

EXHIBIT 13

From: **Mike Hixenbaugh** <mike.hixenbaugh@pilotonline.com>
Date: Tue, Sep 1, 2015 at 11:41 AM
Subject: FOIA APPEAL: 15-05015-F OCLA
To: ogcfoiaappeals@va.gov

Dear Sir or Madam,

I'm writing to appeal the response to FOIA request No. 15-05015. The original request is attached, and below is the emailed response from the Office of Congressional and Legislative Affairs. I'm a reporter for The Virginian-Pilot newspaper working on a story in partnership with ProPublica.

In May, I requested the following from the Department of Veterans Affairs, among other documents:

"All Congressional correspondence (emails, letters, memos and reports) between Jan. 1, 2009 and the date this request is completed to and from the Department of Veterans Affairs staff regrading Agent Orange and Dioxin and its effects on veterans and/or their offspring."

I filed the request with the VA's designated FOIA office, and it was forwarded to their Office of Congressional and Legislative Affairs. In a response some three months later (forwarded below), the VA said:

"The documents you seek regarding the above mentioned correspondence from January 9, 2011 to the present, were not maintained in the Office of Congressional and Legislative Affairs."

It defies logic that the VA has received no congressional correspondence related to Agent Orange or dioxin over the past six years. The response leaves two possibilities: Either the VA is withholding the documentation, or it has destroyed the government records.

If the records are held in an office other than Congressional and Legislative Affairs, I request copies. If the correspondence has been disposed of, I request a written statement explaining why and under whose authority the records were destroyed.

Thank you,

Mike Hixenbaugh
Staff Writer
The Virginian-Pilot
Office: 757-446-2949
Cell: 330-990-9253
MikeHixenbaugh.com

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

From: **Mack-Abney, Regina** <regina.mack-abney@va.gov>
Date: Tue, Aug 25, 2015 at 2:09 PM
Subject: 15-05015-F OCLA FOIA Request
To: "mike.hixenbaugh@pilotonline.com" <mike.hixenbaugh@pilotonline.com>
Cc: "Mack-Abney, Regina" <regina.mack-abney@va.gov>

Mr. Mike Hixenbaugh,

This letter is to acknowledge receipt of your Freedom of Information Act (FOIA) request received by mail to the VA FOIA Office, May 2, 2015. in which you asked for documents pursuant to the Freedom of Information Act (FOIA).

Specifically you requested from OCLA:

"All Congressional correspondence (emails, letters, memos and reports) between Jan. 1, 2009 and the date this request is completed to and from the Department of Veterans

Affairs staff regrading Agent Orange and Dioxin and its effects on veterans and/or their offspring.”

The documents you seek regarding the above mentioned correspondence from January 9, 2011 to the present, were not maintained in the Office of Congressional and Legislative Affairs.

Please be advised that the Office of Congressional & Legislative Affairs did not refer your request to any other offices in the Department of Veterans Affairs.

This request was processed by the undersigned. You may appeal the determinations made in this response to:

Department of Veterans Affairs

General Counsel Office (024)

810 Vermont Avenue, N.W.

Washington, DC 20420

Please refer to FOIA 15-05015-F in your response. Be sure to include a copy of this letter, your request, and the reason for your appeal. You may also include a daytime phone in case the General Counsel needs additional information.

Sincerely,

/s/

Regina Mack-Abney

FOIA Officer

Office of Congressional
and Legislative Affairs

Regina L. Mack-Abney

Office of Congressional & Legislative Affairs (009)

810 Vermont Ave. NW (Rm. 501A)

Washington, DC 20420

Tel: [202.461.6459](tel:202.461.6459)

BB: [202.714.8593](tel:202.714.8593)

Cooke, Diane

From: Mike Hixenbaugh <mike.hixenbaugh@pilotonline.com>
Sent: Tuesday, May 12, 2015 3:26 PM
To: VACO FOIA Service Inbox
Subject: [EXTERNAL] Request for records

FOIA REQUEST

Department of Veterans Affairs
810 Vermont Avenue, NW
(005R1C) VACO
Washington, DC 20420

RECEIVED
MAY 12 2015

BY: FOIA SERVICE

May 12, 2015

Dear Sir or Madam,

Pursuant to the federal Freedom of Information Act, 5 U.S.C. 552, I request copies of 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.
- All Congressional correspondence (emails, letters, memos and reports) between Jan. 1, 2009 and the date this request is completed to and from Department of Veterans Affairs staff regarding Agent Orange and dioxin and its effects on veterans and/or their offspring.

As a news media representative, I ask you to please waive any applicable fees. This request is made as part of the news gathering process and not for commercial use.

As you are aware, under the Freedom of Information Act, all government documents are deemed public unless specifically exempted by law. If my request is denied in whole or part, I ask that you justify all deletions by reference to specific exemptions of the Act. I reserve the right to appeal.

As I am requesting this information as a journalist and this information is of timely value. Please contact me by telephone, rather than by mail if you have questions regarding this request. My phone number is 757-446-2949. My e-mail is mike.hixenbaugh@pilotonline.com.

I look forward to your reply within 20 business days, as the statute requires. I ask that you make documents available as they are located and am open to accepting them in stages if they are not available at the same time. In addition, I would like to request that the material be provided electronically.

Thank you in advance for your assistance.

Sincerely,

Mike Hixenbaugh
Reporter
The Virginian-Pilot
150 W Brambleton Ave,
Norfolk, VA 23510

Mike Hixenbaugh
Staff Writer
The Virginian-Pilot
Office: 757-446-2949
Cell: 330-990-9253
MikeHixenbaugh.com