

EXHIBIT 3

Seth Watkins

From: Knight, Tracy <tracy.knight@va.gov>
Sent: Friday, November 13, 2015 7:31 AM
To: Harden, Willie R. (R&K Enterprise Inc.); Burch, Tom (John T.)
Cc: Seth Watkins; Knight, Tracy
Subject: FW: FOIA Appeal re Request to VA's Office of General Counsel Related to NICS

Importance: High

Tom & Willie - Please see this new FOIA from Mr. Seth Watkins. I am including him as a CC. On Oct 14, he emailed a FOIA Request to the OGC FOIA in box. He has not yet received an acknowledgement of his request.

Can you please advise him of status and case number as soon as possible?

Mr. Watkins - I am forwarding your request back to the OGC FOIA Office (026) for assistance.

Thank you,

Tracy C. Knight
Government Information Specialist
Office of General Counsel (024T) – Information Law Group
Department of Veteran Affairs (VACO)
810 Vermont Avenue, Washington DC 20420
Phone (202) 461-7743 ~***~ Fax (202) 273-6388

From: Seth Watkins [<mailto:Watkins@adduci.com>]
Sent: Friday, November 13, 2015 4:12 AM
To: OGC FOIA Appeals
Subject: [EXTERNAL] FOIA Appeal re Request to VA's Office of General Counsel Related to NICS

This will appeal the denial of information requested under FOIA.

Pending before the VA is a request dated and emailed to the VA on October 14, 2015. A copy of the request is forwarded below ("FOIA Request"). Receipt of the FOIA Request has not been acknowledged by the VA.

Pursuant to 5 U.S.C. § 552(a)(6)(A)(i), a response to the FOIA Request was due within 20 business days. Requester deems the VA's failure to provide a response determination within the statutory time limits as a denial of the FOIA Request. Requester hereby appeals the denial of the FOIA Request. See, e.g., 5 U.S.C. § 552(a)(6)(C).

Please respond to this appeal within 20 business days in accordance with 5 U.S.C. § 552(a)(6)(A)(ii).

Thank you.

Sincerely,
/s/
Seth A. Watkins

Seth A. Watkins, Ph.D.
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Washington, DC 20036
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From: Seth Watkins
Sent: Wednesday, October 14, 2015 4:47 PM
To: 'ogcfoiarequests@va.gov' <ogcfoiarequests@va.gov>
Subject: FOIA Request

This is a request under the Freedom of Information Act ("FOIA"), 5 U.S.C. § 552.

On behalf of our requester client, we hereby request copies of the following records from the U.S. Department of Veterans Affairs ("VA") under FOIA, preferably sent to the requester's undersigned attorney by email in electronic format (pdf):

- all records (including all amendments, supplements, exhibits, and addenda thereto) which set out or reflect the **VA's approved agency decision-making procedures concerning whether the name of a veteran is to be reported, identified, or otherwise referred for inclusion in the Mental Defective File of the National Instant Criminal Background Check System ("NICS") database (also known as the NICS Index Mental Defective Commitment File)**, in effect at any time during **2013 to the present**, including but not limited to any directive, guidance, policy, instruction, manual, procedure, guideline, standard, internal advice, message, checklist, flow chart, and/or memorandum with respect thereto (e.g., setting forth the procedure by which the VA may make a determination that an individual is "incompetent" with respect to handling his or her benefit payments such that a fiduciary must be appointed, *with the individual then facing prohibitions under the Brady Act*); and

- all records, **from 2010 to the present, indicating the total number of names of veterans reported, identified, or otherwise referred by the VA each year (or month or quarter) for inclusion in the Mental Defective File of the National Instant Criminal Background Check System ("NICS") database (also known as the NICS Index Mental Defective**

Commitment File) (e.g., requester seeks summary records indicating the total number of veterans reported annually for inclusion in the Mental Defective File of NICS).

We hereby consent to pay all costs incurred for search, duplication and review of materials up to \$250.00. If additional costs will be required, please contact me for my approval.

If any records are withheld from release, please identify the withheld records by producing and providing to me an index pursuant to *Vaughn v. Rosen*, 484 F.2d 820, 826-28 (D.C. Cir. 1973).

If the VA's Office of General Counsel does not have custody or control over certain requested and responsive records but knows or believes that another component of the VA subject to FOIA does, please forward this FOIA Request to the appropriate person and inform us that you have done so.

Please respond within 20 business days in accordance with 5 U.S.C. § 552(a)(6)(A).

If you have any questions about this request, please contact me immediately by the means listed below.

Thank you for your assistance with this matter.

Sincerely,

/s/

Seth A. Watkins

Seth A. Watkins, Ph.D.
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