

SUPPORTING STATEMENT FOR VA FORM 22-8873
OMB NUMBER 2900-0358

A. Justification.

1. The Department of Veterans Affairs (VA) is authorized to pay education benefits to veterans and other eligible persons pursuing approved programs of education under chapters 30, 32 and 35, title 38, U.S.C.; chapters 1606 and 1607 of title 10, U.S.C.; Section 903 of Public Law 96-342; and the NCS (National Call to Service) (10 U.S.C., chapter 31, section 510). This information collection involves two similar but different education concepts. These concepts are a "change of program" and "unsatisfactory attendance, conduct, or progress." 38 U.S.C. 3691 allows veterans and other eligible persons to change their program of education and 38 U.S.C. 3474 addresses discontinuance for unsatisfactory conduct or progress.

First concept: a "change of program." A claimant can choose any initial program. That claimant can later pursue a different program. This would be his or her first change of program. A claimant can normally make one change of program without VA approval. If that claimant makes any additional change of program, VA approval is required as this would be the second change of program.

Information concerning a "change of program." For example, a claimant is enrolled in a college program in engineering. He earns 24 college credits. He changes his program from engineering to an art major. The college gives credit for only 10 hours. Because he has lost 14 credits and has to attend college longer (by taking additional school terms), VA considers this respondent as changing his program. VA would ask this respondent to complete only Part I (Item 3) of the 22-8873 form.

Veterans and other eligible persons may change their program of education under the conditions prescribed by 38 U.S.C. 3691 (38 CFR 21.4234).

Before VA may approve benefits for a second or subsequent change of program, VA must first determine that the new program is suitable to the claimant's aptitudes, interests, and abilities.

VA uses VA Form 22-8873 to gather information concerning a change of program only if VA cannot determine the suitability of the proposed training program from information already available in the claimant's VA education records, or if results of academic or vocational counseling are not available to VA.

Second concept: "unsatisfactory attendance, conduct, or progress." Veterans and other eligible persons must meet their school's standards of attendance, conduct or progress. VA must discontinue education benefits if a beneficiary has unsatisfactory attendance, conduct or progress (38 U.S.C. 3474, 38 CFR 21.4277) and cannot authorize education benefits for any future training unless VA receives evidence that the cause of the unsatisfactory attendance, progress or conduct has been corrected

Schools or institutions set their own policy concerning standards of attendance, progress and conduct. VA does not set any policy for these institutions concerning attendance, progress or conduct. If an institution reports that it has terminated a claimant from training due to unsatisfactory attendance, progress or conduct, VA informs the claimant, by letter, that he or she has been reported as not maintaining satisfactory attendance, progress or conduct in training. This letter also specifies what information or evidence that the cause of the unsatisfactory attendance, conduct, or progress will not recur.

VA uses VA Form 22-8873 to gather information concerning unsatisfactory attendance, conduct, or progress only if information concerning the cause of the previous unsatisfactory attendance, conduct or progress is not already available in the claimant's VA education records. For example, if a respondent had previously attended unsatisfactorily due to having to take care of a minor child, and currently states that she is living with her parents who will provide child care while she is attending school, VA would accept this explanation as to the cause of the unsatisfactory attendance being resolved. VA would not require this respondent to complete this form to resolve the unsatisfactory attendance issue.

The following administrative and legal requirements necessitate the collection:

- A. United States Code
 - 38 U.S.C. 501(a)
 - 38 U.S.C. 3034
 - 38 U.S.C. 3241
 - 38 U.S.C. 3474
 - 38 U.S.C. 3524
 - 38 U.S.C. 3691
 - 10 U.S.C. 16136(b)
 - 10 U.S.C. 16166
 - 10 U.S.C. 510

B. Code of Federal Regulations

38 CFR 21.4234

38 CFR 21.4277

38 CFR 21.4278

38 CFR 21.5232

38 CFR 21.5270

38 CFR 21.7114

38 CFR 21.7153

38 CFR 21.7614

38 CFR 21.7653

2. VA has used the information from the current collection to ensure (1) that programs are suitable to a claimant's aptitudes, interests, and abilities and (2) that the cause of any unsatisfactory attendance, progress or conduct has been resolved before entering into a different program.

VA uses Part I (Item 3) of the form (along with information already in VA records) to determine the suitability of the proposed change in training program. Respondents are requested to complete this item when they change their program (education objective). VA sends the claimant the 22-8873 form and a cover letter with instructions on completing the form. The wording of this cover letter is shown in attachment D.

VA notifies claimants by letter when the school submits the initial information about unsatisfactory attendance, progress, or conduct. It provides information to a respondent of the information needed to receive VA education benefits in the future. The wording of this first notice is shown in attachment E.

VA uses Part II (item 4) of the form to identify the cause of the student's unsatisfactory attendance, conduct, or progress, and to determine the suitability of the proposed training program. VA send the 22-8873 form and a cover letter (second notice) when requesting current information concerning the resolution of any unsatisfactory attendance, progress, or conduct. The wording of this cover letter is also shown in appendix E (second notification).

The 22-8873 form may be completed by the claimant in lieu of reporting for counseling. As a result, the necessary determinations are completed more rapidly and at a reduced cost to the government than when personal counseling was previously required.

Without this information, VA could not determine further entitlement to education benefits.

3. Currently, information technology is not being used to reduce the burden. However, VA has converted these forms into an electronic fillable format which is available on the Internet at <http://www.va.gov/vaforms/>. This means that the respondent can access the form electronically, complete it, and print it. Then, the respondent must mail the printed form to the VA.

The respondent can not submit the information electronically. This information collection is only for 23,763 individuals who will submit 23,763 forms. Our current information collection requested only 11,882 hours. This is a fairly small information collection. We have not made this information collection electronic because it would not make economic sense to devote limited VA resources to have this information collection collected electronically. Major reprogramming of multiple benefit payment systems would be required. In addition, the electronic signature issue involved would have to be overcome.

This method of obtaining the required information is considered the most efficient and causes the least burden on the public.

4. VA is not aware of any duplication of this information collection.

5. This information collection involves only individuals (veterans, members of the Selected Reserve, etc.). The individual student is the only source for the information collected by VA Form 22-8873. This information collection does not involve education institutions, small businesses or other small entities.

6. Payment of further educational assistance cannot be legally made without the information on this form.

To collect this information less frequently would preclude VA's ability to determine whether further educational benefits can be authorized.

7. The collection of this information does not require any special circumstances.

8. The public was informed of the right to submit comments on this information collection. The notice is contained on pages 58478 -58479 of the Federal Register dated October 3, 2006. No comments have been received in response to this notice.

Consultations pertaining to the content of the form have not been held outside VA since the last submission for approval. However, claimants have a continuing opportunity to comment on this form. Currently, there are no outstanding comments on this form.

9. VA does not provide any payment or gift to respondents.

10. After processing, VA Form 22-8873 is retained in the claimant's education folder. Our assurance of confidentiality is covered by our System of Records, Compensation, Pension, Education and Rehabilitation Records--VA(58VA21/22), which are contained in the Privacy Act Issuances, 2001 Compilation.

11. None of the questions on this form are considered to be of a sensitive nature.

12. The estimated annual burden for the collection of this information is 11,882 hours.

This figure represents the number of annual responses (23,763) multiplied by 30 minutes, the time required to gather the information and complete the certification. We estimate that approximately 4% of total VA education applicants will complete this form per year. We project that a respondent will only submit one of these forms per year. We based the number of annual responses on the projected number of students who will receive educational benefits in the next three years.

The annual cost to the public is \$247,610 based on 23,763 responses. By assigning a value of \$20.00 per hour to the time of the students who complete VA Form 22-8873, an average completion time of 1/2 hour, the cost of information collection activity is estimated to be \$237,630. The cost of mailing the form is estimated at \$9,980 based on 23,763 responses at \$.42 each (\$.39 for a first class stamp and \$.03 for envelope).

Summary of cost to the public:

Completion Times	\$237,630
Mailing	\$9,980
TOTAL	\$247,610

13. This submission does not involve any record keeping costs.

14. The annual cost to the government for administering these forms is estimated at \$185,570 based on 23,763 annual responses.

This cost is composed of the following:

a. Processing cost of \$ 184,797 is based on the salary of an adjudicator (GS-9 step 5 with an hourly salary of \$23.33), a processing time of 20 minutes per response for a total of 23,763 responses.

b. Administrative and printing costs total \$ 773.

Summary of cost to the Federal Government:

Processing	\$184,797
Administrative Costs	\$773.
TOTAL	\$185,570

15. There is an increase of 2,732 hours from the previous submission. This is based on an increase in the total number of claimants applying for education benefits and two additional education programs that were implemented. We estimate that 920 hours or approximately 34% of this increase is due to implementation of the new programs. We estimate that 1,812 hours or the remaining 66% is due to an increase in number of claimants.

VA requests a program change in this submission, as VA has to administer two additional programs.

16. VA does not publish this information or make it available for publication.

17. The collection instrument, VA Form 22-8873, may be reproduced and/or stocked by regional offices and training establishments. This form does not display an expiration date, and if required to do so, would result in unnecessary waste of existing stocks of this forms. As this form is submitted to OMB for approval every three years, this date requirement would result in an unnecessary burden on the respondents and would delay VA action on the benefit being sought. VA also seeks to minimize the cost to itself of collecting, processing, and using the information, by not displaying the expiration date. For these reasons, VA continues to seek an exception that waives the displaying of the expiration date on VA Form 22-8873.

18. This information collection fully complies with the requirements of 5 CFR 1320.8(b)(3).

B. Collection of Information Employing Statistical Methods.

This collection of information by the Veterans Benefits Administration does not employ statistical methods.

ATTACHMENTS

- A. United States Code
 - 38 U.S.C. 501(a)
 - 38 U.S.C. 3034
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 - 38 U.S.C. 3474
 - 38 U.S.C. 3524
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- B. Code of Federal Regulations
 - 38 CFR 21.4234
 - 38 CFR 21.4277
 - 38 CFR 21.4278
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 - 38 CFR 21.7114
 - 38 CFR 21.7153
 - 38 CFR 21.7614
 - 38 CFR 21.7653

- C. VA Form 22-8873

- D. Cover Letter for VA Form 22-8873 (change of program)

- E. Cover Letter for VA Form 22-8873 (unsatisfactory attendance, conduct or progress)