CORRESPONDENCE REQUIRING NO RESPONSE (NO REPLY)

- **1. PURPOSE:** This Veterans Health Administration (VHA) Directive establishes procedures for declaring certain correspondence exempt from the general requirement to provide a response.
- **2. POLICY:** It is VHA policy that when a person has been furnished a written response at least once at the Veterans Integrated Service Network (VISN) Director's level or higher, and again writes on the same subject, the Principal Deputy Under Secretary for Health or the Deputy Under Secretary for Health for Operations and Management (10N), may authorize "no reply" to that correspondence and to subsequent inquiries by that person on the same topic.

3. ACTION

- a. <u>Chief Program Officer or the Facility Director.</u> The Chief Program Officer or the facility Director is responsible for ensuring the following procedures are implemented.
 - (1) Procedures for Assigning a Person's Correspondence to a "No Reply" Status
- (a) A memorandum (see sample at Att. A), along with the correspondence folder, must be sent through the VHA Office of Executive Correspondence (101B) to the Principal Deputy Under Secretary for Health (10A) or the Deputy Under Secretary for Health for Operations and Management (10N) for field facilities.
 - (b) The memorandum needs to contain the following information:
- <u>1</u>. A brief description of the Department of Veterans Affairs (VA) previous attempts to address the person's concerns;
 - 2. A statement requesting that the person's inquiry be placed in a "no reply" status;
- $\underline{3}$. A statement that if the person presents new information, a response will be provided; and
 - <u>4</u>. Attachments containing the previous VA reply(s) to the person.
- (c) Attach a letter (see Att. B) to the Veteran's file which contains the following information:

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- 1. An acknowledgement of the inquiry;
- <u>2</u>. A statement that the concern(s) has already been answered (if possible, enclose a copy of the previous answer); and
 - 3. A statement that this letter is a final response on that subject.
- (d) At no time should the acknowledgement letter state to the writer that the writer will be placed on the "no reply" list.

(2) Procedures for Answering a Person Already in a "No Reply" Status

- (a) Forward a memorandum for the record to the Director, VHA Office of Executive Correspondence (101B).
 - (b) The memorandum for the record needs to contain the following information:
- 1. A statement that the person's inquiry has been placed in a "no reply" status in VHA;
- <u>2</u>. A statement certifying that the inquiry has already been answered and that no new information has been provided; and
- $\underline{3}$. An attachment consisting of the most recent reply (normally, this attachment would be the letter referenced in subparagraph 3a(1)(c)).
- (c) If the person requests or provides new information, then an appropriate reply needs to be prepared, and the "no reply" status should not be invoked.

(3) Procedures for Answering "White House" and "Congressional" Correspondence from a Person Already in a "No Reply" Status

- (a) Using the appropriate VHA letterhead (see Att. C), prepare a memorandum for the signature of the Chief Program Officer, VISN, or the facility Director to the White House or Congressional Member who referred the correspondence.
 - (b) The memorandum needs to contain the following information:
- <u>1</u>. A statement that VA has already responded to the person's inquiry and that no new information is requested, or provided, by the person; and
- <u>2</u>. Enclosures consisting of copies of previous replies (by definition, there would be at least two previous replies) to the person.

(4) Other

- (a) The "no reply" status may not be invoked if the correspondence is <u>on behalf of</u> a person whose inquiry is in a "no reply" status. In all cases, the originator of such correspondence must be provided an appropriate reply.
- (b) The fact that a person's inquiry has been placed in a "no reply" status in no way obviates the responsibility for VA employees to communicate tactfully and courteously with that person in a professional and empathetic manner.
- (c) Incoming correspondence must be carefully reviewed to determine if it constitutes a request or appeal under the Freedom of Information Act or the Privacy Act. Such requests or appeals will generally be referred to the VHA Freedom of Information Act (FOIA) Officer (19) and must be responded to in accordance with the provisions of VHA Handbook 1650.1.
- b. <u>Director, Office of Executive Correspondence (101B)</u>. The Director, Office of Executive Correspondence (101B), is responsible for ensuring that the VHA Central File Station maintains a permanent, chronological file of approved and disapproved requests.
- c. <u>Principal Deputy Under Secretary for Health (10A)</u>. The Principal Deputy Under Secretary for Health is responsible for approving or disapproving requests from VHA Central Office Program Office for assigning a person's correspondence to a "no reply" status.
- d. <u>Deputy Under Secretary for Health for Operations and Management (10N).</u> The Deputy Under Secretary for Health for Operations and Management is responsible for approving or disapproving requests from Veterans Integrated Service Network Directors, on behalf of facilities, for assigning a person's correspondence to a "no reply" status.
- 4. REFERENCES: None.
- **5. FOLLOW-UP RESPONSIBILITY:** Director, Office of Executive Correspondence (101B). Questions may be addressed to 202-461-7299.
- **6. RESCISSIONS:** VHA Directive 2004-034 is rescinded. This VHA Directive expires August 31, 2014.

Gerald M. Cross, MD, FAAFP Acting Under Secretary for Health

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ATTACHMENT A

SAMPLE MEMORANDUM TO ASSIGN PERSON TO "NO REPLY" STATUS

FROM:	VISN Director (10)	N)		
SUBJ:	BJ: Request for Assignment to "no reply" Status re: John Doe			
TO:	Deputy Under Secretary for Health for Operations and Management (10N)			
	is a request to assignous to a "no reply"		. Doe's repeated complai	nts of improper
respond years ag Despite medicat Integrate medicat	ed numerous times to go. A copy of the Varepeated assurances ions have been proped Service Network	to Mr. Doe's A medical ce s from all leve er, Mr. Doe (VISN) Dire er (see attach	enter's most recent letter to els of VA medical center continues to allege otherwector has tried to assure Mandel letter). Mr. Doe has	o Mr. Doe is attached. management that his wise. The Veterans Mr. Doe that his
	understand that if Manswered.	r. Doe presen	nts new or different inform	mation, his correspondence
	ordingly, the VISN _ oper medications to	-		John R. Doe's allegations
——(Sign	nature and Name of	VISN Direct	or)	
Attachn	nents			
		/		
	Approved	/	Disapproved	(Date)
Deputy	Under Secretary for	(Signature) Health for C	Operations and Manageme	ent
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ATTACHMENT B

SAMPLE – ACKNOWLEDGEMENT OF INQUIRY

Mr. John R. Doe 1000 Memory Lane Baltimore, MD 22468

Dear Mr. Doe:

This acknowledges your letter of August 6, 2009, to the Secretary of Veterans Affairs, regarding your medications from the Fort Howard Department of Veterans Affairs (VA) Medical Center.

Both the Director of the Fort Howard VA Medical Center and I have responded previously to your concerns about your medications. Enclosed for your convenience is a copy of my last letter to you. We feel we have addressed your concerns to the best of our ability and cannot provide any new information. Accordingly, this letter will be considered the final response to your inquiry about your medications.

Please be assured that we will continue to provide you the medical care for which you are eligible. Should you have further questions about your medical care, please feel free to consult Ms. Elizabeth Jones, Chief, Health Administration Service, Fort Howard VA Medical Center, Ft. Howard, MD, 21052. She can be reached at (301) 345-6789. She would be most pleased to assist you.

Sincerely yours,

Signature Block and Signature of the VISN Director

Enclosure

ATTACHMENT C

SAMPLE MEMORANDUM TO WHITE HOUSE OR CONGRESSIONAL MEMBER

MEMORANDUM FOR:

(Name and Title of White House or Congressional Member Staff Member who made the referral) The White House

This is in response to your referral of July 27, 2009, on behalf of Mr. John R. Doe who wrote to the President concerning his medications from the Fort Howard, MD, Department of Veterans Affairs (VA) Medical Center.

VA has thoroughly evaluated the concerns raised by Mr. Doe and has responded to his concerns about his medications on two occasions. We believe that his concerns have been adequately addressed and that further correspondence to Mr. Doe on this subject would not provide any new information. If VA learns of new evidence pertaining to Mr. Doe's issues, we would be willing to re-visit these issues.

Enclosed for your information are copies of our previous replies to Mr. Doe.

Sincerely yours,

Signature Block and Signature of the VISN Director

Enclosure