

SUPPORTING STATEMENT

Overpayment Recovery Questionnaire (OWCP-20) OMB No. 1215-0144

A. Justification

1. This information collection is necessary to determine whether or not the recovery of any Black Lung, Energy Employees Occupational Illness Compensation Act (EEOICPA) or Federal Employees' Compensation (FECA) overpayment may be waived, compromised, terminated, or collected in full. Standards for Federal agency collection of government debts are regulated under the Federal Claims Collection Acts of 1966 and 1982 and the Debt Collection Improvement Act of 1996. In the Office of Workers' Compensation Programs, collection information pertaining to the collection of accounts receivable is authorized under the Federal Coal Mine Health and Safety Act of 1969, as amended, 30 USC 923(b) and 20 CFR 725.544(c), the EEOICPA, 42 USC 7385j-2 and 20 CFR 30.510 - 30.520, and the Federal Employees' Compensation Act, 5 USC 8129(b) and 20 CFR 10.430 - 10.441.

2. The information is used by OWCP examiners to ascertain the financial condition of the beneficiary to see if the overpayment or any part can be recovered; to identify the possible concealment or improper transfer of assets; and to identify and consider present and potential income and current assets for enforced collection proceedings. The questionnaire provides a means for the beneficiary to explain why he/she is without fault in an overpayment matter. If this information were not collected Black Lung, EEOICPA and FECA would have little basis to decide on collection proceedings.

3. In its previous clearance submission, DOL stated its intention to comply with GPEA requirements to automate the OWCP-20 process for the public. Because an original signature is required for the debtor's information to be considered valid and authentic, the form must be returned to OWCP in hard copy. The OWCP-20 (in PDF format) was made available on the OWCP Internet website in mid-October 2003, and can be completed on-line, downloaded and printed for mailing to OWCP at the following DOL/ESA website <http://www.dol.gov/esa/regs/compliance/owcp/OWCP-20.pdf>.

The OWCP-20 is mailed to the overpaid person along with other correspondence at the time of the initial notification of the overpayment. The form does require a verifiable signature as proof of responsibility for the personal and financial information disclosed on the form. Since its previous clearance submission, OWCP has determined that the cost of signature certification is too high to justify enabling the OWCP-20 to be submitted electronically. Providing electronic certification services would not be cost effective (\$35 per individual versus \$.42 per individual for

postage), particularly considering that form submissions are a generally one-time occurrence per individual, the cost to the public of mailing the form is very small, and in addition the overpaid population who have the ability to file electronically is small. Mailing the form is much less expensive.

4. There are no similar or like requirements known within the agency. Each OWCP program solicits information from its own overpaid beneficiaries. This information is only collected for this specific purpose, and is not available otherwise. There is no duplication of information collection between Black Lung, EEOICPA and FECA. Each program uses only this form to collect this information. Other federal agencies have similar data collection needs from their own populations.

5. This information collection does not have a significant economic impact on a substantial number of small entities.

6. The collection of this information only occurs when an overpayment is discovered. If the information were not collected, there would be no mechanism to verify the circumstance and the beneficiary's ability to repay the overpayment.

7. There are no special circumstances for this information collection.

8. A Federal Register Notice inviting public comment was published on May 24, 2006. No comments were received.

9. There are no payments or gifts made to respondents.

10. All information collected as a result of the use of this questionnaire is fully protected by the Privacy Act of 1974 and OMB Circular A-108. Moreover, FECA case files are exempted from disclosure under the Freedom of Information Act (See U.S.D.C., D.C. Civil Action No. 78-1647, Plain Dealer Publishing Company, et. al. vs U.S. Department of Labor). Black Lung System of Privacy Statement DOL/ESA-6 and DOL/ESA-30 protects Black Lung recovery questionnaires. EEOICPA System of Records DOL/ESA-49 protects EEOICPA questionnaires.

11. No questions of a sensitive nature concerning sexual preference, religion, etc. are requested. Questions concerning personal finances and benefits from other sources may be considered sensitive, but these are the very matters that permit a determination concerning waiver of the overpayments of compensation.

12. Public Burden Hour Estimates

Information collection from the public is conducted by OWCP on an as-

needed basis. The estimated public burden per year of the form is 4,020 hours. We estimate that it will take between 45 and 75 minutes, or an average of 1 hour, to complete this form. Each respondent should only have to complete the form once, and we estimate 4,020 respondents per year.

a. EEOICPA:

Approximately 20 individuals will be requested to submit information using the form for EEOICPA. Filling out the form is estimated to take 1 hour per individual. Thus, the public burden for the EEOICPA will be 20 hours.

b. FECA:

Approximately 3,500 respondents per year (estimated from actual counts), will be requested to respond to the questionnaire. Filling out the questionnaire requires one hour to complete. Each respondent will complete one questionnaire. Thus, the total public burden will be 3,500 hours.

c. Black Lung:

The estimated total time for a respondent to complete the form is one hour. The form will be completed once by 500 respondents (estimated from actual counts) in each year for a total public burden of 500 hours.

The information being requested is kept in the respondents' personal records, most likely at home, and its retrieval requires only minimal cost. The burden hour monetary cost to respondents is calculated using the average rate of compensation for an individual in each of the two OWCP programs and EEOICPA.

The cost burden for Black Lung beneficiaries is based on the minimum wage, \$5.15 per hour, times 1 hour for completion times 500 respondents, for a total cost of \$2,575.

Because the wage category of most of the FECA respondents is not known, the FECA and EEOICPA Program have estimated the cost of the burden hours using the National Average Weekly Wage for non-supervisory workers on private non-agriculture payrolls as computed by BLS for March 2006, or \$16.51 per hour. $3,520 \text{ respondents} \times \$16.51 = \$58,115$.

Total public burden cost is \$60,690.

13. Annual Cost to Respondents for Operation and Maintenance

The cost to respondents for operation and maintenance consists of the price of postage to return the request, or a total \$1,688 for 4,020 respondents at 42 cents each (postage and envelope.)

14. Annualized Cost to the Federal Government (The FY 06 Salary Table for the RUS was used to determine the hourly wages.)

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| a. EEOICPA: | |
| 1. GS-12/4; \$32.83/hour x 20 forms | \$657 |
| 2. Printing and Distribution | 0 |
| 3. Mailing (\$.42 postage and envelope) | <u>\$ 8</u> |
| | \$665 |
| b. FECA: | |
| 1. GS-12/4; \$32.83/hour X 3,500 forms | \$114,905 |
| 2. Printing and Distribution | 338 |
| 3. Mailing (\$.42 postage and envelope) | <u>1,470</u> |
| | \$116,713 |
| c. Black Lung: | |
| 1. GS-11/4, \$27.39/hour X 500 forms | \$13,695 |
| 2. Printing and Distribution | 48 |
| 3. Mailing cost (.42 per form) | <u>210</u> |
| | \$13,953 |
| Total | \$131,331 |

15. There has been a reduction of 500 burden hours from 4,520 to 4,020 which is an adjustment of hours because benefit checks were issued after a beneficiary's death prior to notification of the death to the BL Program. Under the new Treasury procedures with post mortem overpayments, repayment of the debt is not the burden of the person that received a descendant's benefits. The burden is on the bank that improperly failed to close the account and paid out the money. Rather than using the OWCP-20 form that a claimant debtor would complete, these overpayments are recovered by using a protected need-to-know Department of the Treasury website service to collect from the liable bank. This service is currently called by Treasury PACER for Payment and Claims Enhanced Reconciliation, <http://192.107.234.1>, and is commonly referred to as POL for PACER-On-Line. There has been no change in the annual responses.

16. No plans exist to publish the data obtained by the use of this questionnaire.

17. The expiration date will be displayed on the form.

18. There are no exceptions to the certification.