

Supporting Statement for VA Form 21-0537
Marital Status Questionnaire
(2900-0495)

A. Justification

1. The Department of Veterans Affairs (VA), through its Veterans Benefits Administration (VBA), administers an integrated program of benefits and services, established by law, for veterans, service personnel and their survivors. Information is requested by this form under the authority of 38 U.S.C. 1506, which requires the accurate reporting of income, and 38 U.S.C. 6102, which prohibits fraudulent receipt of benefits.
2. VA Form 21-0537 is used to verify the marital status of surviving spouses who are in receipt of death benefits.
3. The items of information submitted are not available in any other format which could be obtained through improved information technology. We are not planning to make this form available in electronic format for submission due to the low volume used as it would not be cost effective.
4. Program reviews were conducted to identify potential areas of duplication. However, none were found to exist.
5. The collection of information does involve small businesses or entities; however, every effort has been made to keep the reporting burden to a minimum.
6. The VA compensation and pension programs require the accurate reporting of a beneficiaries marital status by those who are in receipt of VA benefits. This form solicits information from all beneficiaries over an eight year period.
7. There are no special circumstances requiring collection in a manner inconsistent with 5 CFR 1320.6 guidelines.
8. The Department notice was published in the Federal Register on April 9, 2007, page 17628. No outside consultations were solicited as no major changes are being made to the form. Regional office staff members record complaints and data for an ongoing form improvement program. No comments were received.
9. No payments or gifts to respondents have been made under this collection of information.
10. The records are maintained in the appropriate Privacy Act System of Records Identified as 58VA21/22, "Compensation, Pension, Education and Rehabilitation Records – VA" as set forth in Privacy Act issuances, 1993 compilation and 42 Fed. Reg. 49726 (9/27//1977) with the detailed listing page 49760.

11. There are no questions of a sensitive nature.
12. Estimate of Information Collection Burden.
 - a. Number of Respondents is estimate at 2,270 per year.
 - b. Frequency of Response is on occasion.
 - c. Annual burden is 189 hours.
 - d. The estimated completion time of 5 minutes is based on review by experienced staff personnel and test usage of a comparable form.
 - e. The total estimated cost to respondents is \$2,835 (189 hours at \$15 per hour).
13. This submission does not involve any recordkeeping costs.
14. Estimated Costs to the Federal Government.

a. Processing/Analyzing costs	\$2,865
(GS-3/5 @ \$12.80 x 2,686 x 5 minutes = \$2,865)	
b. Printing and production costs (\$18/thousand)	<u>\$2,052</u>
c. Total cost to the government	\$4,917
15. There is no change in the reporting burden.
16. The information collection is not for publication or tabulation use.
17. The collection instrument, VA Form 21-0537, may be reproduced and/or stocked by the respondents and veterans service organizations. The VA form does not display an expiration date, and if required to do so would result in unnecessary waste of existing stocks of this form. This form is submitted to OMB for approval every 3 years. As such, this date requirement would also result in an 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 exception that waives the displaying of the expiration date on VA Form 21-0537.
18. This submission does not contain any exceptions to the certification statement.

B. Collection of Information Employing Statistical Methods

1. The Veterans Benefits Administration does not collect information employing statistical methods.

Sec. 1506. Resource reports and overpayment adjustments

As a condition of granting or continuing pension under section 1521, 1541, or 1542 of this title, the Secretary

(1) may require from any person who is an applicant for or a recipient of pension such information, proofs, and evidence as the Secretary determines to be necessary in order to determine the annual income and the value of the corpus of the estate of such person, and of any spouse or child for whom the person is receiving or is to receive increased pension (such a child is hereinafter in this subsection referred to as a "dependent child"), and, in the case of a child applying for or in receipt of pension under section 1542 of this title (hereinafter in this subsection referred to as a "surviving child"), of any person with whom such child is residing who is legally responsible for such child's support;

(2) may require that any such applicant or recipient file for a calendar year with the Department (on such form as may be prescribed for such purpose by the Secretary) a report showing:

(A) the annual income which such applicant or recipient (and any such spouse or dependent child) received during the preceding year, the corpus of the estate of such applicant or recipient (and of any such spouse or dependent child) at the end of such year, and in the case of a surviving child, the income and corpus of the estate of any person with whom such child is residing who is legally responsible for such child's support;

(B) such applicant's or recipient's estimate for the then current year of the annual income such applicant or recipient (and any such spouse or dependent child) expects to receive and of any expected increase in the value of the corpus of the estate of such applicant or recipient (and for any such spouse or dependent child); and

(C) in the case of a surviving child, an estimate for the then current year of the annual income of any person with whom such child is residing who is legally responsible for such child's support and of any expected increase in the value of the corpus of the estate of such person;

(3) shall require that any such applicant or recipient promptly notify the Secretary whenever there is a material change in the annual income of such applicant or recipient (or of any such spouse or dependent child) or a material change in the value of the corpus of the estate of such applicant or recipient (or of any such spouse or dependent child), and in the case of a surviving child, a material change in the annual income or value of the corpus of the estate of any person with whom such child is residing who is legally responsible for such child's support; and

(4) shall require that any such applicant or recipient applying for or in receipt of increased pension on account of a person who is a spouse or child of such applicant or recipient promptly notify the Secretary if such person ceases to meet the applicable definition of spouse or child.

Sec. 6102. Fraudulent acceptance of payments

(a) Any person entitled to monetary benefits under any of the laws administered by the Secretary whose right to payment thereof ceases upon the happening of any contingency, who thereafter fraudulently accepts any such payment, shall be fined in accordance with title 18, or imprisoned not more than one year, or both.

(b) Whoever obtains or receives any money or check under any of the laws administered by the Secretary without being entitled to it, and with intent to defraud the United States or any beneficiary of the United States, shall be fined in accordance with title 18, or imprisoned not more than one year, or both.