UNITED VETERAN'S DISABILITY, LLC

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Putting Veterans and their families in charge ®

2026-August-26

U.S. Department of Veterans' Affairs
c/o FOIA Officer
810 Vermont Avenue, N.W.
Washington, D.C. 20420

Re: Request for Documents Pursuant to the Freedom of Information Act

Dear Sir/Madame:

This letter serves as a request for the production of documents pursuant to the Freedom of Information Act (FOIA), 5 U.S.C. § 552. The request is made by United Veteran's Disability, LLC, on behalf of *The Veteran's Spectator*, a recognized member of the news media[1].

The VA has acknowledged *The Veteran's Spectator* as a member of the news media for FOIA purposes in countless FOIA requests in the past[2]. *The Veteran's Spectator* hereby requests that the VA produce the following within twenty (20) business days.

[1] *See* generally, U.S. Const. amend. I ("Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances."). *See also* https://unitedforvets.us/spectator.

[2] *See e.g.,* FOIA Request 26-15162-F; 26-19042-F; 26-21020-F; 26-20966-F; 26-21856-F.

REQUESTED DOCUMENTS

The Veteran's Spectator requests copies of all records[3] relating to the below listed items. The requested search period is from January 1, 2023, to the date the VA fulfills this request.

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

[3] The term "record" should be interpreted as broadly as possible under the FOIA statute. The term includes documents, e-mails, including attachments, pamphlets, memorandums, PowerPoints, Microsoft Teams or similar instant messages, audio or video recordings, or any other similar document.

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

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.

PROCESSING OF THIS REQUEST

If records are not produced within twenty (20) business days, the agency is required to send notice of a need for a 10-business day extension. Please provide a copy of the responsive records using e-mail, PAL, or FOIAXpress. When necessary, *The Veteran's Spectator* will also accept the "rolling production" of documents. Please mail any documents response to this request to:

The Veteran's Spectator LLC
c/o United Veteran's Disability, LLC
100 N. Patterson St., Ste. 25
Valdosta, GA 31601

THE REQUESTED DOCUMENTS ARE SUBJECT TO RELEASE

i. FOIA Favors Disclosure of Documents

Records containing this information are considered public records that must be provided when requested through FOIA since none of the exceptions apply to these kinds of public records by VA. *See Judicial Watch, Inc. v. Dep't of Justice*, 365 F.3d 1108, 1112 (D.C. Cir. 2004); 27 A.L.R.4th 680 (Originally published in 1984).

The Supreme Court has observed that "virtually every document generated by an agency is available in one form or another, unless it falls within one of the Act's nine exemptions." *See NLRB v. Sears, Roebuck & Co.*, 421 U.S. 132, 136 (1975). To the extent that any responsive records may contain any material which is exempt from release pursuant to the FOIA's nine statutory exemptions, please identify the applicable FOIA exemption, and please provide all non-exempt responsive portions of these records, pursuant to the FOIA statute's segregability requirement, providing that all agencies "shall" disclose "[a]ny reasonably segregable portion of a record . . . after deletion of the portions of the record which are exempt." *See* 5 U.S.C. § 552(b).

As you may know, as a matter of law, in responding to this FOIA request, the VA FOIA office must ensure that all reasonably segregable, nonexempt information has been released. *See Davin v. U.S. DOJ*, 60 F.3d 1043, 1052 (3rd Cir. 1995); *Abdelfattah v. U.S. Dept. Of Homeland Security*, 488 F.3d 178, 186-187 (3rd 3ir. 2007); *Oglesby v. U.S. Dept. of Army*, 79 F.3d 1172, 1178 (D.C. Cir. 1996). As the District Court for the District of Columbia has observed, "all non-exempt portions of a document must be disclosed unless they are inextricably intertwined with exempt portions." *See Mead Data Cent., Inc. v. United States Dept. of the Air Force*, 566 F.2d 242, 260 (D.C. Cir. 1977).

ii. Public Interest Overrides Privacy Concerns

Disclosure of the requested records is in the public interest because it will significantly contribute to public understanding of how the VA operates; the issue is timely and substantial. Congress, Veteran service organizations, and the public are actively debating Veterans benefits and how VA fulfills its obligations from Congress. As numerous Court cases have articulated, ensuring the government upholds its obligations to those who have left private life to defend our great Nation is of the highest order. Public interest could not be greater. Further, because records received from VA, by definition, *should* relate to the care, health, and welfare of Veterans, disclosure is favored. Disclosure of the requested information will help the public gauge whether VA is fulfilling the government's obligation to Veterans.

The requested records will help the public evaluate whether VA's internal guidance and legal interpretations have been consistent over time, whether and how those interpretations evolved, and how VA operationalized statutory and regulatory duties through policy and procedure. In particular, these documents can illuminate how and why VA decides certain actions, and whether the agency's current posture reflects a documented legal rationale, a policy shift, or an operational response to emerging concerns.

Release will advance transparency and accountability in three concrete ways:

1. **Policy legitimacy and consistency:** The public has a strong interest in understanding how VA interprets and implements legal duties through internal protocols and approvals—especially when those protocols shape outcomes for Veterans and are later cited to justify enforcement or restrictions.

2. **Procedural fairness:** Veterans and stakeholders have a legitimate interest in knowing how the VA operates, decisions it makes, and how it uses the generous financial trust Congress has placed in the VA.

3. **Data stewardship and ethical governance:** Where internal guidance concerns the handling of sensitive Veteran data, disclosure enables public oversight of safeguards, permissible uses, and accountability mechanisms.

Any privacy interests can be protected through targeted redactions. To the extent responsive records include personal identifiers (e.g., direct phone numbers, personal email addresses, or other purely personal details of employees), those items can be redacted while releasing the substantive policy content. The core public interest is not in private personal details, but in the agency's policies, legal positions, and operational procedures.

Because *The Veteran's Spectator* is seeking these records for analysis, synthesis, and publication to a broad audience, disclosure will contribute to the public's understanding of VA operations rather than serve a private commercial interest. The public's interest in transparency and accountability regarding VA's internal decision-making, legal review practices, and handling of sensitive veteran information outweighs any limited privacy concerns that can be addressed through segregation and redaction.

iii. Public Interest Specific to the Documents Requested

Aside from the public's enhanced interest in oversight of the federal agency tasked to care for Veterans, the documents requested are of *enhanced* public interest. The requested records concern identifiable operations and activities of the Department of Veterans Affairs. Specifically, they concern VA's use, assignment, supervision, quality assurance, training, and review of a VA provider who performs Compensation and Pension examinations and prepares medical opinions that may materially affect Veterans' eligibility for disability benefits. The records are likely to provide meaningful information about the volume and type of examination work assigned to the Provider; the content and outcomes of the Provider's opinions; VA's handling of insufficient examinations, requests for clarification, quality reviews, complaints, and personnel concerns; and the policies and training governing the Provider's work.

REQUEST FOR A FEE WAIVER

The Veteran's Spectator also hereby requests a waiver of both search and duplication fees pursuant to 5 U.S.C. §§ 552(a)(4)(A)(ii)(II) and (a)(4)(A)(iii). *The Veteran's Spectator* is entitled to a waiver of search fees under 5 U.S.C. § 552(a)(4)(A)(ii)(II) because it is a member of the news media. *Cf National Security Archive v. Department of Defense,* 880 F.2d 1381, 1387 (D.C. Cir. 1989) (defining news media within FOIA context). *The Veteran's Spectator* has also been recognized as a member of the news media in other FOIA requests by VA. *The Veteran's Spectator* regularly obtains information about the operations and activities of the Department of Veterans Affairs through FOIA and other means, uses its editorial skills to turn this information into distinct works, and publishes and disseminates these works to the public. *The Veteran's Spectator* intends to do likewise with the records it receives in response to this request.

Moreover, *The Veteran's Spectator* has the capacity to distribute the documents produced in response to this request. The information and documents produced are published on our website, free of charge, for the public to access, review, and debate. Additionally, as articulated above, the public interest prong of FOIA is satisfied.

This satisfies the criteria of your inquiry concerning specificity and a full fee waiver is appropriate. You are welcome and encouraged to visit https://unitedforvets.us/spectator for current listing of news media articles published by *The Veteran's Spectator* as a member of the news media[4]. Should the agency deny the fee waiver, *The Veteran's Spectator* agrees to pay up to $25.00. Please contact *The Veteran's Spectator* for advance approval should the fees be greater than $25.00.

[4] We encourage you to subscribe to e-mail updates regarding current stories and investigations.

CONCLUSION

If you do not understand this request or any portion thereof, or if you feel you require clarification of this request or any portion thereof, please contact us immediately via e-mail at wesley@unitedofrvets.com or via phone, (229) 270-1571.

We look forward to receiving the requested documents and a waiver of both search and duplication costs within twenty (20) business days. Thank you for your cooperation.

Godspeed,



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