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February 20, 2013

FOIA Appeal
Office of General Counsel
(OGC/024)
810 Vermont Avenue, N.W.
Washington, D.C. 20420

Via email (ogcfoiaappeals@va.gov)

FOIA Request No. 13-02401-F

Dear FOIA Appeals Officer:

This is an appeal of the February 11, 2013 response of Tanya Al-Khateeb on the above-captioned FOIA request.

By letter dated January 29, 2013, I submitted a FOIA request to the Ms. Al-Khateeb for "the Case Assignment Registers for OSLE and LETC individually for calendar year 2006, calendar year 2007, calendar year 2008, calendar year 2009, calendar year 2010, calendar year 2011 and calendar year 2012.

By letter dated February 11, 2013, Ms. Al-Khateeb stated that "[a]fter checking with appropriate personnel for such records in both divisions of the Office of Security and Law Enforcement (Washington, D.C. And Little Rock), I understand that neither division maintains Case Assignment Registers; therefore there were no available records that would be responsive to your request.

I appeal Ms. Al-Khateeb's search. I believe that its absurd that a law enforcement agency does not maintain a record of the work effort of its employees or that a law enforcement agency would not be able to provide a list of the cases that they have investigated. It is possible that my request was inarticulate and that the term "Case Assignment Roster" is not utilized by the OSLE and LETC. However, as FOIA requests are to be read in the broadest manner possible, my request should be read to encompass any type of list of cases and the agency personnel that investigated these cases.

Further, the Department of Veterans Affairs ("VA") Privacy Act Notice for its Security and Law Enforcement Records leads me to believe that the type of records I requested are maintained by the VA. This notice can be located at <http://www.gpo.gov/fdsys/pkg/PAI-2003-VA/html/PAI-2003-VA-SYSTEMOFRECORDS-103VA07B.htm>. I believe these records would be maintained in the VAPS program

If you have any questions concerning this request, feel free to contact me at your convenience.

Sincerely,

A handwritten signature in black ink, appearing to read 'SAH', with a long, sweeping flourish extending to the right.

Scott A. Hodes