

### **Index of Exhibits**

- 1. July 18, 2018 email from Veterans Health Administration Central Office FOIA Office that identifies [vamccentralalabamafoia@va.gov](mailto:vamccentralalabamafoia@va.gov) & [donna.mackey-pollard@va.gov](mailto:donna.mackey-pollard@va.gov) as the Central Alabama Veterans HealthCare System (CAVHCS) email accounts to send FOIA request**
- 2. Screen shot image of Defendants' Global Address Book showing Donna Mackey-Pollard as owner and member, and Errica Brown as member of CAVHCS' official FOIA email account**
- 3. Email identifying [Farooqi, Amir] as the CAVHCS' Interim Director, and his email address**
- 4. January 3, 2020 email FOIA request Plaintiff sent to Defendant**
- 5. Page one of Technologist Workload report Plaintiff attached to email Plaintiff sent Defendant on January 3, 2020**
- 6. Page two of Technologist Workload report Plaintiff attached to email Plaintiff sent Defendant on January 3, 2020**
- 7. January 3, 2020 US Postal Service Certified Mail Receipt for FOIA Request Plaintiff mailed Defendant**
- 8. Signed FOIA request letter plaintiff attached to email Plaintiff sent Defendant on January 3, 2020**
- 9. January 6, 2020 Text message from United States Postal Service (USPS) to Plaintiff's phone confirming deliver of FOIA request letter Plaintiff mailed Defendant on Jan 3, 2020**
- 10. February 6, 2020 email Plaintiff sent Defendant to inquire on status of Plaintiff's January 3, 2020 FOIA request**
- 11. February 14, 2020 email Plaintiff sent Defendant to inquire on status of Plaintiff's January 3, 2020 FOIA request**
- 12. February 14 US Postal Service Certified Mail Receipt for FOIA Request Plaintiff mailed Defendant on January 3, 2020**
- 13. February 14, 2020 signed follow-up letter Plaintiff mailed Defendant to check on the status of Plaintiff's January 3, 2020 FOIA request**
- 14. February 18, 2020 USPS confirmation of delivery of letter Plaintiff mailed Defendant on February 14, 2020**

## Exhibit-1

From: Cephias, Tracy (tracy.cephias@va.gov)  
To: twinradmedic@yahoo.com  
Cc: vhafoia2@va.gov; vamccentralalabamafoia@va.gov; donna.mackey-pollard@va.gov  
Date: Wednesday, July 18, 2018, 03:51 PM EDT

Good Afternoon Mr. Bailey,

Attached to this message is VHA's acknowledgment of your FOIA Request. Your request has been transferred to the Central Alabama Veterans Health Care System for action. Please let me know if you should have any questions.

I would kindly appreciate your confirmation of receipt of this email. A hard copy of the attached letter will not follow in postal mail unless specifically requested by you.

V/R,

Ms. Tracy R. Cephias, Staff Assistant  
VHA Central Office FOIA Office (10A7B)  
810 Vermont Avenue, NW  
Washington, DC 20420  
Office: 202-461-5879  
Fax: 202-273-9387  
Email: [Tracy.Cephias@va.gov](mailto:Tracy.Cephias@va.gov)

**"I am a Disabled Army Veteran and former Army Civilian and I CARE!"**

# Exhibit-2

## VA Global Address Book

From: collin bailey (twinradmedic@yahoo.com)

To: twinradmedic@yahoo.com

Date: Friday, March 6, 2020, 10:29 AM EST

The screenshot shows a Microsoft Word document with a menu bar at the top including File, Message, Insert, Options, Format Text, Review, Help, Acrobat, and a search icon with the text 'Tell me what you want to do'. The document content is a distribution list for a group named 'VAMC CENTRAL ALABAMA FOM'. On the left side, there are icons for 'Send' and 'Subject'. The list includes:

- Owner:** Mackey-Pollard, Donna C. CAVHCS, Privacy, FOIA Officer
- Members:**
  - Brown, Erica H. CAVHCS, Chief, HRMS
  - Mackey-Pollard, Donna C. CAVHCS, Privacy, FOIA Officer

# Exhibit-3

From: collin bailey (twinradmedic@yahoo.com)

To: twinradmedic@yahoo.com

Date: Friday, March 6, 2020, 10:26 AM EST

**From:** Farooqi, Amir <Amir.Farooqi@va.gov>

**Subject:** WEEKLY MESSAGE - From the Interim Director



**Amir Farooqi, FACHE**

Interim Director



image002.jpg

23.5kB

## Exhibit-4 Page 1 of 2

### FOIA Request

From: collin bailey (twinradmedic@yahoo.com)  
To: vamccentralalabamafoia@va.gov  
Cc: twinradmedic@yahoo.com; donna.mackey-pollard@va.gov; errica.brown@va.gov  
Date: Friday, January 3, 2020, 12:32 PM EST

I am requesting a CAVHCS Imaging Department "Technologist Workload Report," similar to what is pictured on page two of attachment one. Page one of the attachment shows the submenu of where the report might be located in the VistA Imaging package. The CAVHCS Imaging Service Quality Assurance/Control employee or any of the supervisors can run the requested report as they have access, I have shown them how to generate the report, and I previously observed each of them print it in the past. Run the report with the following parameters:

1. Name of Report: "Technologist Workload Report
2. Do you wish only summary report: YES
3. Med Division: ALL
4. Include all Technologists: NO (Report should only reflect my [Bailey, Collin C.] workload count)
5. Beginning date: Nov 23, 2016
6. Ending date: **PRESENT (this means the date the report is ran)**
7. Report must show count of all exams in an "Examined, Transcribed, Dictated, & Complete" status under my name
8. Device: Print hard copy and email to me (the report should not require editing and should look identical to page two of the attachment)
9. **\*\*Note\*\*** the selected Division should include all work in the CAVHCS VistA Imaging Radiology Package that comprises "Central Alabama HCS." This includes, but is not limited to all work completed/processed for the East & West campuses, Fort Rucker, and the MVAC.
10. This report I am requesting includes the period after I left the agency. This report does not violate any patient, staff, HIPAA, or privacy policy and is specific to me only. Please contact me through email or 706-325-1400, if you need additional information.

#### Attached:

1. Signed request letter
2. Attachment 1-Example of workload report being requested

# Exhibit-4

## Page 2 of 2



request letter.pdf  
152.3kB



Attachment 1.pdf  
282.7kB

# Exhibit-5

## 16.3.2 Technologist Report

Rad/Nuc Med Total System Menu ...  
Management Reports Menu ...  
Personnel Workload Reports ...  
**Technologist Report**

Select Personnel Workload Reports Option: **TECH**Nologist Report

Technologist Workload Report:  
-----

Do you wish only the summary report? NO// YES

Select Rad/Nuc Med Division: All//

Another one (Select/De-Select):

Do you wish to include all Technologists? Yes// YES

\*\*\*\* Date Range Selection \*\*\*\*

Beginning DATE : 8/1/2006 (AUG 01, 2006)

**Exhibit-6****Radiology Package (RA)**

Ending DATE : 8/31/2006 (AUG 31, 2006)

The entries printed for this report will be based only  
on exams that are in one of the following statuses:**GENERAL RADIOLOGY**EXAMINED  
TRANSCRIBED  
DICTATED  
COMPLETE

DEVICE: HOME// Virtual

&gt;&gt;&gt; Technologist Workload Report &lt;&lt;&lt;

Page: 1

Division: XXXXXXXXXX  
Imaging Type: GENERAL RADIOLOGY  
Run Date: AUG 17,2007 14:51For period: AUG 1,2006 to  
AUG 31,2006

Technologist	Examinations			Percent Exams	Percent WWU	
	In	Out	Total		WWU	WWU
(Imaging Type Summary)						
ALLEN, RHONDA RTMCT	4	94	98	4.4	371	4.0
BUNTON, HEATHER M	20	297	317	14.2	1179	12.6
BYOUS, LACEY S RT	11	410	421	18.9	1027	11.0
CREEL, HASKEL L RTCT	16	292	308	13.8	2318	24.7
GANDEE, ALFRED L	11	226	237	10.6	565	6.0
HART, TIFFANY M	4	84	88	3.9	348	3.7
JOHNSON, WILLARD RT	11	170	181	8.1	573	6.1
REECE, RUSSELL W RT	0	2	2	0.1	4	0.0
SMITH, SENECA M RT	2	44	46	2.1	129	1.4
STANDISH, BETTINA G RT	2	155	157	7.0	599	6.4
STRAIN, SHELLY A RT	0	11	11	0.5	29	0.3
TIDWELL, JANET M RT	13	191	204	9.1	1448	15.5
WILLIAMS, DIANE K RT	0	161	161	7.2	780	8.3
Imaging Type Total	94	2137	2231		9370	

Figure 16-12: Technologist Report



U.S. Postal Service  
**CERTIFIED MAIL RECEIPT**  
 Domestic Mail Only

**Exhibit-7**

7019 1640 0001 8654 1096

For delivery information, visit us at [www.usps.com](http://www.usps.com)

**MONTGOMERY, AL 36109**

**OFFICIAL USE**

Certified Mail Fee \$3.50

Extra Services & Fees (check box, add fee to appropriate amount)

Return Receipt (hardcopy) \$0.00

Return Receipt (electronic) \$0.00

Certified Mail Restricted Delivery \$0.00

Adult Signature Required \$0.00

Adult Signature Restricted Delivery \$0.00

Postage \$0.55

Total Postage and Fees \$4.05

Sent To  
 Street and Apt. No., or PO Box No.  
 City, State, ZIP+4®

CAVHC S, 215 Perry Hill Rd (FOIA O (1))  
 Montgomery AL, 36109

Postmark: MIDLAND, GA 0220 04  
 03 03 2020

MIDLAND  
 9232 COUNTY LINE RD  
 MIDLAND, GA 31820-9998  
 125841-0220  
 (800)275-8777  
 01/03/2020 01:33 PM

Product	Qty	Unit Price	Price
First-Class Mail® Letter (Domestic)	1	\$0.55	\$0.55
Certified (USPS Certified Mail #)			\$3.50
Affixed Postage (Affixed Amount: \$0.55)			(\$0.55)
<b>Total:</b>			<b>\$3.50</b>

Credit Card Remitd \$3.50  
 (Card Name: VISA)  
 (Account #: XXXXXXXXXXXXX2089)  
 (Approval #: 003900)  
 (Transaction #: 683)  
 (AID: A0000000031010 Chip)  
 (AL: Visa Credit)  
 (PIN: Not Required)

Text your tracking number to 28777 (2USPS) to get the latest status. Standard Message and Data rates may apply. You may also visit [www.usps.com](http://www.usps.com) USPS Tracking or call 1-800-222-1811.

Preview your Mail  
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[www.informeddelivery.com](http://www.informeddelivery.com)

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Go to:  
<https://postalexperience.com/Pos>

840-5310 0418-002-00034-40206 02

or scan this code with your mobile device:



or call 1-800-410-7420.

# Exhibit-8

Collin C. Bailey  
8017 Orchard Hill Dr.  
Midland GA, 31820

January 3, 2020

Central Alabama Veterans Healthcare System  
ATTN: Freedom of Information Act Office (FOIA)  
215 Perry Hill Rd,  
Montgomery, AL 36109

I am requesting a CAVHCS Imaging Department "Technologist Workload Report," similar to what is pictured on page two of attachment one. Page one of the attachment shows the submenu of where the report might be located in the Vista Imaging package. The CAVHCS Imaging Service Quality Assurance/Control employee or any of the supervisors can run the requested report as they have access, I have shown them how to generate the report, and I previously observed each of them print it in the past. Run the report with the following parameters:

1. Name of Report: "Technologist Workload Report"
2. Do you wish only summary report: YES
3. Med Division: ALL
4. Include all Technologists: NO (Report should only reflect my [Bailey, Collin C.] workload count)
5. Beginning date: Nov 23, 2016
6. Ending date: PRESENT (this means the date the report is ran)
7. Report must show count of all exams in an "Examined, Transcribed, Dictated, & Complete" status under my name
8. Device: Print hard copy and email to me (the report should not require editing and should look identical to page two of the attachment)
9. **\*\*Note\*\*** the selected Division should include all work in the CAVHCS Vista Imaging Radiology Package that comprises "Central Alabama HCS." This includes, but is not limited to all work completed/processed for the East & West campuses, Fort Rucker, and the MVAC.
10. This report I am requesting includes the period after I left the agency. This report does not violate any patient, staff, HIPAA, or privacy policy and is specific to me only. Please contact me through email or 706-325-1400, if you need additional information.

  
Collin C. Bailey

Exhibit-9

USPS 70191640000186541096  
Latest Status: Departed USPS  
Destination Facility 01/05/2020  
11:12pm MONTGOMERY AL  
DISTRIBUTION CENTER Reply  
STOP to cancel

USPS 70191640000186541096,  
Expected Delivery by Monday,  
January 6, 2020 by 8:00pm  
Reply STOP to cancel

USPS 70191640000186541096:  
Request for Package Delivered  
confirmed



Thanks

Okay



## Exhibit-10, Page 1 of 2

Follow up on FOIA Request sent 3 January 2020

From: collin bailey (twinradmedic@yahoo.com)  
To: vamccentralalabamafoia@va.gov  
Cc: donna.mackey-pollard@va.gov; errica.brown@va.gov; twinradmedic@yahoo.com  
Date: Thursday, February 6, 2020, 09:47 AM EST

All federal agencies are required to respond to a FOIA request within 20 business days, unless there are "unusual circumstances." This time- period generally begins when the request is received by the FOIA office. On 3 January 2020, I sent a FOIA request to email accounts:

VAMCCentralAlabamaFOIA@va.gov [vamccentralalabamafoia@va.gov](mailto:vamccentralalabamafoia@va.gov)

Donna C. CAVHCS Mackey-Pollard < [donna.mackey-pollard@va.gov](mailto:donna.mackey-pollard@va.gov)

[errica.brown@va.gov](mailto:errica.brown@va.gov) [errica.brown@va.gov](mailto:errica.brown@va.gov);

On 3 January 2020, I also sent this same request through the US Post Office to:

Central Alabama Veterans Healthcare System

ATTN: FOIA Office (Donna Mackey-Pollard or Errica Brown)

215 Perry Hill Rd,

Montgomery, AL 36109

The request was for a copy of my official workload report, which is specific to me. CAVHCS is the custodian of the records because that is where I previously worked. I do not believe my request met any of the conditions for an, "Unusual circumstance," and to date the agency has not identified an exemption, under which it can legally withhold the information. Despite this, the agency has not acknowledged my request, nor has it agreed to give me the report or provide a reason for denying my request.

This email is a follow up to inquire on the status of my request.

On Friday, January 3, 2020, 12:33:03 PM EST, collin bailey <[twinradmedic@yahoo.com](mailto:twinradmedic@yahoo.com)> wrote:

## Exhibit-10, Page 2 of 2

I am requesting a CAVHCS Imaging Department "Technologist Workload Report," similar to what is pictured on page two of attachment one. Page one of the attachment shows the submenu of where the report might be located in the VistA Imaging package. The CAVHCS Imaging Service Quality Assurance/Control employee or any of the supervisors can run the requested report as they have access, I have shown them how to generate the report, and I previously observed each of them print it in the past. Run the report with the following parameters:

1. Name of Report: "Technologist Workload Report"
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3. Med Division: ALL
4. Include all Technologists: NO (Report should only reflect my [Bailey, Collin C.] workload count)
5. Beginning date: Nov 23, 2016
6. Ending date: **PRESENT (this means the date the report is ran)**
7. Report must show count of all exams in an "Examined, Transcribed, Dictated, & Complete" status under my name
8. Device: Print hard copy and email to me (the report should not require editing and should look identical to page two of the attachment)
9. **\*\*Note\*\*** the selected Division should include all work in the CAVHCS VistA Imaging Radiology Package that comprises "Central Alabama HCS." This includes, but is not limited to all work completed/processed for the East & West campuses, Fort Rucker, and the MVAC.
10. This report I am requesting includes the period after I left the agency. This report does not violate any patient, staff, HIPAA, or privacy policy and is specific to me only. Please contact me through email or 706-325-1400, if you need additional information.

Attached:

1. Signed request letter
2. Attachment 1-Example of workload report being requested



**Exhibit-11, Page 1 of 4**

Re: Follow up on FOIA Request sent 3 January 2020

From: collin bailey (twinradmedic@yahoo.com)

To: vamccentralalabamafoia@va.gov

Cc: donna.mackey-pollard@va.gov; errica.brown@va.gov; amir.farooqi@va.gov; twinradmedic@yahoo.com

Date: Friday, February 14, 2020, 12:25 PM EST

Ms. Donna Mackey-Pollard and Ms. Errica Brown,

As an agency within the Executive Branch of the Federal government, VA must comply with FOIA. As an administration within VA, all components of VHA must comply with FOIA. As a component of VHA, Central Alabama Veterans HealthCare System (CAVHCS) must comply with FOIA. As the facility FOIA Officer and Supervisor of CAVHCS FOIA Office, both of you must comply with FOIA.

On January 3, 2020, I sent you a properly formatted FOIA request through four different channels. I sent my request by regular mail through the US postal system (USPS). I sent the same request by certified mail through the USPS. I addressed both letters to the Perry Hill address above. That day I also emailed a signed hard copy of that same request to [VAMCCentralAlabamaFOIA@va.gov](mailto:VAMCCentralAlabamaFOIA@va.gov) [vamccentralalabamafoia@va.gov](mailto:vamccentralalabamafoia@va.gov), which is CAVHCS' official FOIA Email mailbox. As the FOIA Officer, you Ms. Mackey-Pollard are obligated to ensure this mailbox created solely for the receipt of FOIA requests, is functional and monitored on a daily basis. Lastly, I forwarded the same email with the attachment to Donna C. CAVHCS Mackey-Pollard <[donna.mackey-pollard@va.gov](mailto:donna.mackey-pollard@va.gov)> and Errica Brown <[errica.brown@va.gov](mailto:errica.brown@va.gov)>. The CAVHCS FOIA mailbox lists you, Ms. Mackey-Pollard as "Owner," and you Ms. Brown as "Member." A request for records received at a VHA component must be promptly referred for action to the appropriate FOIA Officer. Neither of you contacted me to advise that I sent my request improperly, to the wrong person, or that you forwarded my request to another individual, facility or agency. Therefore, I consider my request properly submitted to CAVHCS, which is the custodian of the records I seek.

In every practical sense, on 3 January 2020, I submitted a proper FOIA request to the CAVHCS FOIA Office, which you Mr. Brown, supervise and you Ms. Mackey-Pollard, is listed as the FOIA Officer. The FOIA Officer's responsibility includes Processing FOIA requests addressed to, received by or assigned to the facility in accordance with VA directive 1935 and the FOIA. Within 10 business days of receipt of the request, the FOIA Officer should have formally acknowledged my request by sending me an acknowledgment letter. CAVHCS then had 20 business days to provide me a final response determination letter. If CAVHCS was going to grant the request, the FOIA Officer should have advised me of the track into which the request had been placed and the criteria of the faster track. If CAVHCS needed clarification, it should have contacted me and given me the opportunity to refine or edit my request. If CAVHCS had made an "Adverse determination," to deny my request, it should have explained this in writing and identify the "Unusual circumstances" or exemption that governed the action, along with the information necessary to appeal the decision. These actions are indicative of an agency that complies with the FOIA; but it appears CAVHCS believes it is above the law and does not have to acknowledge my request.

**Exhibit-11, Page 2 of 4**

For this reason, on February 6, 2020, I sent a follow up email to the three email accounts listed above. This follow-up was to remind you that, "When a VHA FOIA Officer receives a status request from a FOIA requester, the FOIA Officer shall provide, at a minimum, the date the FOIA office originally received the request, where the request resides in the FOIA Officer's processing queue, as well as an estimated timeframe upon which the FOIA request is expected to be completed." Today is February 14, 2020, and I still have not heard from the CAVHCS FOIA Office.

The email I am sending you today, which will also be followed by certified mail, is my third and final follow up to inquire on the status of the FOIA request I submitted to CAVHCS on January 3, 2020. My next step will be to utilize the legal means available to me, to compel CAVHCS to comply with the FOIA.

My original request was for a CAVHCS Imaging Department "Technologist Workload Report," similar to what is pictured on page two of attachment one. Page one of the attachment shows the submenu of where the report might be located in the VistA Imaging package. The CAVHCS Imaging Service Quality Assurance/Control employee or any of the supervisors can run the requested report as they have access, I have shown them how to generate the report, and I previously observed each of them print it in the past. Run the report with the following parameters:

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**Attached**

1. Copy of signed request originally sent on 3 Jan 2020
2. signed 14 Feb 2020, FOIA follow-up letter, which also body of this email
3. Attachment one (example of workload report I am requesting) from original 3 Jan 2020 email request

On Thursday, February 6, 2020, 09:47:21 AM EST, collin bailey <twinradmedic@yahoo.com> wrote:

**Exhibit-11, Page 3 of 4**

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1. Name of Report: "Technologist Workload Report"



**Exhibit-11, Page 4 of 4**

2. Do you wish only summary report: YES
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8. Device: Print hard copy and email to me (the report should not require editing and should look identical to page two of the attachment)
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**Attached:**

1. Signed request letter
2. Attachment 1-Example of workload report being requested



Feb 14 FOIA Follow-up letter.pdf  
504.1kB



Jan 3, 2020 signed FOIA Request letter.pdf  
152.3kB



Attachment 1 (Example of workload report).pdf  
282.7kB

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**CERTIFIED MAIL RECEIPT**  
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For delivery information visit our website at [www.usps.com](http://www.usps.com)

**MONTGOMERY AL 36109**

**CERTIFIED MAIL**

Certified Mail Fee **\$3.55**

Extra Services & Fees (check box, add fee)

Return Receipt (hardcopy) \$ 0.00

Return Receipt (electronic) \$ 0.00

Certified Mail Restricted Delivery \$ 0.00

Adult Signature Required \$ 0.00

Adult Signature Restricted Delivery \$ 0.00

Postage **\$0.55**

Total Postage and Fees **\$4.10**

Postmark: **02/14/2020**

Post Office: **WYNNTON, GA 31906**

Send To: **WYNNTON, GA 31906**

Street and Apt. No., or PO Box No. \_\_\_\_\_

City, State, ZIP+4<sup>®</sup> \_\_\_\_\_

PS Form 3800, April 2010 (rev. 10-2019) PSN 7530-01-000-9000 See Reverse for Instructions

**Exhibit-12**

WYNNTON  
 1179 HENRY AVE  
 COLUMBUS, GA 31906 9998  
 121994-0506  
 (800)275-8777  
 02/14/2020 02:33 PM

Product	Qty	Unit Price	Price
First-Class Mail® Letter (Domestic) (MONTGOMERY, AL 36109) (Weight:0 Lb 0.80 Oz) (Estimated Delivery Date) (Tuesday 02/18/2020)	1	\$0.55	\$0.55
Certified (USPS Certified Mail #) (7019164000186541744)			\$3.55
<b>Total:</b>			<b>\$4.10</b>
Credit Card Remitd (Card Name:VISA) (Account #:XXXXXXXXXX2089) (Approval #:014057) (Transaction #:309) (AID:A0000000031010) (AL:Visa Credit) (PIN:Not Required)			\$4.10

Text your tracking number to 28777 (2USPS) to get the latest status. Standard Message and Data rates may apply. You may also visit [www.usps.com](http://www.usps.com) USPS-tracking or call 1-800-222-1811.

Preview your Mail  
 Track your Packages  
 Sign up for FREE @  
[www.informedelivery.com](http://www.informedelivery.com)

All sales final on stamps and postage  
 Refunds for guaranteed services only.  
 Thank you for your business.

HELP US SERVE YOU BETTER

TELL US ABOUT YOUR RECENT  
 POSTAL EXPERIENCE

Go to:  
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## Exhibit-13, Page 1 of 2

Collin Bailey  
8017 Orchard Hill Dr.  
Midland GA, 31820  
February 14, 2020

CAVHCS FOIA Office  
Central Alabama Veterans Healthcare System  
215 Perry Hill Rd  
Montgomery, AL 36109-3725

Ms. Donna Mackey-Pollard and Ms. Errica Brown,

As an agency within the Executive Branch of the Federal government, VA must comply with FOIA. As an administration within VA, all components of VHA must comply with FOIA. As a component of VHA, Central Alabama Veterans HealthCare System (CAVHCS) must comply with FOIA. As the facility FOIA Officer and Supervisor of CAVHCS FOIA Office, both of you must comply with FOIA.

On January 3, 2020, I sent you a properly formatted FOIA request through four different methods. I sent my request by regular mail through the US postal system (USPS). I sent the same request by certified mail through the USPS. I addressed both letters to the Perry Hill address above. That day I also emailed a signed hard copy of that same request to [VAMCCentralAlabamaFOIA@va.gov](mailto:VAMCCentralAlabamaFOIA@va.gov) [vamccentralalabamafoia@va.gov](mailto:vamccentralalabamafoia@va.gov), which is CAVHCS' official FOIA Email mailbox. As the FOIA Officer, you Ms. Mackey-Pollard are obligated to ensure this mailbox created solely for the receipt of FOIA requests, is functional and monitored on a daily basis. Lastly, I forwarded the same email with the attachment to Donna C. CAVHCS Mackey-Pollard <[donna.mackey-pollard@va.gov](mailto:donna.mackey-pollard@va.gov) and [errica.brown@va.gov](mailto:errica.brown@va.gov) and [errica.brown@va.gov](mailto:errica.brown@va.gov). The CAVHCS FOIA mailbox lists you, Ms. Mackey-Pollard as "Owner," and you Ms. Brown as "Member." A request for records received at a VHA component must be promptly referred for action to the appropriate FOIA Officer. Neither of you contacted me to advise that I sent my request improperly, to the wrong person, or that you forwarded my request to another individual, facility or agency. Therefore, I consider my request properly submitted to CAVHCS, which is the custodian of the records I seek.

In every practical sense, on 3 January 2020, I submitted a proper FOIA request to the CAVHCS FOIA Office, which you Mr. Brown, supervise and you Ms. Mackey-Pollard, is listed as the FOIA Officer. The FOIA Officer's responsibly includes Processing FOIA requests addressed to, received by or assigned to the facility in accordance with VA directive 1935 and the FOIA. Within 10 business days of receipt of the request, the FOIA Officer should have formally acknowledged my request by sending me an acknowledgment letter. CAVHCS then had 20 business days to provide me a final response determination letter. If CAVHCS was going to grant the request, the FOIA Officer should have advised me of the track into which the request had been placed and the criteria of the faster track. If CAVHCS needed clarification, it should have contacted me and given me the opportunity to refine or edit my request. If CAVHCS had made an "Adverse determination," to deny my request, it should have explained this in writing and identify the "Unusual circumstances" or exemption that governed the action, along with the

## Exhibit-13, Page 2 of 2

information necessary to appeal the decision. These actions are indicative of an agency that complies with the FOIA; but it appears CAVHCS believes it is above the law and does not have to acknowledge my request.

For this reason, on February 6, 2020, I sent a follow up email to the three email accounts listed above. This follow-up was to remind you that, "When a VHA FOIA Officer receives a status request from a FOIA requester, the FOIA Officer shall provide, at a minimum, the date the FOIA office originally received the request, where the request resides in the FOIA Officer's processing queue, as well as an estimated timeframe upon which the FOIA request is expected to be completed." Today is February 14, 2020, and I still have not heard from the CAVHCS FOIA Office.

The email I am sending you today, which will also be followed by certified mail, is my third and final follow up to inquire on the status of the FOIA request I submitted to CAVHCS on January 3, 2020. My next step will be to utilize the legal means available to me, to compel CAVHCS to comply with the FOIA.

My original request was for a CAVHCS Imaging Department "Technologist Workload Report," similar to what is pictured on page two of attachment one. Page one of the attachment shows the submenu of where the report might be located in the VistA Imaging package. The CAVHCS Imaging Service Quality Assurance/Control employee or any of the supervisors can run the requested report as they have access, I have shown them how to generate the report, and I previously observed each of them print it in the past. Run the report with the following parameters:

1. Name of Report: "Technologist Workload Report"
2. Do you wish only summary report: YES
3. Med Division: ALL
4. Include all Technologists: NO (Report should only reflect my [Bailey, Collin C.] workload count)
5. Beginning date: Nov 23, 2016
6. Ending date: PRESENT (this means the date the report is ran)
7. Report must show count of all exams in an "Examined, Transcribed, Dictated, & Complete" status under my name
8. Device: Print hard copy and email to me (the report should not require editing and should look identical to page two of the attachment)
9. **\*\*Note\*\*** the selected Division should include all work in the CAVHCS VistA Imaging Radiology Package that comprises "Central Alabama HCS." This includes, but is not limited to all work completed/processed for the East & West campuses, Fort Rucker, and the MVAC.
10. This report I am requesting includes the period after I left the agency. This report does not violate any patient, staff, HIPAA, or privacy policy and is specific to me only. Please contact me through email or 706-325-1400, if you need additional information.

  
Collin C. Bailey

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**Exhibit-14**

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