DEPARTMENT OF VETERANS AFFAIRS
Veterans Benefits Administration
Washington, D.C. 20420

FOIA Request 26-26184-F

September 1, 2026

Mr. Wesley Alonzo McCauley
Owner United Veteran's Disability, LLC
P.O. Box 1162
Valdosta, GA 31796
wesley@unitedforvets.com

Dear Mr. McCauley:

This letter is the initial agency decision to your August 26, 2026, request under the Freedom of Information Act (FOIA), 5 U.S.C. § 552, to the Department of Veterans Affairs (VA), Veterans Benefits Administration Central Office (VBACO) FOIA Office.

In summary, you requested the following records:

We request access to and copies of the records described below, in any form or format, concerning VA employed provider James I. Joubert, NPI No. 1538259619 (Dr. Joubert or the Provider). Dr. Joubert is or was employed by the VA Puget Sound Health Care System at the Seattle VA Medical Center and/or the American Lake VA Medical Center. Examination and Opinion Requests Directed to the Provider 1. All VA Forms 21-2507, Exam Request System requests, and other written requests, tasking, assignments, or scheduling records asking Dr. Joubert to conduct a Compensation and Pension examination, complete a DBQ, or author a medical or nexus opinion during the Time Period. 2. Records sufficient to show the total number of Compensation and Pension examinations, DBQs, and medical or nexus opinions Dr. Joubert was asked to complete during the Time Period, broken down by month and by type, including any productivity report, workload report, Compensation and Pension Service log, or DBQ tracking spreadsheet reflecting that information. DBQs and Medical or Nexus Opinions Authored by the Provider 1. Copies of every DBQ, Compensation and Pension examination report, and medical or nexus opinion authored, co-signed, or completed by Dr. Joubert during the Time Period. Please redact Veteran names, Social Security numbers, claim file numbers, dates of birth, and other personally identifiable information protected by the Privacy Act, 5 U.S.C. § 552a, and 38 U.S.C. §§ 5701 and 7332. This request seeks the Provider's findings, rationale, and conclusions, not the identities of Veterans examined. 2. Records sufficient to show the number of nexus or etiology opinions Dr. Joubert rendered during the Time Period that were favorable to the Veteran, such as "at least as likely as not" or "more likely than not," compared with the number that were unfavorable, such

as “less likely than not” or “not at least as likely as not,” including any internal quality review, audit, or statistical report reflecting those figures. 3. Records sufficient to show the number of instances during the Time Period in which Dr. Joubert opined, recommended, or noted in any DBQ, opinion, addendum, or communication that VA should sever, reduce, or reconsider an existing grant of service connection, or that a prior grant of service connection was clearly and unmistakably erroneous, together with a copy of each such document redacted as described above. Correspondence Concerning Disability-Benefits Examinations and Opinions 1. All emails, Microsoft Teams or Skype messages, memoranda, letters, and other written communications sent or received by Dr. Joubert during the Time Period concerning a request for, scheduling of, completion of, revision of, or return of a DBQ, Compensation and Pension examination, or medical or nexus opinion, including communications with Compensation and Pension Service staff, Veterans Benefits Administration Rating Veterans Service Representatives or Decision Review Officers, the Seattle Regional Office, contract examination vendors, Veterans, or Page 4 of 10 Veterans’ representatives. 2. All emails and other written communications among VA Puget Sound supervisory, Compensation and Pension Service, or Chief of Staff personnel during the Time Period that discuss Dr. Joubert’s examination or opinion work, including quality, timeliness, insufficient-examination returns, clarification requests, or opinion outcomes. Insufficient-Examination Returns and Quality Review 1. All “insufficient exam,” “return for clarification,” “addendum request,” or similar notices issued by Veterans Benefits Administration or Compensation and Pension Service concerning a DBQ or opinion authored by Dr. Joubert during the Time Period, together with the Provider’s responses. 2. All Compensation and Pension quality-assurance reviews, peer reviews, Focused Professional Practice Evaluations, Ongoing Professional Practice Evaluations, or Protected Peer Review summaries concerning Dr. Joubert’s examination or opinion work during the Time Period, to the extent releasable under 38 U.S.C. § 5705. Complaints, Inquiries, and Personnel Actions 1. All complaints, grievances, Patient Advocate reports, White House VA Hotline referrals, Congressional inquiries, Office of Inspector General referrals, and Office of Accountability and Whistleblower Protection matters submitted by or on behalf of Veterans, their representatives, or VA employees concerning Dr. Joubert during the Time Period, together with the facility’s written responses. 2. All reprimands, admonishments, counseling memoranda, proposed or final disciplinary actions, performance improvement plans, and Administrative Investigation Board or fact-finding reports concerning Dr. Joubert from January 1, 2019, through the present that are maintained in the Official Personnel Folder, Employee Performance Folder, supervisor’s working file, or Human Resources records. 3. Records sufficient to show Dr. Joubert’s position title, service, appointment type, dates of employment at VA Puget Sound, and current or most recent clinical privileges relevant to Compensation and Pension examinations. Training, Guidance, and Instructions Provided to the Provider 1. All training certificates, curriculum, and completion records for Compensation and Pension examiner, DBQ, or medical-

opinion training completed by Dr. Joubert, including Talent Management System records, from January 1, 2019, through the present. 2. Any local policy, standard operating procedure, memorandum, or instruction issued to Compensation and Pension examiners at VA Puget Sound during the Time Period that addresses how examiners should approach nexus opinions, the “at least as likely as not” standard, or recommendations regarding severance or reduction of service connection.

Request Procedural History

Your request was received in this office on July 27, 2026. The FOIA request was assigned the tracking number at the top of this letter. Your request was sent to the Medical Disability Examination Office (MDEO) for the responsive documents.

Search

The Program Analyst from MDEO reviewed your request. The criteria used for this search was the individual’s name.

Initial Agency Decision

MDEO provided a negative response. Dr. Joubert is a VHA employee and does not complete contracted examinations. Therefore, we are issuing a no records response for this request.

Appeal

Please be advised that you may appeal this no records response to:

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

Should you choose to file an appeal, it must be postmarked or electronically transmitted no later than ninety (90) calendar days from the date of this letter. Please include a copy of this letter with your written appeal and clearly state why you disagree with the determinations set forth in this response.

You may also seek assistance and/or dispute resolution services for any other aspect of your FOIA request, excluding the release determination, from VBA’s FOIA Public Liaison and or Office of Government Information Services (OGIS) as provided below:

VBA FOIA Public Liaison:

Email Address: FOIA.VBACO@va.gov

Office of Government Information Services (OGIS)
Email: ogis@nara.gov
Mailing Address: Office of Government Information Services
National Archives and Records Administration
8601 Adelphi Road
College Park, MD 20740-6001

Thank you for your interest in VA. If you have any further questions, please contact us via email at FOIA.VBACO@va.gov and reference your case number 26-26184-F.

Sincerely,



Marc Williams
VBACO FOIA Officer

UNITED VETERAN'S DISABILITY, LLC

Wesley A. McCauley
Chief Executive Officer
Accredited Agent
Admitted to the U.S. Court of Appeals for Veterans Claims

Mathew C. Reynoso
Director of Appellate Operations
Accredited Agent
Admitted to the U.S. Court of Appeals for Veterans Claims

Putting Veterans and their families in charge ®

2026-September-01

U.S. Department of Veterans' Affairs
c/o Office of the General Counsel (024)
810 Vermont Avenue, N.W.
Washington, D.C. 20420

Re: FOIA Administrative Appeal — FOIA Request No. 26-26184-F

Dear Office of General Counsel:

This letter serves as an appeal of the Department's September 1, 2026, no records determination in FOIA Request No. 26-26184-F. The determination rests on a search that was limited to the Medical Disability Examination Office (MDEO), used only Dr. James I. Joubert's name as its stated criterion, and then treated the fact that Dr. Joubert is a Veterans Health Administration (VHA) employee who does not perform "contracted examinations" as a basis to issue a no records response. That rationale does not address the request as made and does not show a search reasonably calculated to locate responsive VA records.

The requested relief is a reversal of the no records determination; a new, properly scoped search by the VHA components and custodians reasonably likely to possess the identified records; and production of all reasonably segregable, nonexempt records.

I. Background

On August 26, 2026, the undersigned submitted a FOIA request for records concerning James I. Joubert, NPI No. 1538259619, identified in the request as a VA employed provider at VA Puget Sound Health Care System, including the Seattle VA Medical Center and/or American Lake VA Medical Center. The request sought, among other things,

examination requests and assignments; VA Forms 21-2507 and Exam Request System records; DBQs, Compensation and Pension examination reports, and medical or nexus opinions; work product and quality review materials; correspondence; complaints and personnel related records; training records; clinical privileges; and local VHA policies. The request expressly permitted redaction of Veteran identifying and other protected information and sought the provider's findings, rationale, conclusions, and VA operational records. *See* FOIA Request (August 26, 2026) at 2–5.

The VBACO FOIA Office acknowledged the request on August 27, 2026, assigned it No. 26-26184-F, placed it in the simple track, and granted the requested fee waiver. The acknowledgment stated that the office would search records maintained by VBA. *See* Acknowledgment Letter (August 27, 2026) at 3.

On September 1, 2026, VBACO issued its initial agency decision. The decision reports that the request was sent only to MDEO; that a Program Analyst reviewed it; and that "[t]he criteria used for this search was the individual's name." It then states that MDEO provided a negative response because Dr. Joubert "is a VHA employee and does not complete contracted examinations." *See* Initial Agency Decision Letter (September 1, 2026) at 3. The decision identified no VHA Puget Sound search, no search of Seattle or American Lake VA Medical Center records, no search of VA email or collaboration systems, no consultation or referral to VHA, and no records system searched other than the MDEO review described above.

II. Governing FOIA Standards

FOIA requires an agency to make agency records promptly available upon a request that reasonably describes them and follows published procedures. *See* 5 U.S.C. § 552(a)(3)(A). A denial on the ground that no records exist is sustainable only when the agency has conducted a search reasonably calculated to uncover all relevant documents;

the issue is the adequacy of the method, not simply whether the search happened to locate a record. *See Oglesby v. U.S. Department of Army*, 920 F.2d 57, 68 (D.C. Cir. 1990); s*ee also Truitt v. Department of State*, 897 F.2d 540, 542 (D.C. Cir. 1990).

An agency must pursue clear leads indicating other record systems or components likely to hold responsive material. *See Valencia-Lucena v. U.S. Coast Guard*, 180 F.3d 321, 327 (D.C. Cir. 1999). A search that omits an obvious location of responsive records or rests on an unduly narrow conception of the request is not adequate. *See Truitt v. Department of State*, 897 F.2d 540, 542–43 (D.C. Cir. 1990).

Even where some information is protected, FOIA requires disclosure of any reasonably segregable nonexempt portion after deletion of exempt material. *See* 5 U.S.C. § 552(b); *See also Oglesby v. U.S. Department of Army*, 79 F.3d 1172, 1176–77 (D.C. Cir. 1996). VA's regulations authorize an appeal from an adverse FOIA determination and require an appeal determination by the Office of General Counsel. *See* 38 C.F.R. § 1.559.

III. Grounds for Appeal

i. The decision searched the wrong organizational component for a request centered on a VHA employee and VHA facilities.

The request specifically identified Dr. Joubert as a **VA employed provider** at VA Puget Sound Health Care System and named the Seattle and American Lake VA Medical Centers. *See* FOIA Request (August 26, 2026) at 2. Yet the initial decision describes only a referral to MDEO, an office whose negative response was based on the distinction between a VHA employee and a contractor. *See* Initial Agency Decision Letter (September 1, 2026) at 3.

The request was not limited to contracted examinations. It expressly sought records concerning Dr. Joubert's VA examination, DBQ, medical opinion, supervision, quality,

training, credentialing, correspondence, complaint, and personnel work. The decision does not state that any VHA component searched its systems, and it provides no basis to infer that MDEO maintains the requested VHA facility records.

A reasonable search must follow the request's plain scope and search the components and systems reasonably likely to possess responsive materials. *See Valencia-Lucena v. U.S. Coast Guard*, 180 F.3d 321, 327 (D.C. Cir. 1999). MDEO's lack of contractor examination records does not establish that VHA, VA Puget Sound, the Seattle VA Medical Center, American Lake VA Medical Center, or other appropriate VA custodians possess no responsive records.

ii. A name only criterion and unexplained negative response do not establish an adequate search.

The decision supplies only one search detail: "the individual's name." *See* Initial Agency Decision Letter (September 1, 2026) at 3. It does not identify the databases, shared drives, email repositories, collaboration platforms, paper files, personnel systems, clinical credentialing systems, quality-management records, or offices queried. Nor does it state the date range used, variants of the provider's name, whether the NPI number was used, the search terms applied to the subject matter, or which custodians were asked to search their records.

The request itself provided both a unique NPI number and subject specific categories that readily support targeted searches, including "Joubert," "James I. Joubert," "1538259619," "DBQ," "Compensation and Pension," "C&P," "21-2507," "medical opinion," "nexus," "addendum," "insufficient exam," and "return for clarification." The relevant test is whether the search method was reasonably calculated to uncover responsive records, not whether the agency can state that one component returned negative results. *See Oglesby v. U.S. Department of Army*, 920 F.2d 57, 68 (D.C. Cir. 1990).

iii. The no records decision fails to address most categories of the request.

The MDEO rationale speaks only to "contracted examinations." It does not address whether VA has records concerning Dr. Joubert's VHA employment, appointment, clinical privileges, training, performance and quality processes, supervisory communications, local policies, complaints, or personnel files. It also does not address examination-related work performed by a VHA provider rather than by a contractor.

The request sought existing records and records sufficient to show specified information; it did not require VA to create a new record. If a requested compilation does not exist, VA should identify and produce existing source records that are responsive, subject to any properly invoked exemption and required segregation. *See* 5 U.S.C. § 552(a)(3)(B).

iv. Protected Veteran or employee information calls for a review and segregability determination, not a categorical no records response.

The undersigned expressly asked VA to redact Veteran names, Social Security numbers, claim numbers, dates of birth, and other protected personally identifiable information. *See* FOIA Request (August 26, 2026) at 3. The initial decision invokes no FOIA exemption and makes no segregability finding. Any applicable confidentiality statute or privacy exemption may warrant tailored redactions, but it does not transform responsive records into nonexistent records or excuse a search for them. *See* 5 U.S.C. § 552(b); *See also Oglesby v. U.S. Department of Army*, 79 F.3d 1172, 1176–77 (D.C. Cir. 1996).

IV. Requested Remand Instructions and Search Scope

The undersigned requests that the Office of General Counsel reverse the no records determination and remand the request for a new search coordinated with VHA. At a minimum, VA should direct appropriate searches of records reasonably likely to be held by:

- VA Puget Sound Health Care System, including the Seattle VA Medical Center and American Lake VA Medical Center;
- The facility Director's office, Chief of Staff, the service or clinical department employing or supervising Dr. Joubert, Compensation and Pension personnel, quality management personnel, credentialing and privileging personnel, Patient Advocate personnel, Human Resources, and other identified custodians;
- VHA offices or systems maintaining employee appointment, training, Talent Management System, clinical privileges, Focused Professional Practice Evaluation, Ongoing Professional Practice Evaluation, quality review, and complaint records;
- VA and VHA email and collaboration repositories, including records of the provider and relevant supervisors or program personnel, using the provider's name, NPI number, and the relevant examination and opinion terms; and
- VBA or VHA systems that maintain examination requests, examination reports, DBQs, opinions, clarification or addendum requests, or records exchanged between VBA and VHA.

VA should use the applicable request periods: January 1, 2023, through the date of fulfillment for the categories governed by the defined time period, and January 1, 2019, through the date of fulfillment for the personnel and training categories specifically requesting that longer period. *See* FOIA Request (August 26, 2026) at 2, 5.

If VA concludes that a particular office or record system is not reasonably likely to possess a category of records, the appeal determination should state the basis for that conclusion. If VA withholds any record or portion, it should identify the asserted exemption or other statutory basis and release all reasonably segregable material.

V. Additional Clarification Requested

The initial decision states that the request was received on July 27, 2026, although the request is dated August 26, 2026, and the acknowledgment confirms receipt of the August 26 request. *See* Initial Agency Decision Letter (September 1, 2026) at 3; *See also* Acknowledgment Letter (August 27, 2026) at 1. The undersigned requests confirmation that this date discrepancy did not affect the scope, processing, or search period for the request.

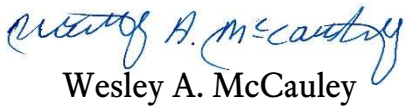
The undersigned also requests a written description of the renewed search, identifying: (1) each office and system searched; (2) the custodians consulted; (3) the date ranges searched; (4) the terms and identifiers used; (5) the records categories deemed outside the custody of each searched component, if any; and (6) the basis for any continued no records determination.

VI. Conclusion

For the foregoing reasons, the undersigned respectfully requests that the Office of General Counsel reverse the September 1, 2026, no records determination; remand FOIA Request No. 26-26184-F for a reasonable search of all VHA and VA components, custodians, and record systems reasonably likely to possess responsive records; and promptly produce all responsive, nonexempt records, with targeted redactions of protected information where appropriate

On behalf of *The Veteran's Spectator*, we look forward to the Department's written determination of this appeal within 20 working days as required by FOIA. *See* 5 U.S.C. § 552(a)(6)(A)(ii).

Godspeed,



Wesley A. McCauley
Editor-in-Chief
The Veteran's Spectator

U.S. Department of Veterans Affairs

Veterans Health Administration
VHA FOIA Office (105HIG)
810 Vermont Avenue NW
Washington, DC 20420

In Reply Refer To: **FOIA Request 26-26184-F**

September 2, 2026

Wesley Alonzo McCauley
United Veteran's Disability, LLC
100 North Patterson Street
Suite 52
Valdosta, GA 31601
wesley@unitedforvets.com

Dear Mr. McCauley:

This letter is regarding your August 26, 2026, requests under the Freedom of Information Act (FOIA), 5 U.S.C. § 552, submitted to the Department of Veterans Affairs (VA), Veterans Health Administration (VHA) for the following information:

> We request access to and copies of the records described below, in any form or for□mat, concerning VA employed provider James I. Joubert, NPI No. 1538259619 (Dr. Joubert or the Provider). Dr. Joubert is or was employed by the VA Puget Sound Health Care Sys□tem at the Seattle VA Medical Center and/or the American Lake VA Medical Center. Examination and Opinion Requests Directed to the Provider 1. All VA Forms 21-2507, Exam Request System requests, and other written requests, tasking, assignments, or scheduling records asking Dr. Joubert to conduct a Com□pensation and Pension examination, complete a DBQ, or author a medical or nexus opinion during the Time Period.
> 2. Records sufficient to show the total number of Compensation and Pension exami□nations, DBQs, and medical or nexus opinions Dr. Joubert was asked to complete during the Time Period, broken down by month and by type, including any produc□tivity report, workload report, Compensation and Pension Service log, or DBQ tracking spreadsheet reflecting that information. DBQs and Medical or Nexus Opinions Authored by the Provider 1. Copies of every DBQ, Compensation and Pension examination report, and medical or nexus opinion authored, co-signed, or completed by Dr. Joubert during the TimePeriod. Please redact Veteran names, Social Security numbers, claim file numbers, dates of birth, and other personally identifiable information protected by the Privacy Act, 5 U.S.C. § 552a, and 38 U.S.C. §§ 5701 and 7332. This request seeks the Pro□vider's findings, rationale, and conclusions, not the identities of Veterans examined. 2. Records sufficient to show the number of nexus or etiology opinions Dr. Joubert rendered during the Time Period that were favorable to the Veteran, such as "at least as likely as not" or "more likely than not," compared with the number that were unfavorable, such as "less likely than not" or "not at least as likely as not," including any internal quality review, audit, or statistical report reflecting those fig□ures. 3. Records sufficient to show the number of instances during the Time Period in which Dr. Joubert opined, recommended, or noted in any DBQ, opinion, addendum, or communication that VA should sever, reduce, or reconsider an existing grant of ser□vice connection, or that a prior grant of service

connection was clearly and unmis□takably erroneous, together with a copy of each such document redacted as de□scribed above.

Correspondence Concerning Disability-Benefits Examinations and Opinions
1. All emails, Microsoft Teams or Skype messages, memoranda, letters, and other written communications sent or received by Dr. Joubert during the Time Period concerning a request for, scheduling of, completion of, revision of, or return of a DBQ, Compensation and Pension examination, or medical or nexus opinion, includ□ing communications with Compensation and Pension Service staff, Veterans Bene□fits Administration Rating Veterans Service Representatives or Decision Review Of□ficers, the Seattle Regional Office, contract examination vendors, Veterans, or Veterans' representatives.
2. All emails and other written communications among VA Puget Sound supervisory, Compensation and Pension Service, or Chief of Staff personnel during the Time Period that discuss Dr. Joubert's examination or opinion work, including quality, timeliness, insufficient-examination returns, clarification requests, or opinion out□comes.

Insufficient-Examination Returns and Quality Review
1. All "insufficient exam," "return for clarification," "addendum request," or similar notices issued by Veterans Benefits Administration or Compensation and Pension Service concerning a DBQ or opinion authored by Dr. Joubert during the Time Pe□riod, together with the Provider's responses.
2. All Compensation and Pension quality-assurance reviews, peer reviews, Focused Professional Practice Evaluations, Ongoing Professional Practice Evaluations, or Protected Peer Review summaries concerning Dr. Joubert's examination or opinion work during the Time Period, to the extent releasable under 38 U.S.C. § 5705.

Complaints, Inquiries, and Personnel Actions
1. All complaints, grievances, Patient Advocate reports, White House VA Hotline re□ferrals, Congressional inquiries, Office of Inspector General referrals, and Office of Accountability and Whistleblower Protection matters submitted by or on behalf of Veterans, their representatives, or VA employees concerning Dr. Joubert during the Time Period, together with the facility's written responses.
2. All reprimands, admonishments, counseling memoranda, proposed or final discipli□nary actions, performance improvement plans, and Administrative Investigation Board or fact-finding reports concerning Dr. Joubert from January 1, 2019, throughthe present that are maintained in the Official Personnel Folder, Employee Perfor□mance Folder, supervisor's working file, or Human Resources records.
3. Records sufficient to show Dr. Joubert's position title, service, appointment type, dates of employment at VA Puget Sound, and current or most recent clinical privi□leges relevant to Compensation and Pension examinations

Training, Guidance, and Instructions Provided to the Provider 1. All training certificates, curriculum, and completion records for Compensation and Pension examiner, DBQ, or medical-opinion training completed by Dr. Joubert, in□cluding Talent Management System records, from January 1, 2019, through the pre□sent.
2. Any local policy, standard operating procedure, memorandum, or instruction issued to Compensation and Pension examiners at VA Puget Sound during the Time Pe□riod that addresses how examiners should approach nexus opinions, the "at least as likely as not" standard, or recommendations regarding severance or reduction of service connection.

The VA has a decentralized FOIA processing structure as each Administration, e.g., VHA, Veterans Benefits Administration, and National Cemetery Administration, and numerous VA management offices have their own designated FOIA Officer to process records created and maintained by that component. VHA is further decentralized as each VHA medical center, Veterans Integrated Service Network (VISN), and certain VHA Central Office program offices have their own designated FOIA Officer to process records created and maintained by that component. VHA Central Office FOIA Office processes FOIA requests for VHA Central Office records.

In accordance with VA's FOIA regulations, 38 C.F.R. §§ 1.555(a) and 1.555(e), I have transferred your request to the VA Puget Sound HCS FOIA Office for further processing and direct response to you under the above mentioned FOIA tracking numbers. Contact information for the VA Puget Sound HCS FOIA Office is listed below:

Point-of-Contact: VA Puget Sound HCS
Electronic Mailbox: pugprivacyofficers@va.gov
FOIA Number: 26-26184-F

If you should have any further questions, please do not hesitate to contact me at by email at gregory.cason@va.gov.

Sincerely,

GREGORY CASON Digitally signed by GREGORY CASON Date: 2026.09.02 13:33:44 -04'00'

Gregory Cason
VHA FOIA Office

DEPARTMENT OF VETERANS AFFAIRS
Puget Sound Health Care System
1660 South Columbian Way
Seattle, WA 98108-1597

8 September 2026

American Lake Division

In Reply Refer To: 26-26184-F

Wesley McCauley
United Veteran's Disability, LLC
100 North Patterson Street
Valdosta, 31601
wesley@unitedforvets.com

Dear Wesley McCauley:

This letter (acknowledges receipt and) seeks clarification to your August 26, 2026 request under the Freedom of Information Act (FOIA), 5 U.S.C. § 552, submitted to the VHA 663 - VA Puget Sound Health Care System FOIA Office for the following records:

“See attached (James I. Joubert, NPI No. 1538259619) (Date Range for Record Search: From 01/01/2023 To 08/26/2026)”

Request Procedural History

As indicated in their September 2, 2026 letter, VHA FOIA referred your request to VHA 663 - VA Puget Sound Health Care System FOIA Office for further processing and direct response to you under the FOIA tracking number of 26-26184-F. Your FOIA request was received in my office on September 2, 2026 under the above mentioned FOIA tracking number. Please include this tracking number in all future communications concerning this FOIA request. As expressly authorized under the FOIA, the VA processes requests using multi-track processing which allows us to process requests on a first-in, first-out basis in either a simple or complex processing track. This allows us to respond to relatively simple requests more quickly than requests involving complex and/or voluminous records. Your request was placed in the Complex processing category.

The complex processing track is the slower of the two tracks. If you wish to discuss modifying the scope of your request in order to qualify for the faster processing track, please feel free to contact me. My contact information is listed below.

Clarification

The FOIA provides that any person has the right to obtain access to federal agency records, except to the extent that such records or portions of the records are protected from public disclosure by one of the nine FOIA exemptions or by one of three special law enforcement record exclusions. The FOIA requires federal agencies to make their “records” promptly available to any person who makes a proper request. A proper FOIA request is defined as one that reasonably describes the records sought and is made in

accordance with the agency's published rules stating the time, place and fees (if any) procedures to be followed.
VA's FOIA implementing regulations (rules) are found at Title 38 Code of Federal Regulations (CFR) sections 1.550 through 1.562. VA requirements for making FOIA requests are found in 38 C.F.R. § 1.554 which provides that a FOIA request must be in writing and describe the records sought in enough detail to allow VA personnel to locate them with a reasonable amount of effort. To the extent possible, the requester should include specific information about each record sought, such as the date, title or name, author, recipient and subject matter of the document. Wide-ranging requests that lack specificity, or contain descriptions of very general subject matter, with no description of specific records, may be considered "not reasonably described" and not subject to further processing.
As indicated in the above paragraph, the FOIA provides that agencies are to search for records responsive to FOIA requests that "reasonably describe" the records requested. Stated another way, VHA will search for records responsive to a FOIA request when that request describes the records sought in such a manner that an agency employee familiar with the subject area can identify the records requested and locate those records with a "reasonable amount of effort." For example, a request for any and all documents that refer or relate in any way to a subject, e.g., cancer, would not be considered reasonably described as an employee would not be able to determine exactly what documents are being sought. A request for any and all documents that refer or relate in any way to a subject generally would not be considered to reasonably describe the records sought and would impose an unduly burdensome search responsibility on the agency as it is unknown exactly what records are being requested.
I have determined that (a portion of) your FOIA request does not reasonably describe the records with sufficient particularity for VHA employees to identify and search for the records with a reasonable amount of effort.

1. Complaints, Inquiries, and Personnel Actions
   Under this information you provided, you are asking for Patient Advocate, White House Hotline and Congressional inquiries. This information can only be searched by you providing every Veteran that made a complaint. Without Providing Veteran names, we cannot conduct a search and the system generates the complaint by the Veteran and not an individual Provider.

In accordance with VA's implementing regulations, found at 38 C.F.R. § 1.554(d)(4), I am providing you with 30 calendar days to provide clarification on your request. If I have not heard from you by October 9, 2026, I will assume that you are no longer interested in pursuing your request for this specific item addressed above and will take the appropriate measures to administratively close your request regarding the above. Please be advised, the time frame, which we have to respond to your FOIA request does not run while we are waiting your response to our request for clarification.

As a News Media, VA FOIA implementing regulations found at 38 C.F.R. §1.561(f) state that the requester will be charged for the cost of reproduction of the records only, excluding the charges for the first 100 pages. In addition, VA FOIA regulation 38 C.F.R. § 1.561(h)(1) states that the VA will not charge the requester if the fee is $25 or less. Moreover, the News Media requester will be charged the cost of reproduction of the records even if there is ultimately no disclosure of records.

As an News Media, VA FOIA implementing regulations found at 38 C.F.R. §1.561(c)(4) state that the requester will be charged search fees for all time spent searching for responsive records, except the first two hours of search time are free and for the cost of reproduction of the records only, excluding the charges for the first 100 pages. In addition, VA FOIA regulation 38 C.F.R. § 1.561(h)(1) states that the VA will not charge the requester if the fee is $25 or less. Moreover, the News Media requester will be charged the cost of searching for and reproducing the records even if there is ultimately no disclosure of records.

A fee estimate will be issued as applicable to the request upon receipt of your clarification.

Appeal

Please be advised you may appeal the denial for (search required to locate data within the above) expedited processing and fee waiver made in this letter to:

Appeal mailing address:
Office of the General Counsel (024)
Department of Veterans Affairs
810 Vermont Avenue, N.W.
Washington, D.C. 20420
Appeal email address: ogcfoiaappeals@va.gov

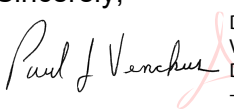
If you should choose to file an appeal, your appeal must be postmarked or electronically transmitted no later than ninety (90) calendar days from the date of this letter. Please include a copy of this letter with your written appeal and clearly state why you disagree with the determinations set forth in this response.

You may also seek assistance and/or dispute resolution services for any other aspect of your FOIA request from VHA's FOIA Public Liaison and/or the Office of Government Information Services (OGIS) as provided below:

VHA FOIA Public Liaison:
Email Address: vhafoiahelp@va.gov
Phone Number: 833-880-8500
Office of Government Information Services (OGIS)
Email: ogis@nara.gov
Mailing address:
Office of Government Information Services
National Archives and Records Administration
8601 Adelphi Road
College Park, MD 20740-6001

If you should have any questions, please feel free to contact me at 206-277-6039 or PugPrivacyOfficers@va.gov.

Sincerely,



Paul Venckus
FOIA Officer
VA Puget Sound Health Care System

Enclosure: None

UNITED VETERAN'S DISABILITY, LLC

Wesley A. McCauley
Chief Executive Officer
Accredited Agent
Admitted to the U.S. Court of Appeals for Veterans Claims

Mathew C. Reynoso
Director of Appellate Operations
Accredited Agent
Admitted to the U.S. Court of Appeals for Veterans Claims

Putting Veterans and their families in charge ®

2026-September-13

U.S. Department of Veterans' Affairs
VA Puget Sound Health Care System
c/o Mr. Paul Venckus
1660 South Columbian Way
Seattle, WA 98108-1597

Re: FOIA Request No. 26-26184-F — Response to Clarification Letter Dated September 8, 2026,

Dear Mr. Venckus:

This responds to the VA Puget Sound Health Care System's clarification letter concerning the August 26, 2026, Freedom of Information Act request regarding James I. Joubert, NPI No. 1538259619. The response is timely and is intended to clarify only the portion identified in your letter: Complaints, Inquiries, and Personnel Actions, Item 1. All remaining request categories remain unchanged.

Clarification and Narrowed Scope

For Item 1, the request is limited to existing records, from January 1, 2023, through August 26, 2026, that identify, name, concern, or materially discuss Dr. James I. Joubert in connection with a complaint, inquiry, referral, grievance, or the facility's response thereto. The request does **not** seek a search for every complaint submitted by every Veteran or a search based solely on a Veteran's identity.

Please search records reasonably available to the identified offices and custodians using, as appropriate, the following provider identifiers and terms:

- "James I. Joubert";
- "James Joubert";
- "Joubert";
- NPI No. 1538259619; and
- combinations of those identifiers with "complaint," "grievance," "Patient Advocate," "White House VA Hotline," "Congressional," "OIG," "Office of Inspector General," "OAWP," "Office of Accountability and Whistleblower Protection," "inquiry," "referral," "C&P," "Compensation and Pension," "DBQ," "medical opinion," "nexus," "addendum," "insufficient exam," and "return for clarification."

The responsive records sought include, if maintained by the relevant office or custodian:

- Patient Advocate records that identify Dr. Joubert as the subject, provider, involved clinician, recipient, or person discussed;
- White House VA Hotline referrals or related facility responses that identify or discuss Dr. Joubert;
- Congressional inquiries and facility responses that identify or discuss Dr. Joubert;
- Office of Inspector General and Office of Accountability and Whistleblower Protection referrals, matters, correspondence, or responses that identify or discuss Dr. Joubert; and
- Complaints, grievances, or other written inquiries concerning Dr. Joubert, together with the facility's written response, resolution, or disposition.

For avoidance of doubt, the request is for records that can be located through the provider's name, NPI number, a subject or provider field, an identified custodian's records, a matter file, or another reasonable search method. It does **not** require VA to create a new record, compile a statistical report, identify every Veteran who made a complaint, or search records lacking a provider identifier where no reasonable method exists to determine whether the record concerns Dr. Joubert.

If a particular system indexes a complaint only by the complainant, please search any available subject, provider, employee, facility, case description, referral, or correspondence fields. If no such searchable field exists, please consult the office or custodian maintaining matters concerning Dr. Joubert and review the reasonably identifiable matter files or correspondence for the defined period. This clarification supplies the requested provider focused search parameters without seeking disclosure of a Veteran's identity.

FOIA Processing

The clarified request reasonably describes identifiable agency records and provides the provider's full name, unique NPI number, facility, defined record categories, and a defined date range. *See* 5 U.S.C. § 552(a)(3)(A); *see also* 38 C.F.R. § 1.554. The requested clarification should therefore permit continued processing of Item 1 without requiring Veteran names.

The August 27, 2026, acknowledgment granted the request's fee waiver. *See A*cknowledgment Letter (August 27, 2026) at 3. Please continue to honor that determination for the transferred and clarified request. The request was submitted on behalf of *The Veteran's Spectator*, and the requested information is intended for public dissemination and oversight of VA operations. In any event, the request does not authorize charges above $25.00 without advance written approval. *See* 38 C.F.R. § 1.561.

The requester continues to consent to targeted redaction of Veteran names, claim numbers, Social Security numbers, dates of birth, and other protected personally identifiable information. Please release all reasonably segregable, nonexempt portions of responsive records and identify the legal basis for any withholding. *See* 5 U.S.C. § 552(b).

Request for Continued Processing

Please treat this letter as the requested clarification, continue processing FOIA Request No. 26-26184-F, and confirm that the agency will search the identified records using the provider focused scope above. Please provide responsive records on a rolling basis electronically to wesley@unitedforvets.com.

Thank you for your assistance.

Godspeed,



Wesley A. McCauley
Editor-in-Chief
The Veteran's Spectator

DEPARTMENT OF VETERANS AFFAIRS
Puget Sound Health Care System
1660 South Columbian Way
Seattle, WA 98108-1597

4 November 2026

American Lake Division

In Reply Refer To: 26-26184-F

Wesley McCauley
United Veteran's Disability, LLC
100 North Patterson Street
Valdosta, 31601
wesley@unitedforvets.com

Dear Wesley McCauley:

This letter (acknowledges receipt and) is the initial agency decision to your August 26, 2026 request under the Freedom of Information Act (FOIA), 5 U.S.C. § 552, submitted to the VHA 663 - VA Puget Sound Health Care System FOIA Office for the following records:

"See attached (James I. Joubert, NPI No. 1538259619) (Date Range for Record Search: From 01/01/2023 To 08/26/2026)"

Request Procedural History

VHA 663 - VA Puget Sound Health Care System FOIA Office received your FOIA request on September 2, 2026. Your FOIA request was assigned the tracking number at the top of this letter. Please include the tracking number in all future communications concerning this FOIA request. As expressly authorized under the FOIA, the VA processes requests using multitrack processing which allows us to process requests on a first-in, first-out basis in either a simple or complex processing track. This allows us to respond to relatively simple requests more quickly than requests involving complex and/or voluminous records. Your request was placed in the Simple processing category.

Fee Waiver

Please be advised that you have been classified under the news media fee category. As such, you are not subject to search or review fees. Furthermore, because you requested the records in electronic format, duplication fees do not apply. Accordingly, there are no fees associated with your request, and therefore, no fees to waive.

Search

For the 4 items listed below, a search inquiry was sent to our local Chief of Comp & Pen.

- Examination and Opinion Requests Directed to the Provider
- DBQs and Medical or Nexus Opinions Authored by the Provider

- Correspondence Concerning Disability-Benefits Examinations and Opinions
- Insufficient-Examination Returns and Quality Review

The search was conducted by utilizing the search criteria of the information you provided. At the conclusion of their search, Chief of Comp & Pen located 139 pages, as responsive to your request.

For the above 4 items Initial Agency Decision:

My review of the responsive records revealed it contained information that falls within the disclosure protections of FOIA Exemption 3 and Exemption 6, 5 U.S.C. § 552(b)(3) and (b)(6). As a result of my determination, I am withholding all records under "(b)(3) and (b)(6)." The data pull produced a dataset containing both patient level data, attributed to one patient, and aggregate data, attributed to multiple patients. Concerning patient level data, the individual to whom the data pertains has a significant privacy interest and data retrieved from their medical records.

FOIA Exemption 3 permits VHA FOIA to withhold information prohibited from disclosure by another federal statue provided that one of two disjunctive requirements are met: the statute either "(A)(i) requires that the matters be withheld from the public in such a manner as to leave no discretion on the issue, or (A)(ii) establishes particular criteria for withholding or refers to particular types of matters to be withheld. The applicable statute is the VA Claims Confidentiality Statute, 38 U.S.C. § 5701, implemented by 38 C.F.R. Sections 1.500-1.527. The VA Claims Confidentiality Statute provides for the confidentiality of all VA files, records, and other papers and documents pertaining to any claim under any of the laws administered by the Secretary of the Department of Veterans Affairs and the name and address of present or former personnel of the armed services and their dependents and permits disclosure of such information only when specifically authorized by the statute. The court has found 38 U.S.C. § 5701 to qualify as an exemption 3 statute, see Ashton v. VA, No. 99-6018, 1999 WL 753331, at *1 (2d Cir. Sept. 3, 1999).

Data from Veteran medical records fall under the protections of 38 U.S.C. § 5701. Upon review of the statute, I find no legal authority to disclose the requested information from medical records to you. Consequently, I am withholding portions of the responsive record under FOIA exemption 3, 5 U.S.C. § 552 (b)(3) citing 38 U.S.C. § 5701.

My review of the documents also revealed that they contained information that falls within the disclosure protections of **FOIA Exemption 6**, 5 U.S.C. § 552(b)(6). FOIA Exemption 6 permits VA to withhold a document or information contained within a document if disclosure of the information would constitute a clearly unwarranted invasion of a living individual's personal privacy. Stated another way, VA may withhold information under FOIA Exemption 6 where disclosure of the information, either by itself or in conjunction with other information available to either the public or the FOIA requester, would result in an unwarranted invasion of an individual's personal privacy without contributing significantly to the public's understanding of the activities of the federal government. In addition to patient counts, provider names are withheld under

FOIA Exemption 6 due to personal privacy concerns. A provider's workload can be directly connected to performance-related evaluations, and disclosing their names could have a direct link to performance rating.

The coverage of FOIA Exemption 6 is absolute unless the FOIA requester can demonstrate a countervailing public interest in the requested information by demonstrating that the individual is in a position to provide the requested information to members of the general public and that the information requested contributes significantly to the public's understanding of the activities of the Federal government. Additionally, the requester must demonstrate how the public's need to understand the information significantly outweighs the privacy interest of the person to whom the information pertains. Upon consideration of the materials provided, I have not been able to identify a countervailing public interest of sufficient magnitude to outweigh the privacy interest in this case. The individuals associated with this information have a personal privacy interest in information that outweighs any public interest served by disclosure of their identities under FOIA.

Regarding your inquiry of Dr. Joubert for Complaints, Inquiries, and Personnel Actions and Training, Guidance, and Instructions Provided to this Provider:

Please be advised, I can neither confirm nor deny records responsive to your request exist. The records you requested concerns an identifiable individual. For requests that are formulated in such a way that even acknowledgment of the existence of responsive records would cause harm to a protectable privacy interest of a targeted individual, then only refusing to confirm or deny that any responsive records exist can protect the records subject's privacy. This approach is known as a "Glomar" response, see MacLean v. DOD, No. 042425, slip op. at 18 (S.D. Cal. June 2, 2005). Since you are seeking privacy-sensitive information on a named individual and redaction would not be adequate to protect the personal privacy interests at risk; therefore, I am providing a "Glomar" response citing FOIA exemption 6, 5 U.S.C. § 552(b)(6). FOIA Exemption 6 protects information about individuals when the disclosure of the information would constitute a clearly unwarranted invasion of a living individual's personal privacy.

We are providing a No Record Response

"Any local policy, standard operating procedure, memorandum, or instruction issued to Compensation and Pension examiners at VA Puget Sound during the Time Period that addresses how examiners should approach nexus opinions, the "at least as likely as not" standard, or recommendations regarding severance or reduction of service connection." VA Puget Sound follows National Guidance.

Fee Category Determination

As a News Media, VA FOIA implementing regulations found at 38 C.F.R. §1.561(f) state that the requester will be charged for the cost of reproduction of the records only, excluding charges for the first 100 pages. In addition, VA FOIA regulation 38 C.F.R. § 1.561(h)(1) states that the VA will not charge the requester if the fee is $25 or less. Moreover, the News Media requester will be charged the cost of reproduction of the records even if there is ultimately no disclosure of records. (Address fees. For example, there are no duplication costs associated with this request as the total number of pages is less than 100 or the total duplication fee is less than $25.)

This concludes my response to FOIA request 26-26184-F. If you disagree with my determinations set forth in this response, please be advised you may appeal to the VA Office of General Counsel. Appeals may be submitted electronically or mailed to the following address:

Office of the General Counsel (024)
Department of Veterans Affairs
810 Vermont Avenue, N.W.
Washington, DC 20420
ogcfoiaappeals@va.gov

If you should choose to file an appeal, your appeal must be postmarked or electronically transmitted no later than ninety (90) calendar days from the date of this letter. Please include a copy of this letter with your written appeal and clearly state why you disagree with the determinations set forth in this response.

You may also seek assistance and/or dispute resolution services for any other aspect of your FOIA request from VHA's FOIA Public Liaison and/or Office of Government Information Services (OGIS) as provided below:

VHA FOIA Public Liaison:
vhafoiahelp@va.gov
Phone: 833-880-8500

Office of Government Information Services
National Archives and Records Administration
8601 Adelphi Road
College Park, MD 20740-6001
ogis@nara.gov

If you should have any questions, please feel free to contact me at 206-277-6039 or PugPrivacyOfficers@va.gov.

Sincerely,

Digitally signed by PAUL VENCKUS
Date: 2026.11.04 08:33:48 -08'00'

Paul Venckus
FOIA Officer
VA Puget Sound Health Care System

Enclosure: C&P Information Redacted