

SUPPORTING STATEMENT

Involuntary Allotment Application

A. JUSTIFICATION

1. Need for Information Collection

The Hatch Act Reform Amendments of 1993 (hereinafter referred to as the “Act”) exempted members of the uniformed services from the Federal garnishment provisions contained therein. However, the Act provided for the involuntary allotment of the pay of a member of the uniformed services for indebtedness owed a third party as determined by the final judgment of a court of competent jurisdiction, as determined by competent military or executive authority. Competent military or executive authority must also determine that all the procedural requirements of the Servicemembers Civil Relief Act (SCRA) of 2003 have been met. Furthermore, the Act provided that regulations shall include provisions for consideration for the absence of a member of the uniformed service from an appearance in a judicial proceeding resulting from the exigencies of military duty.

DoD needs a program under the law, 5 U.S.C. 5520a(k) (Attachment 1), which responds to requests for involuntary allotments. Before responding to a request, the responsible government official must have information which identifies both the applicant and the member against whom the involuntary allotment is sought; proves that the request is based on a valid court judgment; shows that the judgment comports with the provision of the SCRA; and enables consideration for whether exigencies of military duty caused the absence of the member from a judicial proceeding upon which the judgment is based. With the exception of information concerning exigencies of military duty, an applicant for an involuntary allotment must provide required information before a government official can act on the applicant’s request.

2. Use of Information

The respondents of this information collection are individuals seeking an involuntary allotment from the pay of a member of the Armed Forces. Respondents complete the DD Form 2653, “Involuntary Allotment Application” (Attachment 2) and send the form and a copy of the court judgment to the Defense Finance and Accounting Service (DFAS) for processing. The information from the DD Form 2653 is used by DFAS officials to determine whether an involuntary allotment should be established against the pay of a member of the Armed Forces. The information is used to provide government reviewing officials with necessary information to ensure that both the law and due process considerations are accounted for, including information sufficient for a decision maker to determine that the request is based on a valid judgment and that the SCRA has been complied with.

The information collected from the DD Form 2653 has been used to permit direct assistance in the collection of debt provided the strict criteria of the Act are complied with.

3. Improved Information Technology

Respondents are able to obtain the DD Form 2653 off the DFAS web page at <http://www.dod.mil/dfas/militarypay/garnishment.html/>. The DD Form 2653 can be downloaded electronically, but the form with an original signature must be submitted to DFAS. It is estimated that an annual average of 90% of respondents use an electronically-generated form. Full compliance with the Government Paperwork Reduction Act is not possible. A signed certification statement is required from each respondent that indicates the information provided is true and that the respondent has full knowledge of the penalties involved for willfully making a false statement. This requires an original signature. Also, the respondent must also attach certified copies of the court-ordered judgment. Certified copies of the court-ordered judgment is required so that DFAS can verify the validity of the document. Civilian courts are still at the initial development stage of incorporating electronic signatures and internet technology in their day-to-day business. As a result, the application of internet technology to incorporate supporting documentation is just not feasible at this time. Because the certification originates with the respondent and the requirement to have a hard copy certification document with any supporting documentation, there is no practical or cost effective way to apply any other form of current information technology to this collection process.

4. Efforts to Identify Duplication

There is no duplication. The DD Form 2653 is used by DFAS. No similar information is readily available from which a respondent's application could be processed. The respondent must initiate the request and must provide personal information on the member of the Armed Forces, including his or her name, social security number, branch of service and amount of judgment with supporting documentation.

5. Methods Used to Minimize Burden on Small Entities

The Involuntary Allotment Application form has been designed to minimize respondent time by clearly laying out the information required to request an involuntary allotment. Response items are clearly identified on the form with detailed instructions for completing the form.

6. Consequences of Not Collecting the Information

This information is collected from the respondent on occasion. If this information were not collected or collected less frequently, the respondents would be unable to establish an involuntary allotment executing a judgment for payment of a debt. Without this collection of information DoD would be unable to comply with the law.

7. Special Circumstances

There are no special circumstances. The data collections will be conducted in a manner consistent with guidelines in 5 CFR 1320.5(d)(2).

8. Agency 60-Day Federal Register Notice and Consultations Outside the Agency

Notice has been made in Volume 71, No. 227, pages 68565-68566, *Federal Register*, Monday, November 27, 2006 (Attachment 3). No public comments were received. The Defense Finance and Accounting Service is the primary user. The information collected for this requirement was coordinated with the individuals listed below, and only minor administrative changes were recommended and incorporated into the DD Form 2653.

Mr. Randy Butler, Coast Guard, 785-339-3596
Mr. Christopher Rydelek, Marine Corps, 703-614-1266
CDR Jeffrey Fischer, Navy, 202-685-5393
Maj Bradley W. Mitchell, Air Force, 703-695-0413
Mr. John Meixell, Army, 703-588-6718
Mr. Rodney Winn, DFAS, 216-522-5118

9. Payments to Respondents.

No payments or gifts will be made to respondents.

10. Assurance of Confidentiality.

DFAS does not receive any proprietary information from the requester. All information submitted by the requester is immediately scanned into an NARA-approved imaging system to minimize paper containing Privacy Act data, is secured behind cipher locks, and can only be accessed by authorized personnel using a Common Access Card and password.

11. Sensitive Questions.

The Department's finance system, managed by the DFAS, currently uses the Service member's social security number (SSN) in the 5.8 million pay accounts they managed. The SSN is the unique identifier used by DFAS to identify the individual Service member internally and to the Internal Revenue Service. Without the SSN, DFAS would not be able to determine if they have the correct individual's financial record which could result in garnishing the wrong Service member's pay.

12. Estimates of Annual Response Burden and Labor Cost for Hour Burden to the Respondent for Collection of Information.

a. Response Burden:

(1) DD Form 2653

Total annual respondents:	7,883
Frequency of response:	1
Total annual responses:	7,883
Burden per response:	30 minutes
Total burden hours:	3,942

b. Explanation of How Burden was Estimated.

The 30 minute per form response time was determined by having a DFAS garnishment section employee sit down and fill out the DD Form 2653.

c. Cost to Respondent.

(1) DD Form 2653

Employer Costs:

Accounts Payable Clerk (\$15.63/hr) at .5 hours = \$7.82 x 7,883 respondents = \$61,645.06.

13. Estimates of Cost Burden for the Respondents for Collection of Information.

a. Total Capital and Start-up Cost.

There are no capital or start-up costs associated with this information collection. Respondents will not need to purchase equipment or services to respond to this collection.

b. Operation and Maintenance Cost.

(1) Per respondent – \$2.00 to photocopy documents.

(2) For 7,883 respondents - \$15,766.00

TOTAL ANNUAL O&M COSTS \$15,766.00

14. Estimates of Cost to the Federal Government.

(a) Printing: 7,883 forms annually, less 90% electronically generated from DFAS website: \$86.71 (based on 11¢ per form)

(b) Overhead: $\$1.42 \times 7,883 = \$11,193.86$

(c) Labor costs consisting of reviewing attorney, professional staff, and administrative support staff: \$106,327.00.

(d) Total Estimated Cost to Federal Government

Printing	\$86.71
Overhead	\$11,193.86
Labor	\$106,327.00

TOTAL COST TO FEDERAL GOV'T	<u>\$117,607.57</u>
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15. Changes in Burden.

There was a slight increase in burden. Increase in burden is due to anticipation of more third parties requesting involuntary allotments being taken against service members. The amount of time necessary for requesting individual involuntary allotments has not changed.

16. Publication Plans/Time Schedule.

No statistical publication anticipated or scheduled.

17. Approval Not to Display Expiration Date.

DoD is not seeking an exception to displaying the expiration date of this information collection.

18. Exceptions to the Certification Statement.

No exceptions to the certification statement are being requested.

B. COLLECTION OF INFORMATION EMPLOYING STATISTICAL METHODS.

Statistical methods are not employed for collection of this information.