



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

In Reply Refer To: **FOIA Request 23-12977-F**

January 16, 2024

Michael Locke

Muckrock News  
263 Huntington Avenue  
Dept 129831  
Boston MA 02115

Dear. Mr Locke:

This letter is the Initial agency decision (IAD) to your September 11, 2023, Freedom of Information Act (FOIA), 5 U.S.C. § 552, submitted to the Department of Veterans Affairs (VA), Veterans Benefits Administration Central Office (VBACO), FOIA Office requesting the following records:

- I have a supplemental request. I am requesting all records related to the home loans in disaster areas FY 2019 risk assessment conducted by the Department of Veteran's Affairs Loan Guaranty Monitoring Unit. For reference, this risk assessment is mentioned in passing on page 18 of Veteran Affairs OIG REPORT #18-03979-204. Per the report, "In July 2019, the quality assurance chief informed the audit team a preliminary risk analysis had been conducted and that analysis did not necessitate a formal risk assessment of the disaster loans area." I am also requesting all e-mail or internal electronic communications from the applicable "quality assurance chief" related to the 2019 risk assessment concerning home loans in disaster areas.

Your Initial FOIA request 23-00895-F was received in October 31, 2022 and fully processed by May 1, 2023. On this request, you were partially granted your responsive records. Consequently, the initial part of your subsequent and current FOIA 23-12977-F is duplicate since there are no more records available beyond what was previously retrieved and is therefore this portion of your request is not being addressed under this Initial Agency Decision.

This IAD hence is addressing your request for "all e-mail or internal electronic communications from the applicable "quality assurance chief" related to the 2019 risk assessment concerning home loans in disaster areas."

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The Program Specialist from the VA Loan Guarantee (LGY) searched for documents responsive to your request. The search was conducted by utilizing the search criteria of all e-mail or internal electronic communications from the quality assurance chief regarding 2019 risk assessment disaster areas. The retrieved correspondence was provided to the VBACO FOIA office for further processing. As such, 25 pages of email correspondence have been identified as responsive to your request in the initial release.

Upon review of the responsive records, we have determined that this email correspondence is pre-decisional hence they are protected under FOIA Exemption 5, 5 U.S.C. § 552 (b)(5). Therefore, we are fully withholding these documents under FOIA Exemption 5.

FOIA Exemption 5 permits VA to withhold a document or information contained within a document as "pre-decisional" if two requirements are met. First, if there is an identifiable deliberative process. Second, the agency generated the information or document as part of the agency decision process. Stated another way, VA may withhold information under Exemption 5 where the document or its content makes recommendations or expresses opinions about legal or policy matters during a decision-making process and the document is not the decision document or incorporated into the decision document. Additionally, as a matter of Federal policy the agency must state an articulate, foreseeable harm to the agency or its activities that could occur as a result of release of the document or information.

Our review of the document identified as responsive to your FOIA request reveals that they contain pre-decisional email discussions between VA managers and their subordinate employees that fall within the protection of Exemption 5. Therefore, the release of these emails would cause injury to the deliberative process. The deliberative process privilege of Exemption 5 is invoked as it is determined that the release of the pre-decisional document to the public would negatively impact frank discussion on matters of policy between subordinates and supervisors. VBA seeks a full, unbiased review of these records. Protection of the decision-making process will help to ensure this result. Consequently, VA denies your request for this information under FOIA Exemption 5, 5 U.S.C. § 552(b)(5).

Please be advised you may appeal this full denial to:

VBA FOIA Public Liaison  
Email Address: [FOIA.VBACO@va.gov](mailto:FOIA.VBACO@va.gov)  
Fax: (202) 495-5567  
VBA FOIA Office (20M3)  
810 Vermont Avenue  
Washington D.C. 20420

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Office of Government Information Services  
Email: [ogis@nara.gov](mailto:ogis@nara.gov)  
Fax: (202) 741-5769  
Mailing Address: Office of Government Information Services  
National Archives and Records Administration  
8601 Adelphi Road (OGIS)  
College Park, MD 20740-6001

Thank you for your interest in VA. If you have any further questions, please email the FOIA Public Liaison at [FOIA.VBACO@va.gov](mailto:FOIA.VBACO@va.gov), and reference your FOIA number 23-12977-F.

Sincerely,



Olaiseh Wambui  
VBACO FOIA Officer