

**Supporting Statement for VA Form 22-5281 (formerly 24-5281)
Application for Refund of Educational Contributions
(2900-0261)**

A. Justification.

1. Public Law 94-502 established the Post Vietnam Education Program. This account consists of voluntary contributions by eligible servicepersons and matching contributions, on a two-for-one basis, provided by the Department of Defense. The fund provides educational assistance payments to participants that entered the service after December 31, 1976, and before July 1, 1985, and are pursuing training under Chapter 32, title 38 U.S.C.

VA Form 22-5281 (formerly 24-5281), Application for Refund of Educational Contributions, is required to process the payment of refunds or contributions made by program participants who wish to stop enrollment. If a participant stops enrollment from the program prior to discharge or release from active duty, such participant's contributions will be refunded on the date of the participant's discharge or release from active duty or within 60 days of receipt of notice by the Secretary of the participant's discharge or disenrollment. Refunds may be made earlier in instances of hardship or other good reason as prescribed in regulations issued jointly by the Secretary and the Secretary of Defense. If a participant stops enrollment from the program after discharge or release from active duty, the participant's contributions shall be refunded within 60 days of receipt of an application for a refund from the participant.

2. The information collected on VA Form 22-5281 is used to properly identify and refund the amount currently being held in the Post-Vietnam Era Veterans Education account to the qualifying veteran.

3. VA Form 22-5281 is available on the One-VA Website in a template format that can be filled in electronically. VBA is currently hosting this form on a secure server and does not currently have the technology in place to allow for the complete submission of the form. Efforts within VA are underway to provide a mechanism to allow the information to be submitted electronically with a recognized signature technology. There currently is no utility process in place that will allow the data submitted on the form to be incorporated with an existing centralized legacy database.

4. VA is not aware of any duplication of this information collection. The information is specific to an individual. This is an opportunity for the participant to provide disenrollment information for the sole purposes of obtaining a refund of education contributions.

5. The collection of this information does not involve small businesses or entities. Only specific individuals seeking a refund of their contributions will be requested to supply this information.

6. Without the information submitted on VA Form 22-5281, we would be unable to identify and refund to the participant the amount which is currently being held in the Post-Vietnam Era Veterans Education account. We would then be in violation of 38 U.S.C., Part II, Chapter 32, Section 3223.

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 in the Federal Register dated August 8, 2007 volume 72, number 152, page 44613. We have not received any comments in response to this notice.

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

10. VA Form 22-5281, Application for Refund of Educational Contributions, is maintained in the veteran's claims folder at the VA Regional Office if the veteran has a running award. The Muskogee, VA Regional Office is assigned total jurisdiction over processing twenty-five or more applications of VA Form 22-5281. When any Regional Office receives less than twenty-five applications, the Finance Section will process the application. The confidentiality of the information entered on this form is required by our System of Records, 58VA21/22, Compensation, Pension, Education and Rehabilitation Records, that are contained in the Privacy Act Issuances, 1993 Compilation.

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

12. We anticipate that 5,000 individuals will complete VA Form 22-5281 annually. The number of responses is based on information received from finance regarding the number of refunds they have completed over the last three years and the ratio of 70/30 for those who complete the form but do not qualify for the program. The number of expected claims is substantially less than past submissions. This is partly due to the slow down of the number of individuals enrolled in the program and that the program is no longer available for additional enrollees.

We estimate that no more than ten minutes will be required to complete VA Form 22-5281. The estimated annual burden for the collection is 833 hours. This figure represents the number of annual responses (5,000) multiplied by ten minutes, the time required by the claimant to complete the request. We project that a respondent will only submit this information once during their benefit period. We based the estimate of 10 minutes on past submissions. We did not conduct a special survey to determine this estimate.

The cost to the public is \$75,000 based on 5,000 responses times \$15.00.

13. The submission does not involve any record keeping cost for the individual.

14. The annual cost to the government for administering these requests is estimated at \$14,375 based on 5,000 annual responses.

This cost is composed of the following:

- a. A processing cost of \$ 9,720 based on the salary of a claims examiner (GS-9 step 5 with an hourly salary of \$23.33) and a processing time of 5 minutes per response.
- b. Administrative and printing costs totaling \$2,500.
- c. Reporting Fee totaling \$5.00.
- d. The cost of the envelope and mailing the request for election is estimated at \$2,150 based on 5,000 responses at \$.43 each.

15. The number of expected claims is substantially less than past submissions. This is partly due to the slow down of the number of individuals requesting refunds from the program for the past three years and because the program is no longer available for additional enrollees.

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

17. The collection instrument, VA Form 22-5281, may be reproduced and/or stocked by the respondents and veterans service organizations. This VA Form 22-5281 does not display an expiration date, and if required to do so it would result in unnecessary waste of existing stocks of this VA Form 22-5281. This VA Form 22-5281 is submitted to OMB for approval every three years. As such, this date requirement would also result in unnecessary burden on the respondents and would delay Department action on the benefit being sought. VA also seeks to minimize its cost to itself of collecting, processing, and using the information by not displaying the expiration date. For the reasons stated, VA continues to seek an exemption that waives the displaying of the expiration date on VA Form 22-5281.

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.