



VA Connecticut Healthcare System
950 Campbell Ave
West Haven, CT. 06516

RE: FOIA 26-02515-F

March 16, 2026

James Flannery
jim-flannery@proton.me

Dear Mr. Flannery:

This letter acknowledges receipt of your November 24, 2025, request under the Freedom of Information Act (FOIA), 5 U.S.C. § 552, submitted to the VHA 689 - VA Connecticut HCS FOIA Office for the following records:

Any and all information pertaining to patient harm resulting from iatrogenic affects due to electroconvulsive treatment at West Haven VA Medical Center, not to exclude those resulting from *involuntary* electroconvulsive treatment. (Date Range for Record Search: From 01/01/2015 To 12/31/2024)

Request Procedural History

As indicated in their November 25, 2026, letter, VHA FOIA Office referred your request to VA Connecticut HCS FOIA Office for further processing and direct response to you under the FOIA tracking number 26-02515-F.

Your FOIA request was received in my office on November 25, 2025, under the above-mentioned FOIA tracking number which is listed at the top of this letter. Please include this tracking number in all future communications concerning this FOIA request.

As expressly authorized under the FOIA, the VA processes requests using multitrack processing which allows us to process requests on a first-in, first-out basis in either a simple or complex processing track. This allows us to respond to relatively simple requests more quickly than requests involving complex and/or voluminous records. Your request was placed in the Simple processing category.

Expedited Processing

In your request letter, you asked for expedited processing of your FOIA request. Upon review of the submitted information, I am denying your request for expedited processing. The FOIA provides that an agency shall process a FOIA request on an expedited basis if the individual making the FOIA request demonstrates a compelling need for the information requested or the agency otherwise determines that the expedited processing request should be granted (5 U.S.C. § 552(a)(6)(E)(i)).

The FOIA states that a “compelling need” may exist in either of two situations. First, a compelling need exists when a FOIA requester’s failure to obtain records on an expedited basis “could reasonably be expected to pose an imminent threat to the life or physical safety of an individual,” 5 U.S.C. § 552(a)(6)(E)(v)(I). Under this test, the FOIA requester must demonstrate how failure to receive the requested records on an expedited basis places an identified individual at immediate risk of death or physical harm. Second, a compelling need may exist where, “with respect to a request made by a person primarily engaged in disseminating information, urgency to inform the public concerning actual or alleged Federal Government activity” (5 U.S.C. § 552(a)(6)(E)(v)(II)).

Your expedited processing request fails to demonstrate how failure to obtain the requested records on an expedited basis poses an imminent threat to the life or physical safety of an individual. Nor did your FOIA request qualify for expedited processing under the second test as you have failed to demonstrate why there is an urgency to inform the public concerning actual or alleged Federal Government activity. For these reasons, I have denied your request for expedited processing of your FOIA request.

Fee Category Determination

The FOIA, 5 U.S.C. § 552(a)(4)(A)(ii), places all FOIA requesters in one of three categories for fee purposes. The three categories of FOIA requesters are (1) commercial use requesters; (2) educational institutions, noncommercial scientific institutions and representative of the news media; and (3) all other requesters. I have determined your request to be in the category of All Other. My determination to classify this request as a All Other request is based on you being the requestor.

As an all other requester, VA FOIA implementing regulations found at 38 C.F.R. §1.561(c)(4) state that the requester will be charged search fees for all time spent searching for responsive records, except the first two hours of search time are free, and for the cost of reproduction of the records only, excluding charges for the first 100 pages. In addition, VA FOIA regulation 38 C.F.R. § 1.561(h)(1) states that the VA will not charge the requester if the fee is \$25 or less. Moreover, the all other requesters will be charged the cost of searching for and reproducing the records even if there is ultimately no disclosure of records.

A fee estimate will be issued as applicable to the request. We will search for records responsive to your FOIA request that were gathered or created by the VHA 689 - VA Connecticut HCS on and before the date your request is sent out for record search.

Please be advised you may appeal against the denial for expedited processing made in this letter to:

Office of the General Counsel (024)
Department of Veterans Affairs
810 Vermont Avenue, N.W.
Washington, DC 20420

ogcfoiaappeals@va.gov

If you should choose to file an appeal, your appeal must be postmarked or electronically transmitted no later than ninety (90) calendar days from the date of this letter. Please include a copy of this letter with your written appeal and clearly state why you disagree with the determinations set forth in this response.

You may also seek assistance and/or dispute resolution services for any other aspect of your FOIA request from VHA's FOIA Public Liaison and/or Office of Government Information Services (OGIS) as provided below:

VHA FOIA Public Liaison:
vhafioahelp@va.gov
Phone: 833-880-8500

Office of Government Information Services
National Archives and Records Administration
8601 Adelphi Road
College Park, MD 20740-6001
ogis@nara.gov

If you should have any further questions, please feel free to contact me at 203-932-5711 ext. 14109 or vact.vafoia@va.gov.

Sincerely,

Walter Jofre
VHA 689 - VA Connecticut HCS FOIA Officer