

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT
NORFOLK DIVISION**

JOHN ALBERT MULVEY,)

Plaintiff,)

v.)

**UNITED STATES DEPARTMENT
OF VETERANS AFFAIRS,**)

Defendant.)

Civil Case No.: 2:22cv76

Freedom of Information Act
Privacy Act of 1974

EXHIBIT J

**Barbara Kehoe, Esq, Response to Plaintiff
Department of Veterans Affairs Office of General Counsel**

January 18, 2022

pp.'s 1-3



J Mulvey <jam5813@gmail.com>

Request for records of former VA employee

4 messages

Kehoe, Barbara L. (OGC) <Barbara.Kehoe2@va.gov>
To: "jam5813@gmail.com" <jam5813@gmail.com>

Tue, Jan 18, 2022 at 2:25 PM

Mr. Mulvey:

Thank you for speaking with me this morning. As we discussed, my email includes the weblinks and addresses to obtain the records for a previous VA employee (below). I spoke with Nashville VARO AD Travis Kraft and explained what information you are requesting and your questions.

Unfortunately, I do not have much information on Dr. Turek. According to Mr. Kraft, he is unaware of anyone who worked directly with or has with first-hand knowledge of Dr. Turek's employment at the VA. He believes Dr. Turek left the VA prior to his conviction (in the early 2000's). The information as to his employment will be in his records at the Archives. Mr. Kraft is unaware of any other allegations that Dr. Turek mishandled adjudication of veteran claims. However, he acknowledged those claims would have been handled by OIG and investigated prior to Mr. Kraft's appointment as VARO-AD.

Mr. Kraft understands your concerns with Dr. Turek's involvement in your claim. Since it has been a number of years since Dr. Turek reviewed the case, there are several options available for re-evaluation of your claim. Without any additional information, Mr. Kraft believes a request for reopening your claim would be the best option. He is happy to have someone from the VARO contact you to discuss your options and how to request reevaluation.

To obtain records of former employees: <https://www.archives.gov/personnel-records-center/civilian-non-archival>

Per OPM (OPM.gov):

The Official Personnel Folder (Standard Form 66) is a file containing records for an individual's federal employment career. Employees with OPFs are those in the Executive Branch service, as listed in Title V of the United States Code and some federal employees not under Title V. The long-term records in the file are included to protect the legal and financial rights of the government and the employee. The OPF is part of the government-wide system of records, OPM/GOVT-1.

Civilian personnel records are normally transferred to the National Personnel Records Center within 120 days after an employee's separation from Federal employment. To obtain copies of your SF-50s, send written authorization to:

National Personnel Records, Annex

1411 Boulder Boulevard

Valmeyer, IL 62295

Authorized Third Party Requesters, e.g., lawyers, doctors, historians, etc., may submit requests for information from individual records with the person of record's signed and dated authorization. They should state who they are in relation to the individual and the purpose of the request. All authorizations should specify exactly what the person of record is allowing to be released to a third party. Authorizations are valid one year from date of signature. A sample authorization is included for your review. The NPRC requires a court order, if the subject of the file is unable to sign. Please see Court Order Requirements for additional directions.

Thank you again for your service to our country.

Respectfully,

Barbara Kehoe

Attorney

VA Office of General Counsel, Southeast District (Alabama, Florida, Georgia, Kentucky, Puerto Rico, South Carolina, Tennessee)

St. Petersburg, FL



PLEASE NOTE I AM CURRENTLY ON A TELEWORK STATUS. EMAIL IS THE BEST AND FASTEST WAY TO CONTACT ME.

This message may contain information that is confidential and/or protected by law. If it has been sent to you in error, please reply immediately to advise the sender of the error and then destroy this message, any copies of this message and any printout of this message. If you are not the intended recipient of the message, any unauthorized dissemination, distribution or copying of the material in this message, and any attachments to the message, is strictly forbidden.

J Mulvey <jam5813@gmail.com>

Tue, Jan 18, 2022 at 3:26 PM

To: "Kehoe, Barbara L. (OGC)" <Barbara.Kehoe2@va.gov>, J MULVEY <jam5813@gmail.com>

Received, thank you. Please advise if you have any objections on behalf of the Department of Veterans Affairs, in allowing or authorizing the undersigned to interview Raymond Emil Turek, M.D., former part-time employee and/or Medical Rating Specialist for the Nashville

Department of Veterans Affairs by means of a Nashville Authorized Court Reporting Agency.

Regards,

John Albert Mulvey

[Quoted text hidden]

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JOHN ALBERT MULVEY

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Email: jam5813@gmail.com

PRIVILEGED AND CONFIDENTIALITY NOTICE:

This e-mail and any attachments and/or enclosed e-mails is intended for the above named and/or intended recipient(s) only, and may contain privileged and confidential information. If you are not an intended recipient, please notify the sender of the miscommunication immediately by replying to this e-mail. Likewise you are asked to delete the message and not disclose the contents to anyone. Failure to maintain the confidentiality of this e-mail and any attachment may subject you to penalties under applicable law. In view of pandemic and national health & safety concerns, the undersigned is not receiving standardized mail via the postal service until further notice; only via email

United States <jam5813@gmail.com>
To: pam mulvey <psm5813@gmail.com>
Bcc: JAM5813@gmail.com

Tue, Jan 18, 2022 at 3:35 PM

Begin forwarded message:

From: "Kehoe, Barbara L. (OGC)" <Barbara.Kehoe2@va.gov>
Date: January 18, 2565 BE at 14:25:19 EST
To: Jam5813@gmail.com
Subject: Request for records of former VA employee

[Quoted text hidden]

Kehoe, Barbara L. (OGC) <Barbara.Kehoe2@va.gov>
To: J Mulvey <jam5813@gmail.com>

Tue, Jan 18, 2022 at 4:45 PM

I am unaware of any legal impediments to you speaking with Dr. Turek. Although he is a former employee and it is doubtful he would have retained any protected information since he left the VA, Dr. Turek would be bound by the Privacy Act with respect to release of any other veteran's protected information.

[Quoted text hidden]