



Veterans Health Administration  
Information Access and Privacy (105HIG)  
810 Vermont Avenue NW  
Washington, DC 20420

Request No: **21-05076-F**

February 25, 2021

Carlton Hooker  
10901 Brighton Bay Blvd. N.E.  
St. Petersburg, FL 33716  
[carltonhooker@gmail.com](mailto:carltonhooker@gmail.com)

Dear Mr. Hooker:

This letter is an initial agency decision of your February 4, 2021 request, under the Freedom of Information Act (FOIA), 5 U.S.C. § 552, to the Department of Veterans Affairs (VA), Veterans Health Administration (VHA) Central Office FOIA Office requesting a copy of Attachments A thru F, that were attached to the October 4, 2016 Memorandum from the office of Acting DUSHOM, - (name omitted) requesting Assignment to No Engagement Status for Veteran, Carlton Hooker. Your FOIA request was received in my office on February 4, 2021 and was assigned FOIA tracking number 21-05076-F.

A search for attachments A thru F has concluded and a total of 8 pages have been found responsive to your request. The search criteria, attachments A thru F were identified within the October 4, 2016 Memorandum from the office of Acting DUSHOM which you provided as an attachment to your initial request. The following response is provided:

**Attachment A:** U.S. District Court Order No. 8:15-cv750-T-30TGW.

On February 2, 2018 VHA rendered a copy of this document, U.S. District Court Order No. 8:15-cv750-T-30TGW to you in response to FOIA tracking numbers 17-05474-F and 17-07439-F. The document was Bates page numbered 000014-000017. In response to your current FOIA request 21-05076-FP VHA is reissuing this document to you noting that the Bates numbering remains 000014-000017.

**Attachment B:** U.S. District Court Order No. 8:15-cv750-T-30TGW.

On February 2, 2018 VHA rendered a copy of this document, U.S. District Court Order No. 8:15-cv750-T-30TGW to you in response to FOIA tracking numbers 17-05474-F and 17-07439-F. The document was Bates page numbered 000014-000017. In response to your current FOIA request 21-05076-FP VHA is reissuing this document to you noting that the Bates numbering remains 000014-000017.

**Attachment C:** US Marshal Service Advisory Document.

On February 2, 2018 in response to FOIA tracking numbers 17-05474-F and 17-07439-F VHA advised you that a one-page document was located and was referred to the US Marshal Service for their review and release determination. You were advised that the

US Marshal Service would provide you a direct response. In addition, you were provided the email address to the US Marshal Service FOIA Office [usms.foia@usdoj.gov](mailto:usms.foia@usdoj.gov) If you require this document again, please submit your FOIA request directly to [usms.foia@usdoj.gov](mailto:usms.foia@usdoj.gov)

Attachment D: Report filed by OGC attorney.

Please be advised on January 8, 2015 you requested this document from the Bay Pines VA Healthcare System your request was assigned FOIA tracking number 15-05314-F. You were advised that the document was protected under FOIA Exemption 7, 5 U.S. C. § 552(b)(7)(C) and (B)(6). If you wish to re-request this document, please submit a FOIA request to the Bay Pines VA Healthcare System as the records you are requesting were not created nor are they retained by a VHA Central Office program office and are therefore not retained within VHA Central Office. VHA Central Office is rendering a no records response for this line item.

Attachment E: Letter restricting access to Bay Pines VA Healthcare System, Dated February 25, 2016

Please be advised on June 1, 2020 you submitted a FOIA request to the VA FOIA Service and this document was provided under FOIA tracking number 20-07251-F. In addition, this document was previously provided to you by VHA on February 2, 2018 in response to FOIA requests 17-05474-F and 17-07439-F the pages were Bates numbered 000012 and 000013. In response to your current FOIA request 21-05076-FP VHA is reissuing this document to you noting that the Bates numbering remains 000012 and 000013.

Attachment F: Restricted Access to Bay Pines VA Healthcare System, Dated December 9, 2016

On February 2, 2018 VHA rendered this document you in response to FOIA tracking numbers 17-05474-F and 17-07439-F. The document was Bates page numbered 000002-000003. In response to your current FOIA request VHA is again providing you Bates numbered pages 000002 and 000003. In response to your current FOIA request 21-05076-FP VHA is reissuing this document to you noting that the Bates numbering remains 000002 and 000003.

Please be advised upon my review I have determined that Bates pages 000003, 000013 and 000017 contain information protected under FOIA Exemption 6. FOIA Exemption 6 [5 U.S.C. § 552 (b)(6)] covers “personnel and medical files and similar files of which the disclosure would constitute a clearly unwarranted invasion of personal privacy.” Stated another way, VA may withhold information under FOIA Exemption 6 where disclosure of the information, either by itself or in conjunction with other information available to either the public or the FOIA requester, would result in an unwarranted invasion of an individual’s personal privacy without contributing significantly to the public’s understanding of the activities of the federal government.

In United States Department of Justice v. Reporters committee for Freedom of the Press, 489 U.S. 749 (1989), we must determine if a privacy interest is involved, and

determine if disclosure of the requested information would serve the public interest, and balance the personal privacy interest against the public interest. In evaluating the public interest in a given case, we must focus on the nature of the requested document and its relationship to the public interest generally. We must consider whether disclosure of the requested document, or portions thereof that have been withheld, would “open agency action to the light of public scrutiny” rather than focus on the particular purpose for which the document is being requested. See Reporters Committee, 489, U.S. at 772.

The coverage of FOIA Exemption 6 is absolute unless the FOIA requester can demonstrate a countervailing public interest in the requested information by demonstrating that the individual is in a position to provide the requested information to members of the general public and that the information requested contributes significantly to the public’s understanding of the activities of the Federal government. Additionally, the requester must demonstrate how the public’s need to understand the information significantly outweighs the privacy interest of the person to whom the information pertains. Upon consideration of the materials provided, I have not been able to identify a countervailing public interest of sufficient magnitude to outweigh the privacy interest in this case. Consequently, I have redacted the signatures of VA and non-VA individuals. Individuals associated with this information have a personal privacy interest in the information that outweighs any public interest served by disclosure of the information under FOIA.

Please be advised, you may appeal the determinations made in this response to the VA, Office of General Counsel. Appeals may be submitted electronically to their electronic appeal mailbox, [ogcfoiaappeals@va.gov](mailto:ogcfoiaappeals@va.gov) or mailed to the following address:

Office of General Counsel (024)  
Department of Veterans Affairs  
810 Vermont Avenue NW  
Washington, DC 20420

If you should choose to file an appeal, your appeal must be postmarked or electronically submitted no later than ninety (90) calendar days from the date of this letter. Please include a copy of this letter with your written appeal, identify the determination(s) you are appealing and clearly state why you disagree with the determination(s).

In addition to filing an appeal with the Office of General Counsel, you may also seek assistance and/or dispute resolution services regarding your FOIA request from VHA’s FOIA Public Liaison and or Office of Government Information Services (OGIS) as provided below:

VHA FOIA Public Liaison:  
Email Address: [vhafioia2@va.gov](mailto:vhafioia2@va.gov)  
Phone Number: (877) 461-5038

Office of Government Information Services (OGIS)

Email Address: [ogis@nara.gov](mailto:ogis@nara.gov)

Fax: (202) 741-5769

Mailing address:

Office of Government Information Services  
National Archives and Records Administration

8601 Adelphi Road

College Park, MD 20740-6001

If you should have any further questions, please feel free to contact me at [deana.marakowski@va.gov](mailto:deana.marakowski@va.gov)

Sincerely,

Deana Marakowski  
VHA FOIA Officer

Enclosures