

SUPPORTING STATEMENT

REHABILITATION ACTION REPORT (FORM OWCP-44)

OMB NO. 1215-0182

1. The Office of Workers' Compensation Programs (OWCP) administers the Federal Employees' Compensation Act (FECA) and the Longshore and Harbor Workers' Compensation Act (LHWCA). These acts provide vocational rehabilitation services to eligible workers with disabilities. Section 8104(a) of the FECA and § 939(c) of the LHWCA provide that eligible injured workers are to be furnished vocational rehabilitation services, and § 8111(b) of the FECA and § 908(g) of the LHWCA provide that persons undergoing such vocational rehabilitation receive maintenance allowances as additional compensation. Form OWCP-44 is used to collect information necessary to decide if maintenance allowances should continue to be paid.

2. Form OWCP-44 is submitted to OWCP by contractors hired to provide vocational rehabilitation services. Form OWCP-44 gives prompt notification of key events that may require OWCP action in the vocational rehabilitation process. For example, when a disabled worker returns to work, benefits must be promptly adjusted to avoid an overpayment. All items are completed by the rehabilitation counselor from information in his or her records.

If Form OWCP-44 were not utilized, delays in acting would cause waste of government funds and additional paperwork. The form minimizes the potential for waste, fraud and abuse by requiring involved personnel in OWCP to take appropriate action toward an expeditious return to remunerative work, to reduce wage-loss compensation, or to terminate wage-loss compensation and close the case.

3. In accordance with the Government Paperwork Elimination Act, Form OWCP-44 is electronically interactive and is posted on the Internet at <http://www.dol.gov/esa/regs/compliance/owcp/OWCP-44.pdf>. The rehabilitation counselor may complete the form online and submit a digitally signed version, or print out a paper copy and mail it to OWCP.

4. The information requested in this collection is not duplicative of any information available elsewhere. The vocational rehabilitation counselor is the only source of the required information.

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

6. If this information were not collected OWCP would be unaware when specific points in the rehabilitation process that have an effect on the payment of compensation have been reached. The purpose of Form OWCP-44 is to assist the claims examiner and OWCP rehabilitation specialist to make an informed decision on formal rehabilitation services for the disabled worker.

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

8. This form has been in constant use by respondents for over a decade. Development of the form arose from OWCP's need to respond expeditiously to return-to-work and claims adjudication issues concerning injured workers. During this period, there were no complaints from our contractors about the manner in which the form has been used. If any complaints or suggestions for improvement are received, they will be carefully evaluated and appropriate action will be taken.

A Federal Register Notice inviting public comment was published on February 20, 2008. No comments were received.

9. There is no gift or payment to respondents other than remuneration to contractors for services and expenses.

10. All Rehabilitation Action Reports that are submitted are fully protected by the Privacy Act in the following systems of records: DOL/GOVT-1 (FECA); and DOL/ESA-15 (LHWCA).

11. There are no questions of a sensitive nature contained on the form.

12. Based upon experience with this form, it is estimated that 7,000 forms will be filed annually, and that it will require 10 minutes for each respondent (rehabilitation counselor) to read instructions, fill in the basic claims

information and return the form to OWCP. This estimate is considered to be reasonable since the minimal identifying information requested has been provided to the respondent by OWCP and is thus readily available to them from the case materials they have for the claimant in question.

$$7,000 \text{ forms} \times 0.167 = 1,169 \text{ hours}$$

Because contractors are remunerated for all services and expenses including this information collection, there is no annualized cost of the burden hours to respondents.

13. Because respondents are reimbursed for all services and expenses, there are no operation and maintenance costs connected with this information collection.

14. The average OWCP rehabilitation specialist who reviews the form is a GS-12, step 6. The average hourly rate using 2008-RUS is \$36.51. It takes an average of ten minutes to review the form. There are approximately 7,000 forms received annually.

$$\text{Review Cost: } \$6.10 \text{ per review} \times 7,000 = \$42,700$$

$$\text{Mailing Cost: } \$0.41 \text{ postage and } \$0.03 \text{ envelope} \times 7,000 = \$3,080$$

$$\text{Printing: } \$950$$

$$\text{Total Processing Cost: } \$42,700 + 3,080 + 950 = \$46,730$$

$$\text{Reimbursement to contractors is made at } \$70 \text{ per hour, at } 0.167 \text{ hour per form} \times 7,000 = \$81,830.$$

$$\text{Total Federal Costs} = \$128,560$$

15. The DOL has not changed the annual burden.

16. This information will not be published.

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

18. There are no exceptions to the certification.