



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

DEC 14 2010

Mr. Michael Wishnie
Jerome N. Frank Legal Services Organization
PO Box 209090
New Haven, CT 06520

Dear Mr. Wishnie:

This is in response to your Freedom of Information Act (FOIA) request dated October 15, 2010, which were received in this office on October 18, 2010.

What You Requested

You requested documents during fiscal years 2006 through 2010 pertaining to post traumatic stress disorder (PTSD) and military sexual trauma (MST) and listed 18 items. We will address each item below.

What We Decided

1. The number of benefit claims filed, approved, and rejected for PTSD in FY2006, FY2007, FY2008, FY2009, and FY2010.

The Annual Benefits Report is available at http://www.vba.va.gov/REPORTS/abr/2009_abr.pdf. It provides some data on PTSD benefits such as the number of Veterans receiving benefits for PTSD for the first time in FY2009. There is no report that provides the numbers of claims received, approved and rejected.

2. The distribution of disability ratings for PTSD claims in FY2006, FY2007, FY2008, FY2009, and FY2010.

It is unclear what you mean by distribution. If this refers to claims awarded and assigned a disability rating, the Annual Benefits Report (ABR) listed above does list each body system by rating percentage by year. This chart would give the data by body system (mental disorders) but not specifically for PTSD.

3. The distribution of disability ratings for PTSD claims awarded in FY2006, FY2007, FY2008, FY2009, and FY2010.

The Annual Benefits Report (ABR) referred to above lists each body system by rating percentage for Veterans who began receiving compensation by Fiscal Year.

Mr. Michael Wishnie

Requests 4 through 18 are asking for data defining PTSD claims as either including or excluding MST or MST claims. VA's database does not include any indicator for MST. All trauma claims, whether MST or not, are coded as PTSD for VA purposes.

VA has no report that identifies denied claims.

No Responsive Records Found

The data elements that you requested do not exist in any report currently captured by the Department of Veterans Affairs. Given the costs, time, and limitation of our resources, extracting and compiling this data, if possible, would place an undue burden on the agency. There are multiple court decisions rendered pertaining to agencies not being required to create records in order to respond to FOIA requests. A FOIA request is for existing agency records. [Stuler v. IRS, No. 05-1717, 2006 WL 891073, at *3 (W.D. Pa. Mar. 31, 2006 (agency "is not required to create documents that don't exist").] [Bailey v. Callahan, No. 09-10, 2010 WL 924251 (E.D. Va. Mar. 11, 2010) (Spencer, C.J.)]

Appeal Rights

If you consider this response as an adverse determination, you may appeal this decision by forwarding a letter to General Counsel (024), Department of Veterans Affairs, 810 Vermont Avenue, NW, Washington DC 20420. The appeal should be marked, both on the envelope and the face of the appeal letter, with the legend "FREEDOM OF INFORMATION ACT APPEAL." A copy of your original request and this response should accompany your appeal with detailed justification for your opposition to this response.

As part of the 2007 FOIA amendments, the Office of Government Information Services (OGIS) was created to offer mediation services to resolve disputes between FOIA requesters and Federal agencies as a non-exclusive alternative to litigation. Using OGIS services does not affect your right to pursue litigation. You may contact OGIS in any of the following ways:

Office of Government Information Services
National Archives and Records Administration
Room 2510
8601 Adelphi Road
College Park, MD 20740-6001

E-mail:	ogis@nara.gov
Telephone:	301-837-1996
Toll-free:	877-684-6448
Facsimile:	301-837-0348

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Point of Contact

If you have any questions pertaining to this request, please contact Frances Hudzik, VBA FOIA Officer, at 202-461-9767.

Sincerely,

A handwritten signature in black ink, appearing to read "Thomas J. Murphy". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

Thomas J. Murphy
Director
Compensation and Pension Service