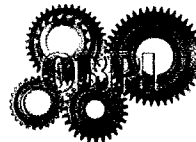


Exhibit B

Page 1 of 1

USE THIS COVER SHEET TO FAX CLAIMS TO THE VA'S CLAIMS AND EVIDENCE INTAKE CENTERS



**VBA's Office of Business Process  
Integration**

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**Fax Coversheet and Checklist**

To: VBA Claims and Evidence Intake Center

Fax: (844) 531-7818

Veterans Claims Intake Program

**Veteran First and Last Name:** Steven Porschatis

**Veteran C File #:** CSS 528896893

**Claimant Zip Code:** 84128

**Fax Date:** June 29, 2020

**# of Pages to include Coversheet:** 7

**Forms Included:**

FOIA Appeal (2 pages)

FOIA Request (2 pages)

Fax Confirmation from the VARO (1 page)

Fax Confirmation from the VA RM (1 page)

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**DOUBLE CHECK: Check Confirmation sheet and ensure fax is to  
844-531-7818**

*Disclaimer: Incorrect input of fax number, such as dialing the prefix "9" unnecessarily will result in failed submission to VA. Due to similarities in numbers, multiple parties have submitted to the wrong VA department. AVP Metro Petroleum is destroying any faxed Veterans records.*

*VA Directive 6609, NOVEMBER 9, 2007: NOTICE! Access to Veterans records is limited to Authorized Personnel Only. Information may not be disclosed unless permitted pursuant to 38 CFR 1.500-1.599. The Privacy Act contains provisions for criminal penalties for knowingly and willingly disclosing information from the file unless properly authorized to do so.*

**Exhibit B**                      **FREEDOM OF INFORMATION ACT APPEAL**

VIA FACSIMILE

Department of Veterans' Affairs,  
Records Management Center  
P.O. Box 5020  
St. Louis, MO 63115  
FAX: 314-679-3730

VIA FACSIMILE

Department of Veterans' Affairs,  
Evidence Intake Center  
FAX: (844) 531-7818

VIA CERTIFIED MAIL (RETURN RECEIPT REQUESTED)

Department of Veterans Affairs,  
Office of the General Counsel  
810 Vermont Avenue, NW,  
Washington, DC 20420

June 29, 2020

RE:      FREEDOM OF INFORMATION ACT APPEAL  
          Veteran: Parschatís, Steven, Karl  
          VA Claim No: CSS 528896893  
          Veteran Social Security #: 528896893

To Whom It May Concern:

This is an appeal under the Freedom of Information Act.

On May 18, 2020 I requested a complete copy of documents and evidence created by the VA related to a recent Compensation & Pension Examination in my VA disability benefits claim under the Freedom of Information Act (FOIA). See attached.

The FOIA Request was received by the VA Regional Office FOIA Officer on May 18, 2020. See attached. The VA Regional Office FOIA Officer has not provided the requested documents in the time required by law.

I am seeking production of documents related to my VA benefits that are relevant and material to my dispute. The Dept. of Veterans Affairs is the Agency last known to have particular documents requested that are relevant and material to his appeal.

The VA's 20 working days to respond to that request have passed on June 16, 2020.

This is an appeal of the VA's failure to respond to my FOIA request. I am aware of no legitimate reason why the VA might withhold production of these records, why the VA would have failed to diligently search for the documents last known to be in its possession, control or

## Exhibit B

custody, or why the VA would fail to respond to the production of the documents requested pursuant to my FOIA request.

An agency is required to make a "determination" on the merits of a FOIA appeal within 20 working days of receipt. 5 U.S.C. § 552(a)(6)(A)(ii).

I am currently contacting FOIA attorneys. Should the VA fail to respond to, or improperly deny, this appeal under the Freedom of Information Act, I am prepared to initiate a FOIA suit in the appropriate Federal District Court to compel disclosure of the documents, as well as any reasonable attorney fees and costs to which I might be entitled to under the law or in equity.

Please feel free to contact me to discuss any aspect of my appeal.

Thank you for your prompt consideration of this appeal.

Respectfully,



Steven Porschatts  
7051 W. Fieldview Dr.  
West Valley City, Utah, 84128

Encl            (1) A photocopy of my FOIA Request  
                  (1) A photocopy of the Fax Confirmation from the VARO  
                  (1) A photocopy of the Fax Confirmation from the VA RM

## Exhibit B

### FREEDOM OF INFORMATION ACT REQUEST

#### VIA FACSIMILE

Department of Veterans' Affairs,  
Records Management Center  
P.O. Box 5020  
St. Louis, MO 63115  
FAX: 314-679-3730

#### VIA FACSIMILE

Department of Veterans' Affairs,  
Evidence Intake Center  
FAX: (844) 531-7818

May 18, 2020

RE: FREEDOM OF INFORMATION ACT REQUEST  
Veteran: Porschatls, Steven, Karl  
VA Claim No: CSS 528896893  
Veteran Social Security #: 528896893

To Whom It May Concern:

This is a request for documents under 38 C.F.R. §1.577, the Freedom of Information Act (FOIA), 5 U.S.C. § 552, and the Privacy Act, 5 U.S.C. § 552a, on behalf of Steven Karl Porschatls (Veteran).

This request is properly made via facsimile as it contains the signature of the requester. This request is to be immediately included with my Claims File (C-File).

#### 1. IDENTIFICATION OF DOCUMENTS.

On/about April 2008, Veteran Steven Karl Porschatls had a Compensation & Pension Exam; I hereby request

Compensation & Pension Exam Report,  
The VA Form 21-2507 (or the AMIE/CAPRI or VERIS Exam Request if the request was made electronically);  
Any notes or progress notes (by whatever title they are called) taken by the physician conducting the exam.  
Any information relied upon by the examiner that is not in my C-File at the time of the exam  
A copy of the C&P Doctor's resume, CV, list of publications, list of specialties, etc., such that his/her experience and qualifications may be examined, reviewed, questioned, and/or challenged.  
Any and all information stored in VetPort – or any other system of records – that pertains to the C&P Examiners' credentialing as a medical professional since the Examiner's date of first employment and/or association with the VA. See e.g., 38 U.S.C. 7402; 38 CFR Part 46; VHA Handbook 1100.19; VA Handbook 5005, Part II, Chapter 3; VHA DIRECTIVE 2012-030.

#### 2. FORM/FORMAT IN WHICH TO PRODUCE INFORMATION.

## Exhibit B

The FOIA and the VA's own internal policies related to FOIA requests, require that the records be produced in the format sought by the requester, if the record is readily reproducible in that form or format.

I PREFER RECEIPT OF THESE RECORDS ON CD-R IN PDF FORMAT

Please take special care to ensure that both sides of any two-sided documents produced in response to this request are included in the response, and are scanned into a PDF in such a way that they do not "bleed-through" from one side of the document to the other.

### 3. TIME FOR RESPONSE.

Please note that this request for documents is being made pursuant to the Privacy Act, 5 U.S.C. § 552, and the Freedom of Information Act (FOIA), 5 U.S.C. § 552a, as well as 38 C.F.R. § 1.550 and 38 C.F.R. § 1.577. Your agency has a duty to respond to this request within TWENTY (20) BUSINESS DAYS of the date of this request pursuant to 5 U.S.C. § 552 (a)(6)(A)(2)(i).

Additionally, although an extension of time to respond may be requested, it may only be granted for "unusual circumstances." "Predictable agency workload" is not typically considered an unusual circumstance as stated in 5 U.S.C. § 552(a)(6)(C)(ii).

Moreover, even to the extent that unusual circumstances could be demonstrated in this instance, the time limit for the extension is limited to "10 working days" pursuant to 38 C.F.R. § 1.553(d).

Please also be aware that your agency's failure to respond to this request within twenty business (20) days can result in the filing of an administrative appeal with the office of the Secretary of the Department of Veterans Affairs pursuant to 38 C.F.R. § 1.557 and 5 U.S.C. § 552(a)(6)(A)(2)(ii), and/or, the filing of a federal lawsuit to compel the production of the information.

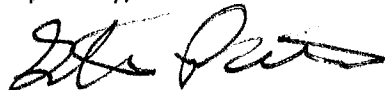
In any such appeal or lawsuit, I intend to seek not only injunctive and/or monetary relief related to this request, but to the extent permitted by law, injunctive and/or monetary relief based on the Department of Veteran's Affairs patterns and/or practices of responding to FOIA requests in a manner violative of the FOIA, as well as attorney fees and litigation expenses, and any other remedy/relief available at law.

### 4.) Point of Contact.

As discussed above, please respond to this request within twenty (20) business days. I may be contacted at 801-833-3647.

Thank you very much in advance for your assistance.

Respectfully,



Steven Karl Porschatis  
7051 W. Fieldview Dr. West Valley City, Utah, 84128

**Exhibit B Fax Transmission Report****Fax Details**

Status	Completed Successfully sent to 1 recipient(s)
Created On	5/18/20, 3:29 PM
Ref. No.	89F217
Completed On	5/18/20, 3:36 PM
Cover Page	No

**Recipients**

Recipient	Status	Completed On	Sent Pages	Reason
+1 (844) 531-7818	Success	5/18/20, 3:31 PM	3	

Exhibit B

## Fax Transmission Report

### Fax Details

Status	Completed Successfully sent to 1 recipient(s)
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Ref. No.	124034
Completed On	5/18/20, 3:06 PM
Cover Page	No

### Recipients

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