



## UNITED STATES DEPARTMENT OF EDUCATION

### OFFICE OF MANAGEMENT

#### Office of the Chief Privacy Officer

November 9, 2018

Sean Marvin  
Veterans Education Success  
P.O. Box 71162  
Bethesda, MD 20813-1162

RE: FOIA Request No. 18-02215-F

Dear Mr. Marvin:

This letter is a final response to your request for information pursuant to the Freedom of Information Act (FOIA), 5 U.S.C. § 552, dated June 21, 2018 and received in this office on June 22, 2018. Your request was forwarded to the appropriate office to search for documents that may be responsive to your request: Federal Student Aid (FSA).

You requested the following:

1. Records showing how many permanently disabled military veterans the VA identified to the Education Department, and, of those, how many have been identified by the Education Department as qualified for the TPD discharge,
2. Of the permanently disabled military veterans identified by the Education Department as qualified for the discharge, records showing the total, cumulative amount of their Federal student loan debt,
3. Of the permanently disabled military veterans identified by the Education Department as qualified for the discharge, records showing how many are in default on their Federal loans and what is the total amount of loans in default?, and
4. Records of any final determination of which date the Education Department will reach out to the permanently disabled military veterans identified by the Education Department as eligible for TPD discharge.

FSA has assigned this request to Business Operations. Business Operations has provided answers to the questions below. However, FSA recommends that the request be referred to the VA for any questions related to the file that VA generated mentioned in item 1.

- **Response Question 1a:** FSA is only permitted to use the information received from VA for the purposes identified in the agreement, which is to contact Borrowers of Title IV Loans that match with the VA per this Agreement who show that they owe a balance on a Title IV Loan, to inform those Borrowers of ED's TPD process and use the information obtained from VA as documentation that the Borrower qualifies for a TPD discharge. FSA is not allowed to keep any information for which it doesn't match a record for the purposes of the agreement.

- **Response Question 1b:** Of the records received from VA, FSA matched 42,763 estimated as eligible to receive a notification as of April 13, 2018.
- **Response Question 2:** The total amount of debt is \$1,021,068,072.00 as of April 13, 2018.
- **Response Question 3:** 25,023 borrowers for \$117,549,961.00 (Commercial and Government held default) as of April 13, 2018.
- **Response Question 4:** The letters were sent between the dates of April 27, 2018 through May 7, 2018 and indicated that the borrower may be eligible for discharge; the department does not discharge the loan until the borrower signs and returns the letter due to potential state tax implications. 8,594 of those borrowers have returned applications, and are waiting for a final approval from the Department as of May 2, 2018.

The Department has completed the processing of your request. Provisions of the FOIA allow us to recover the costs pertaining to your request. The Department has concluded that you fall within the category of “commercial use requester” However, the Department has provided you with this information at no charge. The Department's release of this information at no cost does not constitute the grant of a fee waiver, and does not infer or imply that you will be granted a fee waiver for future requests made under FOIA to the Department. Because we were able to locate and process these documents at minimal costs, they are provided to you at no cost.

Also, you have the right to seek assistance and/or dispute resolution services from the Department’s FOIA Public Liaison or the Office of Government Information Services (OGIS). The FOIA Public Liaison is responsible, among other duties, for assisting in the resolution of FOIA disputes. OGIS, which is outside the Department of Education, offers mediation services to resolve disputes between FOIA requesters and Federal agencies as a non-exclusive alternative to appeals or litigation.

They can be contacted by:

Mail	FOIA Public Liaison Office of the Chief Privacy Officer U.S. Department of Education 400 Maryland Ave., SW, LBJ 7C132 Washington, DC 20202-4536	Office of Government Information Services National Archives and Records Administration 8601 Adelphi Road Room 2510 College Park, MD 20740-6001
E-mail	<a href="mailto:robert.wehausen@ed.gov">robert.wehausen@ed.gov</a>	<a href="mailto:OGIS@nara.gov">OGIS@nara.gov</a>
Phone	202-205-0733	301-837-1996; toll free at 1-877-684-6448
Fax	202-401-0920	301-837-0348

Lastly, you have the right to appeal this decision by writing to the address below, 90 calendar days from the date of this letter. Using the services described above does not affect your right or the deadline to file an appeal. Your appeal must be in writing and must include detailed statement of all legal and factual bases for the appeal; it should be accompanied by this letter, a copy of your initial letter of request, and any documentation that serves as evidence or supports the argument you wish the Department to consider in making an administrative determination on your appeal.

Appeals may be submitted using the on-line form available at [www.ed.gov/policy/gen/leg/foia/foia-appeal-form.pdf](http://www.ed.gov/policy/gen/leg/foia/foia-appeal-form.pdf).

E-mail: [EDFOIAappeals@ed.gov](mailto:EDFOIAappeals@ed.gov)  
Fax: 202-401-0920  
Mail: Appeals Office  
Office of the Chief Privacy Officer  
U.S. Department of Education  
400 Maryland Avenue, SW, LBJ 7W106A  
Washington, DC 20202-4536

Sincerely,

*Arthur Caliguiran*

Arthur Caliguiran  
FOIA Analyst  
FOIA Service Center