

Subject: Re: [EXTERNAL] FOIA Request
Date: Wednesday, April 11, 2018 at 11:44:16 AM Eastern Daylight Time
From: Dan Zibel
To: Smith, Gwendolyn, VBAVACO, VAVBAWAS/CO/FOIA
CC: VACO FOIA Service Inbox

All,

I am once again following up on this request and hoping that I can get some acknowledgment from the VA. As set forth below, I first submitted this request (to vacofoiaservice@va.gov) on March 6, 2018. I did not get a response. I followed up on March 20, 2018, and was "advised that the records [I] have requested are not maintained at the VACO FOIA Service Office." I was referred to an "alternate email address" for VAVBAWAS/CO/FOIA and Ms. Gwendolyn Smith for reply. That same day, I responded with another copy of the FOIA request. On April 4, 2018, having gotten no response from the VAVBAWAS/CO/FOIA or Ms. Smith, I sent the email below seeking a status update. I still have received no response.

Please understand that the National Student Legal Defense Network intends to hold the VA to its statutory obligations under FOIA, including the possibility of pursuing recourse through litigation. I very much hope we don't have to go down that route.

Regards,

Dan Zibel
Vice President & Chief Counsel
National Student Legal Defense Network
1015 15th Street NW, Suite 600
Washington, D.C., 20005
dan@nsldn.org
<http://www.nsldn.org>

From: Dan Zibel <dan@nsldn.org>
Date: Wednesday, April 4, 2018 at 9:40 PM
To: "Smith, Gwendolyn, VBAVACO" <gwendolyn.smith1@va.gov>, VAVBAWAS/CO/FOIA <FOIA.VBACO@va.gov>
Cc: VACO FOIA Service Inbox <vacofoiase@va.gov>
Subject: Re: [EXTERNAL] FOIA Request

All,

I first submitted the attached request on March 6, 2018. Not having gotten any response, I followed up on March 20. That day, I was told that the VACO FOIA Service Office does not maintain the requested records, and that I should contact the [VAVBAWAS/CO/FOIA](#) or Ms. Gwendolyn Smith for a reply. They were included on that email, but I responded that same day to make sure there was nothing more I needed to do. I have received no response. Not only has the statutory timeframe now passed for a response from the VA, I still do not even have an acknowledgement that it has received the correct office.

Please confirm receipt of this message and I would appreciate a status update on my request.

Regards,

Dan Zibel
Vice President & Chief Counsel
National Student Legal Defense Network
1015 15th Street NW, Suite 600
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<http://www.nsldn.org>

On Mar 20, 2018, at 3:21 PM, Dan Zibel <dan@nsldn.org> wrote:

Thank you. By virtue of Ms. Smith and the VAVBAWAS/CO/FOIA email address being included on your response, I trust that I do not need to resubmit to the VA? Out of an abundance of caution, I've attached the request again.

<2018.03.06 FOIA to VA re Consumer Protection.pdf>

Dan Zibel
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National Student Legal Defense Network
dan@nsldn.org
<http://www.nsldn.org>

On Mar 20, 2018, at 10:50 AM, VACO FOIA Service Inbox <vacofoiase@va.gov> wrote:

Good morning Mr. Zibel,

The email acknowledges receipt of your electronic FOIA request dated March 6, 2018. The VACO FOIA Service Office received your request on March 6, 2018. Please be advised that the records you have requested are not maintained at the VACO FOIA Service Office. Therefore, we refer you to the alternate email address VAVBAWAS/CO/FOIA or Ms. Gwendolyn Smith for reply. Thank you for your interest in the VA.

Regards,

VACO FOIA Service Office

From: Dan Zibel [<mailto:dan@nsldn.org>]
Sent: Tuesday, March 20, 2018 10:19 AM
To: VACO FOIA Service Inbox; VAVBAWAS/CO/FOIA
Cc: Dan Zibel
Subject: [EXTERNAL] Re: FOIA Request

Dear Sir or Madam:

The attached FOIA request was submitted on March 6, 2018 to vacofoiaservice@va.gov. I have not yet received an acknowledgment of my request. I am transmitting this request again to that same email address, as well as to foil.vbaco@va.gov, as I am not sure which office is the appropriate recipient.

Thank you.

Dan Zibel
Vice President & Chief Counsel
National Student Legal Defense Network
dan@nsldn.org
<http://www.nsldn.org>

On Mar 6, 2018, at 5:35 PM, Dan Zibel <dan@nsldn.org> wrote: