

# **EXHIBIT E**



DEPARTMENT OF VETERANS AFFAIRS  
Veterans Benefits Administration  
Washington DC 20420

JULY 16, 2020

ALEXANDER L. STOUT  
LATHAM & WATKINS  
555 ELEVENTH STREET, NW  
SUITE 1000  
WASHINGTON, D.C. 20004-1304  
alexander.stout@lw.com

Re: **FOIA REQUEST 20-08088**

Dear Mr. Stout:

This letter acknowledges receipt of your Freedom of Information Act (FOIA) request dated July 15, 2020, and received in this office on the same date, wherein you requested:

*"...records in the possession of the U.S. Department of Veterans Affairs (the "Department") relating to the proposed rule to "Update and Clarify Regulatory Bars to Benefits Based on Character of Discharge." Update and Clarify Regulatory Bars to Benefits Based on Character of Discharge, 85 Fed. Reg. 41471 (proposed July 10, 2020) (the "Proposed Rule") [and] ...[T]he release of each and every record of the following:*

- 1. Documents, publications, studies, or information considered in developing the Proposed Rule.*
- 2. Communications pertaining to the Proposed Rule."*

The records you seek require a search in and/or consultation with another Office, and so your request falls within "unusual circumstances." See 5 U.S.C. 552 § (a)(6)(B)(i)-(iii) (2018). Because of these unusual circumstances, we may need to extend the prescribed twenty (20)-day time limit to respond to your request. For your information, we use multiple tracks to process requests, but within those tracks, we work in an agile manner. The time needed to complete our work on your request will necessarily depend on a variety of factors, including the complexity of our records search, the volume and complexity of any material located, and the order of receipt of your request. At this time, we have assigned your request to the complex track and as of today's date, we initiated a search for records responsive to the request. We will notify you of the results of that search within twenty (20) days of the date of your request. The tracking number assigned to your request is **20-08088-F**. Please refer to this number when communicating with the office about this request.

Further, we grant your request for a fee waiver. This fee waiver covers search and review fees only. Your request provides a physical address for the mailing of responsive records. Please note that fees for duplication of records will be assessed as warranted. If you would prefer to receive records electronically, please respond to this letter and so indicate.

If you do not receive a response after twenty business days from the date we received your request, you have the right to seek dispute resolution services by contacting the VBA FOIA Public Liaison's Office at (202) 461-9421 or via email at [foia.vbaco@va.gov](mailto:foia.vbaco@va.gov). You may also contact the Office of Government Information Services (OGIS), OGIS can be reached at 1-877-684-6448 or [Archives.gov](http://Archives.gov) or via email at [ogis@nara.gov](mailto:ogis@nara.gov).

Sincerely,



Simon K. Caines  
Program Specialist (FOIA/Privacy)