



**Department of Veterans Affairs
Financial Services Center
1615 Woodward Street
Austin, TX 78772**

In Reply Refer To: 104/00

July 30, 2012

Keith Gates
2100 M. Street, NW
Suite 170-247
Washington, DC 20037-1233

Dear Mr. Gates,

On April 2, 2012 you emailed a Freedom of Information request in which you requested to the Department of Veterans Affairs, Board of Veterans' Appeals who responded in part and transferred questions 1 and 4 to the Financial Services Center to assist in answering. Your specific request was:

- (1) All travel records, telephone records, schedules, time cards, agency purchase card statements, receipts for reimbursement and daily calendars of Richard Thrasher, Chief Counsel for Policy & Procedures.
- (2) All travel records, telephone records, schedules, time cards, agency purchase card statements, receipts for reimbursement and daily calendars of Michelle Kane, Chief Veterans Law Judge at the Board of Veterans' Appeals.

The Financial Service Center (FSC) does not have responsive records for telephone records, schedules or daily calendars for identified employees.

The disclosure of information concerning federal employees is governed by Title 5 of the Code of Federal Regulations (C.F.R.), Section 293.311. Pursuant to Section 293.311(a), the following information is available to the public about past and present employees:

1. Name;
2. Present and past position titles and occupational series;
3. Present and past grades;
4. Present and past annual salary rates (including performance awards or bonuses, incentive awards, merit pay amount, Meritorious or Distinguished Executive Ranks, and allowances and differentials); Present and past duty stations (includes room numbers, shop designations, or other identifying information regarding buildings or places of employment); and
5. Position descriptions, identification of job elements, and those performance standards (but not actual performance appraisals) that

the release of which would not interfere with law enforcement programs or severely inhibit agency effectiveness. Performance elements and standards (or work expectations) may be withheld when they are so intertwined with performance appraisals that their disclosure would reveal an individual's performance appraisal.

Information regarding time cards is not among the listed categories. Furthermore, 5 U.S.C. § 552(b) (6), protects records the release of which would lead to a clearly unwarranted invasion of personal privacy. Although career public servants have limited privacy interests with regard to many aspects of their federal employment, they nonetheless retain some degree of personal privacy, in their home addresses, home telephones, information related to how they perform their jobs, and other personal information contained in their personal files. Review of the time cards responsive to your requests reveals personal information in which, for the reasons discussed above, I find that the employees you identified in your initial request have a privacy interest.

In light of the personal privacy interests identified, a balancing of said interests versus the public interest in knowing how its government conducts its business and activities must be undertaken. In this case there is no indication that release of any information related to the employees approved work hours and leave usage would shed any light on how the Board conducts its business and activities. If you wish to request the Board's policies on tour of duties and leave types and usage, you may do so. Under the circumstances presented, the balance weighs in favor of protecting the privacy of the individuals involved, and I find that the release of time card records would constitute a clearly unwarranted invasion of privacy.

We have provided responsive records for all travel records, agency purchase card statements and summary of receipts for reimbursements. In accordance with 5 U.S.C. 552(b)(4), which permits withholding of records related to confidential business information, the credit card number has been redacted from the purchase card invoice and in accordance with 5 U.S.C. 552(b)(6), the home address of identified VA employees were redacted from the information request.

If you disagree with our decision, you may appeal to VA's Office of General Counsel, stating the reasons why you feel that this decision is incorrect. The FOIA number assigned to your request by the FSC is number 12-06260-F. Your appeal, along with a copy of this letter, should be sent to:

Office of General Counsel (024)
Department of Veterans Affairs
810 Vermont Avenue, NW
Washington, DC 20420

This response closes FSC 12-06260-F. If you wish to request additional records or clarification, please write directly to this office. If you have any questions, please contact my FSC FOIA Officer, Cathy Brean at (512) 326-6855.

Sincerely,

A handwritten signature in black ink, appearing to read "Teresa L. Riffel". The signature is fluid and cursive, with a large initial "T" and "R".

Teresa L. Riffel
Director, Financial Services Center

Enclosure:
FOIA Responsive Records