



DEPARTMENT OF VETERANS AFFAIRS
9700 Page Avenue
St. Louis, MO 63132-1547

January 29, 2025

JAMES FREDERICK LIVINGSTON
1273 OLD TAMAH RD
IRMO, SC 29063

In reply, refer to:
376/273/YNC
File Number: 624011213
LIVINGSTON, JAMES
FREDERICK

Re: FOIA/Privacy Act Request

Dear Mr. LIVINGSTON:

This letter acknowledges receipt of your request for a copy of your or your client's Department of Veterans Affairs (VA) claims file or information contained therein, including service treatment records. This letter also serves as the Agency's determination that available agency records responsive to your request will be provided to you upon completion of processing.

Processing Your Request

When VA receives a request for a claims file, or information contained therein, from a Veteran, a Veteran's representative or third party, we consider the request under both the Freedom of Information Act (FOIA), 5 U.S.C. § 552, and the Privacy Act of 1974, 5 U.S.C. § 552a, and the records are released pursuant to whichever law provides the most access. Your request was assigned a FOIA case number listed at the top of this letter. Please include that case number in all future communications concerning this request.

Due to current volume, a processed copy of a VA claims folder or documents may be significantly delayed as they are being processed on a first in/first out basis, which may take several months to process.

To request your responsive records on paper, please mail your request to:

Department of Veterans Affairs
Evidence Intake Center
Attn: Paper Copy Request
P.O. Box 4444
Janesville, WI 53547-4444

You may also fax your request "Attn: Paper Copy Request" to 844-531-7818 (Toll Free) or 248-524-4260 (Utilized for Foreign Claimants).

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FOIA

FOIA requires an agency provide a determination within 20 days, this acknowledgment letter is that required determination. Records responsive to your request will be provided to you under FOIA; however, due to the volume of requests for claims folders, requests are delayed and are being processed in a first in/first out basis. VA uses two processing tracks in addressing a request for records: simple and complex. This classification is based on the amount of work and/or time required to process a request. The complex processing track is the slower of the two tracks. Because of the volume of records contained in a VA claims file, your request is treated as a complex request under FOIA.

FOIA provides that federal agencies must disclose records requested unless they may be withheld in accordance with one or more of nine statutory exemptions. 5 U.S.C. § 552(b).

Given the subject of your request, FOIA's Exemption 6, 5 U.S.C. § 552(b)(6), may apply to a limited number of documents or information contained within a document. For example, claims files frequently contain personally identifiable information (PII) of other individuals and/or VA employees. Releasing the PII of other individuals would constitute a clearly unwarranted invasion of a living individual's personal privacy, and Exemption 6 will be applied in order to withhold this information. Please know the Agency will apply Exemption 6 minimally, and it will not be used to withhold information related only to yourself.

Privacy Act

The Privacy Act provides that records maintained by a federal agency about an individual that are retrieved by that individual's name or other unique identifier are confidential and may not be disclosed without the consent of the individual, unless one or more of twelve exceptions applies. 5 U.S.C. § 552a(b). Generally, an agency shall provide an individual access to his or her record upon request. 5 U.S.C. § 552a(d)(1).

Unlike FOIA, the Privacy Act does not impose a time for agency responses to access requests. VBA processes Privacy Act requests on a first in first out basis. Your request will be processed as soon as practicable.

Should any portion of your request be denied, you will receive written notice and the reasons for any such denial.

Appeal Rights

If you disagree with the Agency's decision to process your request under both FOIA and Privacy Act, or to the possible use of Exemption 6, you have the right to appeal. Please be advised that should you desire to do so; you may appeal the determination made in this response to:

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Office of General Counsel (024)
Department of Veterans Affairs
810 Vermont Avenue, N.W.
Washington, D.C. 20420
E-mail: ogcfoiaappeals@va.gov

Should you choose to file an appeal, please include a copy of this letter with your written appeal and clearly indicate the basis for your disagreement with the determination set forth in this response. Please be advised that in accordance with VA's implementing FOIA regulations at 38 C.F.R. § 1.559, your appeal must be postmarked no later than ninety (90) days of the date of this letter.

Please note, once you have been provided your requested documents, you will once again be given the opportunity to appeal should any document or portions of a document be withheld.

You may also seek assistance and/or dispute resolution services from VBA's FOIA Public Liaison and or Office of Government Information Services (OGIS) as provided below.

Chief FOIA/PA Officer
Veterans Benefits Administration
810 Vermont Avenue, N.W. (20)
Washington, DC 20420
Telephone: (202) 461-9516
E-mail: FOIA.VBACO@va.gov

Because you are requesting access to your own records (which is considered a Privacy Act request), you should know that OGIS does not have the authority to handle requests made under the Privacy Act of 1974. You may contact OGIS as follows:

The contact information for OGIS is:

Office of Government Information Services
National Archives and Records Administration
8601 Adelphi Road-OGIS
College Park, MD 20740-6001
Telephone: 202-741-5770
Toll-Free: 1-877-684-6448
E-mail: ogis@nara.gov

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Fax: 202-741-5769

Thank you for your interest in the Department of Veterans Affairs. If you have questions regarding this letter, please call VA National Call Center at 1-800-827-1000 between the hours of 8:00AM until 9:00PM Monday - Friday EST and please provide the Veteran's identifying information.

Sincerely yours,

Regional Office Director