

EXHIBIT B

REDACTED

From: Kishketon, Gregorio E. <Gregorio.Kishketon2@va.gov>
Sent: Wednesday, March 2, 2022 11:19 AM
To: Will Huntsberry <will.huntsberry@voiceofsandiego.org>
Cc: Kishketon, Gregorio E. <Gregorio.Kishketon2@va.gov>
Subject: Re: 22-03302-F IAD

Mr. Huntsberry,

Attached are your IAD – Initial Agency Decision letter, your records released and redacted, if you have any questions please contact me and our the VHA FOIA Office.

V/r
Gregorio Kishketon

Gregorio E. O. Kishketon M.S., B.S., A.S., A.A.S., COR II
Office of the Assistant Secretary for Health and Health Informatics
VHA FOIA Officer|FOIA Litigations |Information Access and Privacy Office
Office of Health Informatics and Analytics (VISNs 16, 17 & 22)
Health Information Governance (HIG) (105HIG)(365A)
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VA



U.S. Department of Veterans Affairs

Veterans Health Administration

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Veterans Health Administration
VHA FOIA Office (105HIG)
810 Vermont Avenue NW
Washington, DC 20420

In Reply Refer To: **FOIA Request 22-03302-F**

03/02/2022

Will Huntsberry
Voice of San Diego
110 West A st.
San Diego, CA, 92101

Dear Will Huntsberry:

This letter is the initial agency decision to your February 17, 2022, request under the Freedom of Information Act (FOIA), 5 U.S.C. § 552, submitted to the Department of Veterans Affairs (VA), Veterans Health Administration (VHA) Central Office FOIA Office requesting the following records:

I would like to request any audits or reports which look into the finances of Volunteers of America Southwest, a service provider in San Diego, which to my knowledge held several VA contracts over the years. I would like any report completed between Jan. 1, 2021 and the date this request is fulfilled. I presume these audits and reports to have been conducted by the VA Office of Business Oversight, however if any audits or reports were created by another agency within the VA I would also like those reports. I would also like to receive any supplemental material associated with said reports. It is my understanding that Volunteers of America Southwest received SSVF funds and that audits around those funds have been completed or are ongoing.

This VA document refers to at least some of the audits I am interested in: https://www.voiceofsandiego.org/wp-content/uploads/2021/05/V2_VOA-SWLetter-Suspend-Funds-and-Grant-Agreement.pdf If audits or reports related to any other VA funding streams that VOASW received exist (besides the SSVF fund audit referenced above) I would also like to receive those audits or reports. Please do not hesitate to contact me if I can in any way clarify this request..

As indicated in their February 17, 2022 letter, VACO FOIA Office referred your request to VHA Central Office FOIA Office for further processing and direct response to you under the FOIA tracking number of 22-03302-F. As stated in our March 3, 2022 letter acknowledging receipt, VHA FOIA Central Office FOIA received your request on February 17, 2022 under the above mentioned FOIA tracking number.

Jeffrey Houser, Compliance Officer, US Department of Veterans Affairs, Supportive Services for Veteran Families conducted a search for documents responsive to your request. The search was conducted by utilizing the search criteria of At the conclusion of the search, 2 documents, totaling 31 pages, were determined to be responsive to your request.

My review of the documents revealed that they contained information that falls within the disclosure protections of FOIA Exemption 6, 5 U.S.C. § 552(b)(6). FOIA Exemption 6 permits VA to withhold a document or information contained within a document if disclosure of the information would constitute a clearly unwarranted invasion of a living individual's 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. Therefore all other documents are a no records response or fall under exemption 6.

- Specifically, the information I am withholding, as indicated on the enclosed documents, under FOIA Exemption 6 consists of names and account numbers and the following:
- SSVF has never released an OBO audit report in a FOIA request and therefore we ask for clarification and determination to the ability to release this document. The information contains QI information for SSVF with regards to the grantee and perhaps should be considered in the same context as VHA audits.
- The supplemental materials requested are non-VA records and not available for SSVF to release. There are hundreds if not thousands of documents that go into the audit review process that includes case files and PII information for Veterans. In addition agency records such as payroll can contain PII and others QI materials and should be considered not FOIA relevant as we would be releasing private information without approval from those relevant to the scope of the record.
- It should be noted that there is an active Office of Inspector General (OIG) criminal review on this matter and there is a concern we have with releasing any report while the case is active. I can provide contact information if needed for the lead OIG agent. Releasing information could negatively impact their investigation and we ask to consider waiting until OIG criminal case is closed as the individuals associated with this information have a personal privacy interest in it.

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. The individuals associated with this information have a personal privacy interest in information that outweighs any public interest served by disclosure of their identities under FOIA. Consequently, I am denying your request for this information under FOIA Exemption 6, 5 U.S.C. § 552 (b)(6).

If you disagree with my determination to withhold the information under FOIA Exemption 6, please be advised you may appeal to:

Office of the General Counsel (024)
Department of Veterans Affairs
810 Vermont Avenue, N.W.
Washington, D.C. 20420

Email: ogcfoiaappeals@va.gov

If you should choose to file an appeal, your appeal must be postmarked or electronically transmitted no later than ninety (90) calendar days from the date of this letter. Please include a copy of this letter with your written appeal and clearly state why you disagree with the determinations set forth in this response.

You may also seek assistance and/or dispute resolution services for any other aspect of your FOIA request, excluding the release determination, from VHA's FOIA Public Liaison and or Office of Government Information Services (OGIS) as provided below:

VHA FOIA Public Liaison:
Email Address: vhafioa2@va.gov
Phone Number: (877) 461-5038

Office of Government Information Services (OGIS)

Email: 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

Thank you for your interest in VA. If you have any further questions, please feel free to contact me at or via email at gregorio.kishketon2@va.gov.

Sincerely,

Gregorio E. O. Kishketon

Gregorio Kishketon
VHA FOIA Officer

Enclosure: