

March 6, 2018

Via Email

Office of General Counsel (024)
Department of Veterans Affairs
810 Vermont Avenue NW
Washington, DC 20420
Ogcfoiaappeals@va.gov

Re: Appeal of FOIA Request No.: 16-01682-F

To Whom it May Concern:

Our firm represents Caring Hands Health Equipment and Supplies, LLC (“Caring Hands”). On behalf of Caring Hands, we file this appeal of the VA’s unreasonable delay in responding to the FOIA request referenced above. On December 1, 2015, Caring Hands submitted a FOIA request to the VA (VISN 7) seeking:

Copies of all VA VISN 7 procurement and related supporting documents, executed and issued by the VA, during the period January 2015 to present, more particularly set forth below; to acquire Durable Medical Equipment services from any commercial or government organization(s), other than those DME services covered and acquired under the active VA IDIQ contract number VA247-15-D-0258 and VA247-15-D-0262 with Caring Hands Health Equipment & Supplies LLC. 1. Full and complete copies of all contracts, purchase orders, delivery orders, credit card or P-card orders, or other ordering documents, issued by any VISN 7 acquisition organizations procuring DME services from January 2015 to present. 2. For each acquisition covered by 1. Above; provide full and complete copies of all internal VA justification, supporting, and authorizations documents. 3. For each acquisition covered by 1. Above; provide the name, mailing address, e-mail address, and phone number of the VA purchasing or contracting employee(s) that evaluated, approved, executed, issued, and authorized payment for each of these acquisitions. 4. For each VA employee covered by 3. Above; provide his or her supervisor’s mailing address, e-mail address, and phone number.

This FOIA request was received by the VA on December 1, 2015. As you are aware, the federal FOIA statute requires that an agency receiving a FOIA request provide a response to the requester within twenty days of receiving the request. 5 U.S.C. § 552(a)(6)(i). In contravention of this requirement, the VA did not provide Caring Hands a response to its FOIA request until February 12, 2018, ***over two years after the request was received.*** This is an egregious violation of the FOIA statute.



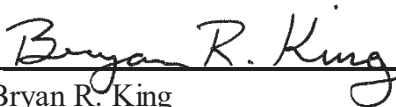
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In addition to making Caring Hands wait over two years for a response to its FOIA request, the VA's February 12, 2018 response letter stated that the VA had placed Caring Hands' request in the "complex processing track," which is the slowest of the two tracks used by the VA in responding to FOIA requests. Given that the VA has already taken over two years to simply respond to Caring Hands' FOIA request, it is difficult to imagine how long it will take for the VA to actually produce documents from the "slower" track.

The VA has taken an unreasonable amount of time to consider Caring Hands' FOIA request. After over two years, Caring Hands has not received any documents from the VA in response to its request, nor has the VA provided Caring Hands with a realistic estimate of when responsive documents will be produced. As a result, Caring Hands submits this appeal, and requests that the VA immediately produce documents responsive to Request No. 16-01682-F, and pay for all costs of producing the responsive documents.

Please feel free to contact me if you would like to discuss this matter.

Respectfully,


Bryan R. King
Edward J. Tolchin
703.745.1820
bking@offitkurman.com
etolchin@offitkurman.com

Attorneys for Caring Hands