

# **EXHIBIT 4**

**From:** MHixenbaugh PilotOnline  
**Sent:** Thursday, March 24, 2016 9:47 AM  
**To:** Swailes, Barbara K.  
**Cc:** Charles Ornstein; VHA FOIA  
**Subject:** Re: [EXTERNAL] Re: FOIA follow up

Barbara,

I'm checking in. Can you provide an estimated delivery date for this request?

*"- All correspondence (including emails and letters) as well as any memos and reports between Jan. 1, 2009 and the date this request is completed to and from Han K. Kang, former director of VA's War Related Illness and Injury Studies Center, regarding Agent Orange and dioxin, and its effects on veterans and/or their offspring.*

*- All correspondence (including emails and letters) as well as any memos and reports between Jan. 1, 2009 and the date this request is completed to and from Michael Peterson, former Chief Consultant, Post-Deployment Health, Public Health, regarding Agent Orange and dioxin and its effects on veterans and/or their offspring.*

**Mike Hixenbaugh**

*Staff Writer*

*The Virginian-Pilot*

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On Wed, Feb 17, 2016 at 8:11 AM, Swailes, Barbara K. <[Barbara.Swailes@va.gov](mailto:Barbara.Swailes@va.gov)> wrote:  
Mike,

IT has not yet provided me with an estimated delivery date. I did ask again yesterday.

Sincerely,

**Barbara Swailes, MHA, CIPP/US, CIPP/G**

**Acting Director, VHA FOIA Office (10P2C1) | Information Access and Privacy Office**

**Health Information Governance | Office of Informatics and Analytics**

810 Vermont Avenue, N.W. | Washington, D.C. 20420

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**From:** Mike Hixenbaugh [mailto:[mike.hixenbaugh@pilotonline.com](mailto:mike.hixenbaugh@pilotonline.com)]

**Sent:** Monday, February 15, 2016 9:03 AM

**To:** Swailes, Barbara K.

**Cc:** Charles Ornstein; VHA FOIA; VAVBAWAS/CO/FOIA; VACO 001B FOIA Inbox; Mack-Abney, Regina; Balsley, Pamela C.; Abboud, Jon

**Subject:** [EXTERNAL] Re: FOIA follow up

Barbara,

Following up again, specifically on this request:

*"- All correspondence (including emails and letters) as well as any memos and reports between Jan. 1, 2009 and the date this request is completed to and from Han K. Kang, former director of VA's War Related Illness and Injury Studies Center, regarding Agent Orange and dioxin, and its effects on veterans and/or their offspring.*

*- All correspondence (including emails and letters) as well as any memos and reports between Jan. 1, 2009 and the date this request is completed to and from Michael Peterson, former Chief Consultant, Post-Deployment Health, Public Health, regarding Agent Orange and dioxin and its effects on veterans and/or their offspring.*

In your Feb. 5 email, you indicated the status is as follows:

- **15-05014-F** - assigned to me. I am waiting for our Information Technology (IT) to complete the record search. The search request was submitted to IT on May 28, 2015. I have followed-up with IT. I have requested an estimated completion date from them.

Have you been able to obtain an estimated completion date? This particular request is a top priority for us. I will discuss with OGIS if we're not able to make progress on this.

Thank you.

-Mike

**Mike Hixenbaugh**

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On Fri, Feb 5, 2016 at 11:56 AM, Swailes, Barbara K. <[Barbara.Swailes@va.gov](mailto:Barbara.Swailes@va.gov)> wrote:  
Mr. Ornstein and Mr. Hixenbaugh,

I apologize for my delay in responding to your email. After reviewing our electronic FOIA tracking system, below are my findings:

- 15-05014-F - assigned to me. I am waiting for our Information Technology (IT) to complete the record search. The search request was submitted to IT on May 28, 2015. I have followed-up with IT. I have requested an estimated completion date from them.
- 15-07637-F – assigned to Lisa Matuszczak, Office of the Executive Secretary. This request was closed on September 24, 2015.
- 15-07638-F - assigned to Deana Marakowski, VHA FOIA Office, - open.
- 15-07639-F – assigned to Gwendolyn Smith, Veterans Benefits Administration, - open.
- 15-07640-F – assigned to Regina Mack-Abney, Office of Congressional and Legislative Affairs – open.
- 15-07641-F – assigned to Jon Abboud, Office of Policy and Planning – open.

Unfortunately, our electronic FOIA tracking system does not indicate where the assigned FOIA Officer is in their review process. Contact information for VA Central Office FOIA Officers is available on VA's website, [http://www.oprm.va.gov/foia/FOIA\\_offices\\_vaco.aspx](http://www.oprm.va.gov/foia/FOIA_offices_vaco.aspx). I have also included the assigned FOIA Officers on the email they may respond directly to any inquiry pertaining to their assigned request.

If you have any further questions, please feel free to contact me.

Thank you,

**Barbara Swailes, MHA, CIPP/US, CIPP/G**

**Acting Director, VHA FOIA Office (10P2C1) | Information Access and Privacy Office**

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**From:** Charles Ornstein [mailto:[Charles.Ornstein@propublica.org](mailto:Charles.Ornstein@propublica.org)]

**Sent:** Thursday, February 04, 2016 3:50 PM

**To:** MHixenbaugh PilotOnline; Swailes, Barbara K.

**Subject:** [EXTERNAL] RE: FOIA follow up

Hi Barbara, I wanted to follow up again on our FOIA. Thanks,  
Charlie Ornstein

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Charles Ornstein

Senior Reporter, ProPublica

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**From:** Graham, Timothy [mailto:[Timothy.Graham@va.gov](mailto:Timothy.Graham@va.gov)]

**Sent:** Tuesday, February 02, 2016 4:28 PM

**To:** Charles Ornstein; MHixenbaugh PilotOnline; Swailes, Barbara K.

**Subject:** RE: FOIA follow up

Hi Charles – I hope you are doing well.

I am actually not in the VHA FOIA Office right now, I have been out since November. I am including Barbara Swailes who is the Acting Director, VHA FOIA Office on this message to provide you some feedback.

Thank you,

**Timothy H. Graham | Acting Associate Director**

VA Central California Health Care System | p. [\(559\) 225-6100](tel:(559)225-6100), x. 5337

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**From:** Charles Ornstein [mailto:[Charles.Ornstein@propublica.org](mailto:Charles.Ornstein@propublica.org)]

**Sent:** Tuesday, February 02, 2016 1:25 PM

**To:** MHixenbaugh PilotOnline; Graham, Timothy

**Subject:** [EXTERNAL] RE: FOIA follow up

Hi Timothy, Because Mike is out for the next bit, I wanted to follow up with you on his note below.

Thanks.  
Charlie Ornstein

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Charles Ornstein  
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**From:** MHixenbaugh PilotOnline  
**Sent:** Saturday, January 30, 2016 11:31 AM  
**To:** [timothy.graham@VA.gov](mailto:timothy.graham@VA.gov)  
**Cc:** Charles Ornstein  
**Subject:** Fwd: FOIA follow up

Timothy,

I haven't had any luck getting a status update on the FOIA referenced below. I've emailed several times (as instructed in the initial FOIA response from last spring) and have called FOIA staffers in the office. Can you help with a status update and please let me know what can be done to expedite this request?

The request No: **15-05014-F**

I've also yet to receive information from these requests submitted in September: **15-07637-F, 15-07638-F, 15-07639-F, 15-07640-F, 15-07641-F**

A status update and any help moving those requests along would be appreciated. I'm working with Charles Ornstein of ProPublica. Please copy him on your response.

Thank you,

-Mike

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----- Forwarded message -----

From: **Mike Hixenbaugh** <[mike.hixenbaugh@pilotonline.com](mailto:mike.hixenbaugh@pilotonline.com)>  
Date: Fri, Jan 22, 2016 at 2:20 PM  
Subject: Re: FOIA follow up  
To: [vha2@va.gov](mailto:vha2@va.gov)  
Cc: Charles Ornstein <[Charles.Ornstein@propublica.org](mailto:Charles.Ornstein@propublica.org)>

Please respond promptly with an update on the status of this request and an estimate for when it will be completed:

Request No. **15-05014-F**. I submitted the request on May 12, 2015. Specifically, I had requested the following:

*"- All correspondence (including emails and letters) as well as any memos and reports between Jan. 1, 2009 and the date this request is completed to and from Han K. Kang, former director of VA's War Related Illness and Injury Studies Center, regarding Agent Orange and dioxin, and its effects on veterans and/or their offspring.*

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On Mon, Jan 11, 2016 at 3:32 PM, Mike Hixenbaugh <[mike.hixenbaugh@pilotonline.com](mailto:mike.hixenbaugh@pilotonline.com)> wrote:  
Please advise on the status of my FOIA Request No. **15-05014-F**. I submitted the request eight months ago on May 12, 2015. Specifically, I had requested the following:

*"- All correspondence (including emails and letters) as well as any memos and reports between Jan. 1, 2009 and the date this request is completed to and from Han K. Kang, former director of VA's War Related Illness and Injury Studies Center, regarding Agent Orange and dioxin, and its effects on veterans and/or their offspring.*

*- All correspondence (including emails and letters) as well as any memos and reports between Jan. 1, 2009 and the date this request is completed to and from Michael Peterson, former Chief Consultant, Post-Deployment Health, Public Health, regarding Agent Orange and dioxin and its effects on veterans and/or their offspring.*

(I'm a journalist with The Virginian-Pilot newspaper. My reporting partner, Charles Ornstein of ProPublica, is copied on this message.)

Thank you.

-Mike

**Mike Hixenbaugh**

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*The Virginian-Pilot*

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