

Ronald M. Yonemoto
94-254 Olua Place
Waipahu, Hawaii 96797

February 19, 2006

The Honorable Tim McClain
General Counsel (021B)
Department of Veterans Affairs
810 Vermont Avenue, N.W.
Washington, DC 20420

Re: Freedom of Information Act Appeal

Dear Sir:

This is an appeal under the Freedom of Information Act (FOIA) / Privacy Act (PA).

On February 2, 2006, I received a response to my FOIA/PA request submitted on November 15, 2005. (See Attachments) Miles Miyamoto, Assistant Regional Counsel, provided numerous pages of which 16 pages had redactions based on Exemption 2(b)(2) and another 3 pages with redactions based on Exemption 2(b)(6). (See Attachments) I am appealing the denial of full disclosure of these pages because the redacted portions do not fall within the FOIA Exemptions and must be disclosed under the FOIA/PA.

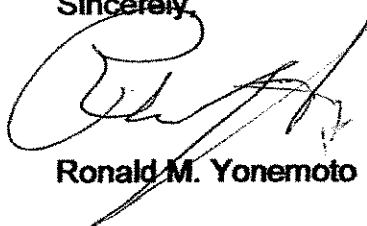
As to FOIA EXEMPTION 2(b)(2), Mr. Miyamoto wrote "internal matters of a relatively trivial nature" as the bases for the redactions on 16 pages. He provided neither the definition of "relatively trivial nature" nor reasons on how the redactions were "matters of a relatively trivial nature." The totality of the circumstances (string of emails preceding the redactions) does not show that the redactions involve an internal Agency personnel rule or practice or are sufficiently related to such rule or practice. The Agency is not burdened by the assembly and making accessible the e-mails with the redactions. Moreover, the redactions appear to be more of a personal nature or to be negative references about me. It should be noted that an Agency counsel should not invoke Exemption 2 to deny a request for information under FOIA when another statute (i.e. PA) indicates that I am entitled to receive information of the type which has been redacted.

Regarding FOIA EXEMPTION 2(b)(6), Mr. Miyamoto wrote "Personal Privacy Interest Exceeds Public Interest" as the bases for the redactions on the other 3 pages. Again, he neither provided the reasons for the redacted portions to be a privilege nor explained the privilege the redactions were protecting. Without the specific reasons for the redactions, not just a restatement of the law and regulation, there cannot be any effective rebuttal statement to question Mr. Miyamoto's decision for the redaction.

EXHIBIT P

In view of the foregoing, I am requesting that the redacted portions of the 19 pages be fully disclosed. I hope that the use of the Exemptions is not "an excuse for covering up a litany of bureaucratic embarrassment." I expect a final ruling on my appeal within twenty working days, the time specified in the statute. If you plan to continue to deny my appeal, please provide me with the reasons and bases of your denial and applicable legal references to include case law. Your expeditious consideration is appreciated.

Sincerely,

A handwritten signature in black ink, appearing to read 'Ronald M. Yonemoto', written over a horizontal line.

Ronald M. Yonemoto

cc: JoAnn Connolly, FOIA, Officer
Miles Miyamoto, Assistant Regional Counsel

Attachments as indicated above.