



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

July 30, 2015

Judicial Watch
Attn: William F. Marshall
425 Third St., SW, Suite 800
Washington, DC 20024
bmarshall@judicialwatch.org

RE: FOIA Request: **15-05728-F**

Dear Mr Marshall:

This letter is in response to your Freedom of Information Act (FOIA), 5 U.S.C. § 552, request received in FOIA Service on June 18, 2015, but received in my office June 19, 2015. You requested the following information:

1. Any and all records reflecting the number of US military Veterans in the years 2001 – 2015, broken out by year, who have been rated “incompetent” or “mentally incapable” for VA purposes and are no longer allowed to purchase or possess firearms.
2. Any and all records reflecting the number of US military Veterans in the years 2001 – 2015, broken out by year who have appealed determinations that they were rated “incompetent” or “mentally incapable” and are no longer allowed to purchase or possess firearms.
3. Any and all records reflecting the number of US military Veterans in the years 2001-2015, broken out by year, who have appealed determination that they were rated “incompetent” or “mentally incapable” and subsequently had their Veterans benefits suspended

The Veterans Benefits Administration (VBA) queried the appropriate office to request records pertaining to your request. Based on data analysis of VBA internal systems, we are providing you the following results as of July 17, 2015. Please note for this data analysis the term “**Unique Veteran**” means a Veteran is only counted once in that amount. Veterans may have multiple ratings, so you will see the rating counts are greater than the Unique Veteran counts for some years. The same applies for appeals issues.

The following table provides counts of rating decisions establishing incompetency to handle disbursement of funds. The year is the calendar year of the rating decision date.

Table 1:

Rating Calendar Year	Ratings	Unique Veterans
2001	20	20
2002	99	99
2003	5,924	5,901
2004	6,491	6,466
2005	5,330	5,321
2006	8,325	8,270
2007	11,265	11,121
2008	13,260	13,100
2009	14,793	14,600
2010	17,256	17,084
2011	22,660	22,470
2012	22,042	21,871
2013	20,301	20,162
2014	22,266	22,020
2015	8,854	8,776
Totals (not unique)	178,886	177,281
Unique Cell		171,813

The following table provides counts of appeals where the issue on appeal was competency. The year is the calendar year the Notice of Disagreement was received establishing the appeal.

Table 2:

Appeal Calendar Year	Appeals	Unique Veterans
2001	137	136
2002	202	202
2003	228	228
2004	239	238
2005	257	257
2006	274	273
2007	263	261
2008	369	367
2009	362	361
2010	434	433
2011	421	420

2012	387	386
2013	349	349
2014	372	371
2015	122	122
Totals (not unique)	4,416	4,404
Unique Veterans		4,297

The following table provides counts of the subset of appeals in Table 2 where the Board of Veterans Appeals (BVA) either granted or denied the issue on appeal. The year is the calendar year the Notice of Disagreement was received establishing the appeal.

Table 3:

Appeal Calendar Year	Appeal Issue Finalized by BVA (Grant or Denial Only)	Appeals Denied (Incompetency upheld)	Unique Veterans
2001	18	10	10
2002	16	14	14
2003	24	20	20
2004	28	23	23
2005	21	18	18
2006	18	16	16
2007	17	11	11
2008	37	23	23
2009	22	12	12
2010	10	5	5
2011	10	3	3
2012	6	2	2
2013	1	1	1
2014	0	0	0
2015	0	0	0
Totals (not unique)	228	158	158
Unique Veterans			157

The following table provides counts of all claims received requesting National Instant Background Check System (NICS) Relief Request. The year is the calendar year the claim was received.

Table 4:

Claim Calendar Year	Claims	Unique Veterans
2009	26	26
2010	123	119
2011	56	55
2012	58	56
2013	44	44
2014	29	28
2015	12	12
Totals (not unique)	348	340
Unique Veterans		328

This concludes our response to your FOIA request.

Your request was processed by the undersigned. You may appeal the determination made in this response to:

General Counsel (024)
Department of Veterans Affairs
810 Vermont Avenue, N.W.
Washington, D.C. 20420

If you should choose to make an appeal, your appeal must be postmarked no later than sixty (60) calendar days after the date of the adverse determination. It must clearly identify the determination being appealed and must include any assigned request number.

The appeal should also include:

1. The name of the FOIA Officer
2. The address of the component
3. The date of the component's determination, if any
4. The precise subject matter of the appeal

If you choose to appeal only a portion of the determination, you must specify which part of the determination you are appealing.

The appeal should include a copy of the request and VA's response, if any. The appeal should be marked "Freedom of Information Act Appeal".

Point of Contact

Thank you for your interest in the Department of Veterans Affairs. Customer service is very important to us.

If you have questions regarding this letter, please contact B. Leah Brown at (202) 461-9740 and refer to the assigned case number.

Sincerely yours,

Bertha Brown

Bertha Brown
Compensation Service, FOIA Officer
Veterans Benefits Administration