

CORRESPONDENCE REQUIRING NO RESPONSE (NO REPLY)

- 1. REASON FOR ISSUE:** This Veterans Health Administration (VHA) Directive establishes procedures for declaring certain correspondence exempt from the general requirement to provide a response.
- 2. SUMMARY OF MAJOR CHANGES:** This updated Directive adds a provision for correspondence alleging that VA benefits were denied.
- 3. RELATED ISSUES:** None.
- 4. RESPONSIBLE OFFICE:** The Director, Office of Executive Correspondence (10B1) is responsible for the content of this Directive. Questions may be referred to 202-461-7299.
- 5. RESCISSIONS:** VHA Directive 2009-037, dated August 14, 2009, is rescinded.
- 6. RECERTIFICATION:** This VHA Directive is due for recertification on or before the last working day of May 2020.

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Interim Under Secretary for Health

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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. **AUTHORITY:** 38 U.S.C. 7301(b).

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 (10A) 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. RESPONSIBILITIES:

a. **Chief Program Officer or the VA Medical Facility Director.** The Chief Program Officer or the Department of Veterans Affairs (VA) medical 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 Appendix A), along with the correspondence folder, must be sent through the VHA Office of Executive Correspondence (10B1) to the Principal Deputy Under Secretary for Health (10A) or the Deputy Under Secretary for Health for Operations and Management for VA medical facilities.

(b) The memorandum needs to contain the following information:

1. A brief description of previous attempts by VA to address the person's concerns;
2. A statement requesting that the person's inquiry be placed in a "no reply" status;
3. A statement that if the person presents new information, a response will be provided; and
4. Attachments containing the previous VA reply(s) to the person.

(c) Attach a letter (see Appendix B) to the Veteran's file which contains the following information:

1. An acknowledgement of the inquiry;
2. 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) A memorandum for the record must be sent to the Director, VHA Office of Executive Correspondence.

(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;

2. A statement certifying that the inquiry has already been answered and that no new information has been provided; and

3. An attachment consisting of the most recent reply (normally, this attachment would be the letter referenced in paragraph 3.a.(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 Appendix C), a memorandum must be prepared for the signature of the Chief Program Officer, VISN Director, or the medical facility Director to the White House or Congressional Member who referred the correspondence.

(b) The memorandum needs to contain the following information:

1. 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

2. Enclosures consisting of copies of previous replies by VA to the person. To have qualified for a "no reply" status, there would be at least two previous replies.

(4) Other.

(a) The "no reply" status may not be invoked if the correspondence is on behalf of 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 (10P2) and must be responded to in accordance with the provisions of VHA Handbook 1605.1.

(d) The "no reply" status may not be invoked if the incoming correspondence alleges that VA benefits have been denied, unless appeal rights have been provided. (See VHA Directive 1032, Health Benefits Appeals Processing).

b. **Director, Office of Executive Correspondence.** The Director, Office of Executive Correspondence, is responsible for ensuring that the VHA Central File Station maintains a permanent, chronological file of approved and disapproved requests.

c. **Principal Deputy Under Secretary for Health.** 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. **Deputy Under Secretary for Health for Operations and Management.** The Deputy Under Secretary for Health for Operations and Management is responsible for approving or disapproving requests from VISN Directors, on behalf of VA medical facilities, for assigning a person's correspondence to a "no reply" status.

May 12, 2015

VHA DIRECTIVE 1112
APPENDIX A

SAMPLE MEMORANDUM TO ASSIGN PERSON TO "NO REPLY" STATUS

FROM: VISN Director (10N_ _)

SUBJ: Request for Assignment to "no reply" Status re: John Doe

TO: Deputy Under Secretary for Health for Operations and Management (10N)

1. This is a request to assign Mr. John R. Doe's repeated complaints of improper medications to a "no reply" status.
2. The Fort Howard, MD, Department of Veterans Affairs (VA) Medical Center has responded numerous times to Mr. Doe's allegation that he received improper medications 2 years ago. A copy of the VA medical center's most recent letter to Mr. Doe is attached. Despite repeated assurances from all levels of VA medical center management that his medications have been proper, Mr. Doe continues to allege otherwise. The Veterans Integrated Service Network (VISN) Director has tried to assure Mr. Doe that his medications have been proper (see attached letter). Mr. Doe has again written with the same allegation as in his previous correspondence.
3. We understand that if Mr. Doe presents new or different information, his correspondence will be answered.
4. Accordingly, the VISN __#__ requests approval to assign Mr. John R. Doe's allegations of improper medications to a "no reply" status.

(Signature and Name of VISN Director)

Attachments

Approved / Disapproved (Date)

(Signature)

Deputy Under Secretary for Health for Operations and Management

May 12, 2015

VHA DIRECTIVE 1112
APPENDIX 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,

Signature Block and Signature of the VISN Director

Enclosure

May 12, 2015

VHA DIRECTIVE 1112
APPENDIX 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,

Signature Block and Signature of the VISN Director

Enclosure