacted]@va.gov>; [redacted]@va.gov>
Cc: [redacted]@va.gov>; [redacted]@va.gov>
Subject: RE: Plan for VIEWS 4890714

[redacted] – we have the OMI POCs but I just cannot see that the office of Medical investigations would have taken this one on. It makes no sense.

Carrie A. McVicker
The Executive Secretary
Office of the Secretary
Department of Veterans Affairs
[redacted]@va.gov

From: [redacted]@va.gov>
Sent: Tuesday, April 6, 2021 10:37 AM
To: [redacted]@va.gov>
Cc: [redacted]@va.gov>; McVicker, Carrie A. [redacted]@va.gov>
Subject: Re: Plan for VIEWS 4890714

Thank you, good info. I will see if I can find a POC for OMI. My computer is restarting ☹

[redacted] on the run
[redacted]

From: [redacted]@va.gov>
Sent: Tuesday, April 6, 2021 10:24:33 AM
To: [redacted]@va.gov>
Cc: [redacted]@va.gov>; McVicker, Carrie A. [redacted]@va.gov>
Subject: Plan for VIEWS 4890714

Just got off the phone with OGC and OAWP.

[redacted]

[redacted]
Executive Writer
Office of the Executive Secretary
Department of Veterans Affairs
810 Vermont Avenue NW
[redacted]

From: McVicker, Carrie A.
Sent: Wed, 19 May 2021 20:15:15 +0000
To: (b)(6)
Subject: FW: can you send me updated Grassley package
Attachments: 4890714 DRAFT Enclosure for FINAL Approval (updated).docx, VIEWS 4890714 - Transmittal Letter for FINAL APPROVAL.docx

To print

Carrie A. McVicker
The Executive Secretary
Office of the Secretary
Department of Veterans Affairs
(b)(6) @va.gov

From: (b)(6) @va.gov>
Sent: Wednesday, May 19, 2021 4:12 PM
To: McVicker, Carrie A (b)(6) @va.gov>
Subject: RE: can you send me updated Grassley package

Sending you 2 docs at a time. Every time I try to upload a third document, outlook stops working.

From: McVicker, Carrie A. (b)(6) @va.gov>
Sent: Wednesday, May 19, 2021 4:00 PM
To: (b)(6) @va.gov>
Subject: can you send me updated Grassley package

Without the big FOIA file? Gina wants to show COS today. COS is out next two days.

Carrie A. McVicker
The Executive Secretary
Office of the Secretary
Department of Veterans Affairs
(b)(6) @va.gov

From: (b)(6)
Sent: Wed, 19 May 2021 20:22:39 +0000
To: McVicker, Carrie A.
Subject: Updated copies for Gina to give COS
Attachments: 04890714 - Incoming Letter.pdf, (2) Attachment P Murphy Training records.xlsx, Copy of (2) Attachment I Training.xlsx, Copy of (2) Attachment L Manker Training Records.xlsx, VIEWS 4890714 - Transmittal Letter for FINAL APPROVAL.docx, 4890714 DRAFT Enclosure for FINAL Approval (updated).docx
Importance: High

I know it's crazy but it was easier (more like possible) to forward you the email I sent out for final approval with the updated enclosure than even one of the other docs that make up the package.

From: (b)(6)
Sent: Tuesday, May 18, 2021 2:15 PM
To: Hogan, Michael R. (OGC) (b)(6) @va.gov>; Cordeiro, Hansel (OAWP) (b)(6) @va.gov> (b)(6) @va.gov> (b)(6) @va.gov>
Cc (b)(6) OGC) (b)(6) @va.gov>; McVicker, Carrie A. (b)(6) @va.gov>; (b)(6) @va.gov>; Farrisee, Gina S. (b)(6) @va.gov> (b)(6) W. (OAWP) (b)(6) @va.gov> (b)(6) (OAWP) (b)(6) (b)(6) @va.gov> (b)(6) OAWP) (b)(6) @va.gov>
Subject: CLOSE HOLD FINAL APPROVAL REQUEST for VIEWS 4890714/Grassley
Importance: High

Hello All:

This is a request for OGC, OCLA, and OAWP final approval of the proposed response package for VIEWS 4890714. **This task is due COB, May, 20, 2021**. Ordinarily this task would be made through VIEWS, but the size of one of the attachments make a VIEWS tasking unfeasible.

The attached elements of this final approval task are as follows:.

- Incoming letter
- Transmittal letter
- Enclosure (rough draft)
- 3 Xcel spread sheet attachments that respond to certain requests for documents.
- And the link below which will take you to the 578 pages of releasable records requested under questions 4 and 8 (You are receiving a link to these documents because the file is too large to send via email attachment)

(b)(7)(E)

(b)(7)(E)

For tracking and version control purposes, please send any last comments you may have to me only. If the comments are significant you will have an opportunity to review again.

Thank you in advance for completing the task by COB May 20, 2021. If you have any questions, please do not hesitate to reach out to me.

(b)(6)

Executive Writer
Office of the Executive Secretary
Department of Veterans Affairs
810 Vermont Avenue NW
Washington, DC
(b)(6)

Sent: Thu, 20 May 2021 19:56:14 +0000
To: (b)(6)
Cc: McVicker, Carrie A. (b)(6)
Subject: OSVA Approval Package for VIEWS 4890714
Attachments: Tab 1 4890714 Grassley Transmittal Letter.docx, Tab 2 4890714 Enclosure.docx, Tab 3 4890714 Information about Attachments.docx, Tab 4 04890714 - Incoming Letter.pdf, 4890714 VA Form 0907.pdf
Importance: High

(b)(6)

Attached for your review is the OSVA approval package for VIEWS 4890714/Grassley which includes the following:

- Tab 1 Transmittal Response
- Tab 2 Enclosure
- Tab 3 Information about Enclosure (this document will appended to the attachments. The language in this document was originally in the transmittal letter but COSVA thought this information should not be in the letter that SECVA signs. Per Gina's guidance, I made it a separate document)
    - The attachments are not included in this email because of the size of the files. All the attachments total about 600 pages. All of the documents have been printed out and were provided to you today in a folder.
- Tab 4 -Incoming Letter
- VA Form 0907

THE SECRETARY OF VETERANS AFFAIRS
WASHINGTON

The Honorable Charles Grassley
Ranking Member
Committee on the Judiciary
United States Senate
Washington, DC 20510

Dear Senator Grassley:

This is a follow-up to the April 6, 2021, Department of Veterans Affairs (VA) interim response to your April 2, 2021, letter about conflicts and ethical issues among senior officials at the Veterans Benefits Administration (VBA). I appreciate this opportunity to respond.

As stated in the interim response, VA takes this matter very seriously. The free flow of information, especially information that identifies malfeasance, underperformance or abuse is critical to strong agency performance and since arriving at VA, I have taken several opportunities to communicate that to all employees and underscore it to our accountability partners at VA. One such partner is the VA Office of Accountability and Whistleblower Protection (OAWP), which is charged to, among other responsibilities, investigate allegations of VA senior leader misconduct and poor performance.

In this case, not only is this matter the subject of an active investigation by OAWP, it is also being investigated by the VA Office of Inspector General. As for the specific questions raised in your letter, enclosed are enumerated responses to each question, and attached thereto are copies of the documents you requested that are releasable to you under the Freedom of Information Act (FOIA)

Although the President's nominee for head of OAWP will have her hearing later this month, and we eagerly await her confirmation, I want to assure you that if there has been any misconduct by a VA senior official, OAWP and OIG will identify it and, if warranted, the VA senior official will be held appropriately accountable.

In closing, thank you for your patience with the length of time it has taken to respond, and I trust this information is helpful to you.

Sincerely,

Denis McDonough

Enclosure

Enclosure

Department of Veterans of Affairs (VA) Responses to Questions from Senator Charles Grassley

Question 1: Has Acting Undersecretary Tom Murphy ever been recommended for suspension for accepting gifts as prohibited by law?

VA Response: (b)(5)
(b)(5)

Question 1a: If so, was Mr. Murphy ever suspended?

VA Response: (b)(5)
(b)(5)

Question 1b: Was a recommendation for suspension ever overturned? If so, why and by who?

VA Response: (b)(5)
(b)(5)

Question 2: Had former Deputy Undersecretary Robert Reynolds ever been recommended for suspension for accepting gifts as prohibited by law?

VA Response: (b)(5)
(b)(5)

Question 2a. If so, was Mr. Reynolds ever suspended?

VA Response: (b)(5)
(b)(5)

(b)(5)

Question 2b. Was a recommendation for suspension ever overturned? If so, why and by who?

VA Response: (b)(5)

Question 3. Had former Principal Undersecretary Jamie Manker ever been recommended for suspension for accepting gifts as prohibited by law?

VA Response: (b)(5)

(b)(5)

Question 3a. If so, was Mr. Manker ever suspended?

VA Response: (b)(5)

(b)(5)

Question 3b. Was a recommendation for suspension ever overturned? If so, why and by who?

VA Response: (b)(5)

Question 4. Please provide all records, communications, and memorandums related to the suspensions, or proposed suspensions, of Tom Murphy, Jamie Manker, and Robert Reynolds.

VA Response: (b)(5)

Question 5: What steps does the VA take to protect retail investors by safeguarding market sensitive information regarding potential enforcement announcements related to publicly-traded companies?

VA Response: (b)(5)

(b)(5)

Question 5a: Is it possible these steps failed in this instance? If so, what will VA do to prevent this from happening again in the future?

VA Response: (b)(5)

(b)(5)

Question 6: If the VA is aware that market sensitive information was potentially leaked, has the VA investigated this leak of information? Please provide the report of investigation.

VA Response: (b)(5)

(b)(5)

Question 7: Did the VA Office of General Counsel ever provide a legal opinion with respect to Mrs. Bogue and her involvement with any of her husband's companies?

VA Response: (b)(5)

(b)(5)

Question 7a: Did the legal opinion recommend Mrs. Bogue recuse herself from any involvement with? If not, why not?

VA Response: (b)(5)

(b)(5)

Question 8: Please provide all records relating to any written ethics opinion by VA attorneys regarding Mrs. Bogue's recusal, whether and when this recusal occurred, and all communications regarding Mrs. Bogue's recusal obligations with respect to her husband's companies.

VA Response: (b)(5)

Question 9: Did Mrs. Bogue engage in, participate in, or contribute to VA business with her husband's business? If so, why did VA allow Mrs. Bogue to participate?

VA Response: (b)(5)

(b)(5)

Question 10: Under current law and regulation, is Mrs. Bogue required to report financial information of her spouse via a public financial disclosure report? If so, did Mrs. Bogue list her husband?

VA Response: (b)(5)

(b)(5)

Question 10a: If Mrs. Bogue did report her husband on a public financial disclosure form, did she report Mr. Bogue's employer(s)? If not, why not?

VA Response: (b)(5)

(b)(5)

Question 10b: If Mrs. Bogue did report her husband on a public financial disclosure form, did she report Mr. Bogue's salary with respect to his work? If not, why not?

VA Response: (b)(5)

(b)(5)

Question 10c: Please provide Mrs. Bogue's financial reports dating back five (5) years.

VA Response: (b)(5)

(b)(5)

Question 11: If Mrs. Bogue did not report where Mr. Bogue currently works, and if she participated in VA business related to VES, would that constitute a conflict of interest as described by applicable law or regulation? If not, why not?

VA Response: (b)(5)

(b)(5)

Question 12: Why has the VA attempted to block FOIA requests seeking information regarding these matters?

VA Response: (b)(5)

(b)(5)

Question 12a: Does the VA plan to comply with FOIA requests in a timely and reasonable manner in order to afford the public greater transparency?

VA Response: (b)(5)

(b)(5)

May 2021

From: McVicker, Carrie A.
Sent: Thu, 8 Apr 2021 15:46:31 +0000
To: Wilber, Chris (OIG)
Subject: Question on an incoming letter from SEN Grassley

Good afternoon Chris
I hope this note finds you well. I wanted to check with you to see if OIG had received any documents related to the below release from SEN Grassley. He notes that whistleblowers had reported issues to OSC and OIG. We are working on a response to the Senator and Dick Hipolit, our Acting General Counsel gave me the greenlight to ask you if you had anything you would be able to share with us regarding this issue. I am also going to reach out to (b)(6) at OSC with the same question.
Thank you.
Carrie

Grassley Seeks Sweeping Review into Allegations of Whistleblower Reprisal, Ethics Violations at Veterans Benefits Administration

Following review of whistleblower complaints, documents, Grassley pushes VA, Inspector General, and SEC for Transparency

WASHINGTON – Sen. Chuck Grassley (R-Iowa), Ranking Member of the Senate Judiciary Committee, is pushing for information and transparency after whistleblowers allege significant ethics lapses and potential leaks of market-sensitive information at the Veterans Benefits Administration, a division of the Department of Veterans Affairs.

Grassley is seeking information regarding Charmain Bogue's failure to disclose her husband's income and employment at a firm that directly did business with the VBA. He is also seeking a commitment from the Department of Veterans Affairs (VA) to comply with pending and future FOIA requests on this matter in a timely manner.

The whistleblower allegations revolve around an alleged VA Office of General Counsel memorandum that determined Charmain Bogue should recuse herself from any and all VA matters involving her husband's firms. The whistleblowers further allege that, after internal warnings about the need to protect market-sensitive information, that information may have been leaked, which was then publicly traded on, potentially affecting stock prices and retail investors.

In seeking a broad set of information and transparency, Grassley wrote to Secretary of Veterans Affairs Denis McDonough, Department of Veterans Affairs Inspector General Michael Missal, and Acting Chairwoman Allison Lee of the Securities and Exchange Commission.

In his letter to the VA, Grassley requests records relating to ethics determinations related to current and former senior officials at the VA, the steps the VA takes to protect retail investors by safeguarding market-sensitive information, any internal investigations of such information leaking, and the VA's attempts to block information released through FOIA requests relating to these matters.

Grassley is seeking a review of these potential ethics violations and disclosures failures from the inspector general, and asking whether the SEC is aware of these allegations and what steps the commissioner takes to distribute guidance to federal agencies on the importance and necessity of protecting sensitive information that could affect financial markets.

Carrie A. McVicker
The Executive Secretary
Office of the Secretary
Department of Veterans Affairs
(b)(6) @va.gov

From: Hipolit, Richard (OGC) [b)(6) @va.gov>
Sent: Wednesday, April 7, 2021 6:39 PM
To: Missal, Michael J. (OIG) [b)(6) @va.gov>; Cordeiro, Hansel (OAWP) [b)(6) @va.gov>
Subject: Congressional Inquiry

In order to ensure you are informed of a matter of potential significance to the Department, the Secretary asked that I forward to you the attached letter from Senator Charles Grassley requesting information about allegations of ethical violations and other misconduct involving the Veterans Benefits Administration. The Secretary [b)(5) [b)(5)

<< File: 2021-04-02 CEG to VA.pdf >>

Richard J. Hipolit
Deputy General Counsel, Veterans Programs
Office: [b)(6)
Cell: [b)(6)

From: Missal, Michael J. (OIG)
Sent: Thu, 8 Apr 2021 13:31:30 +0000
To: Cordeiro, Hansel (OAWP);Hipolit, Richard (OGC)
Subject: RE: Congressional Inquiry

Dick, we appreciate your making us aware of this letter. We have been advised of these allegations and are coordinating with OAWP. The letter requests information from VA and we are not aware of any limitation on VA's response to Congress. We would appreciate receiving a copy of the response to Senator Grassley as it will help inform us further on this matter.

Thanks as always for your consideration.

Michael J. Missal
Inspector General
Department of Veterans Affairs
810 Vermont Avenue, NW (50)
Washington, DC 20420

E-mail: [redacted]@va.gov
Phone: [redacted]
Fax:
Webpage: www.va.gov/oig

From: Cordeiro, Hansel (OAWP) [redacted]@va.gov>
Sent: Wednesday, April 7, 2021 7:04 PM
To: Hipolit, Richard (OGC) [redacted]@va.gov>
Cc: Missal, Michael J. (OIG) [redacted]@va.gov>
Subject: RE: Congressional Inquiry

Hi Dick,

Thank you for sending us this letter. VBA referred these allegations to OAWP today. We are reviewing them and will work with the OIG to avoid an overlap of our investigation, if the OIG also decides to investigate some of these allegations. Before 2019, OAWP provided HR advice and services on senior leader misconduct that it investigated. With regard to the responses for questions 1-4, we have some responsive documents [redacted]

(b)(5) If you need our assistance with those documents, please let me know.

Thank you,
Hansel

Hansel J. Cordeiro | Acting Assistant Secretary for Accountability and Whistleblower Protection | U.S. Department of Veterans Affairs
Tel: (b)(6) Fax: (202) 495-5601 | Email: (b)(6) @va.gov | Address: 810 Vermont Avenue, NW, Mail Stop 70, Washington, DC 20420
To make a disclosure: Complete the optional form found at https://www.va.gov/accountability | Contact us toll-free at: (855) 429-6669 | Contact us by email at OAWP@va.gov.

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Richard J. Hipolit
Deputy General Counsel, Veterans Programs
Office: (b)(6)
Cell: (b)(6)

From: Cordeiro, Hansel (OAWP)
Sent: Wed, 7 Apr 2021 23:03:59 +0000
To: Hipolit, Richard (OGC)
Cc: Missal, Michael J. (OIG)
Subject: RE: Congressional Inquiry
Attachments: 2021-04-02 CEG to VA.pdf

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Richard J. Hipolit
Deputy General Counsel, Veterans Programs
Office: (b)(6)
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Michael J. Missal
Inspector General
Department of Veterans Affairs
810 Vermont Avenue, NW (50)
Washington, DC 20420

E-mail: (b)(6) @va.gov
Phone:
Fax: (202) 565-8667
Webpage: www.va.gov/oig

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Hansel J. Cordeiro | Acting Assistant Secretary for Accountability and Whistleblower Protection | U.S. Department of Veterans Affairs
Tel: [redacted] | Fax: (202) 495-5601 | Email: [redacted]@va.gov | Address: 810 Vermont Avenue, NW, Mail Stop 70, Washington, DC 20420
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Richard J. Hipolit
Deputy General Counsel, Veterans Programs
Office: [redacted]
Cell: [redacted]

From: Cordeiro, Hansel (OAWP)
Sent: Wed, 7 Apr 2021 23:03:59 +0000
To: Hipolit, Richard (OGC)
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(b)(5)

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Richard J. Hipolit
Deputy General Counsel, Veterans Programs
Office: (b)(6)
Cell: (b)(6)

Here is an updated version taking in comments from the call and [b)(6)] comments. Please review the final two paragraphs for sure to be certain I am incorporating those correctly.

[b)(6)]
VA Staff Attorney
Ethics Specialty Team
[b)(6)] (BB)
Monday – Thursday only

OGC Ethics Website | Ethics contact information

From: [b)(6)] (OGC) [b)(6)]@va.gov>
Sent: Wednesday, April 7, 2021 8:23 AM
To: [b)(6)] (OGC) [b)(6)]@va.gov>; [b)(6)] (OGC) [b)(6)]@va.gov>
Subject: FW: Responses

Please see my edits and comments in the last attachment.

[b)(6)]

From: [b)(6)] (OGC) [b)(6)]@va.gov>
Sent: Tuesday, April 6, 2021 5:46 PM
To: [b)(6)] (OGC) [b)(6)]@va.gov>
Cc: [b)(6)] (OGC) [b)(6)]@va.gov>
Subject: Responses

Here is the initial draft response to Question 4, 7, 8, 10 and 11. This is all very new to me, so I am open to any comments, edits, suggestions.

We are waiting to hear from OCLA regarding the scope of #4 and whether to include everything related to NASCAR attendance. There was a FOIA request for this information so [b)(6)] already pulled the documents. One specific folder is related to the suspensions. [That folder alone is very large so I am not sure how we send this information.]

I have separately pulled our emails and the public financial disclosure reports (those are not attached at this time).

[b)(5)]

[b)(6)]
VA Staff Attorney

Ethics Specialty Team
(b)(6) (BB)
Monday – Thursday only

OGC Ethics Website | Ethics contact information