

SUPPORTING STATEMENT FOR

OMB CONTROL NUMBER 2900-0085

(A) APPEAL TO BOARD OF VETERANS' APPEALS

1. Necessity

VA Form 9, "Appeal to Board of Veterans' Appeals," provides a convenient form that individuals may use to complete their appeal to the Board of Veterans' Appeals (BVA or Board) from a denial of benefits by a Department of Veterans Affairs (VA) Regional Office. The completed form becomes the "substantive appeal" (or "formal appeal"), which is required by 38 U.S.C. §§ 7105(a) and (d)(3) and 38 C.F.R. § 20.202 in order to complete an appeal to the Board.

2. How, by Whom, and for What Purpose the Information is to be Used

The information is used by the Board to identify the issues in dispute and prepare a decision responsive to the appellant's contentions and the legal and factual issues raised.

3. Use of Information Technology

In addition to mailing each appellant a blank copy of the form, the form is available for filling out and printing, via the Internet, at <http://www.va.gov/vaforms/>.

Although the Board has explored the option of filing the form via the Internet, this is not currently a viable option since the adjudication process currently relies solely on the presence of paper documents reflecting the various stages of an appeal. The Form 9 must be in paper form so that it can be associated with the respondent's "claims file," which contains all paperwork related to the respondent's appeal. Therefore, electronic filing would actually add a burden to the Federal Government, as the forms would have to be printed out and then associated with the claims file. Without a paper copy of the Form 9 in the claims file, the respondent will not have a valid appeal. In other words, the submission of the Form 9 is a legal requirement to complete an appeal to the Board, as dictated by 38 U.S.C. §§ 7105(a) and (d)(3) and 38 C.F.R. § 20.202, which does not currently allow for the option of electronic filing.

4. Description of Effort to Identify Duplication

The information in this collection is unique to each case. Information that is only "similar," should it exist, would be irrelevant.

5. Description of Methods Used to Minimize Burden

Some appellant's representatives, such as some small service organizations or attorneys-at-law doing business in solo practices or small firms, might qualify as small entities. However, the information requested is minimal and is the least required for the protection of appellants' rights and the fulfillment of statutory requirements.

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6. Description of the Consequence if the Collection were Conducted Less Frequently

The information is obtained in connection with specific individual appeals and is required by law for each appeal. The frequency of collection depends solely upon the desire of VA claimants to appeal VA benefits determinations. Failure to “collect” the information would result in loss of the right to appeal.

7. Special Circumstances

This collection complies with 5 C.F.R. § 1320.5(d)(2) criteria.

8. Consultation Outside the Agency

Comments were solicited in compliance with 5 C.F.R. § 1320.8(d). The Department notice was published in the Federal Register on March 28, 2008, Volume 73, Number 61. There were no comments received.

9. Payments or Gifts to Respondents

None.

10. Description of Confidentiality

VA complies with the provisions of 38 U.S.C. § 5701 and the Privacy Act of 1974 (5 U.S.C. § 552a). Assurances of confidentiality are provided in the system of records identified as “Compensation, Pension, Education and Rehabilitation Records—VA” (58VA21/22) established at 41 FR 9294 (3/3/76), 66 FR 47725 (9/13/01), and 70 FR 6079 (2/4/05).

11. Sensitive Questions

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

12. Estimation of Respondent's Reporting Burden

Approximately 45,850 appeal forms are filed each year. Appellants have wide discretion in the amount of time spent in preparing the form. They may simply provide identifying data and furnish a few brief sentences describing the basis of their disagreement with the denial of VA benefits. Most appellants use this approach. On the other hand, an appellant, or his or her representative, may choose to spend several days researching the facts and the law and writing a detailed appellate memorandum. With this in mind, the Board's best estimate would be that an average of 1 hour is spent in preparation of the form.

The form may be completed by individual appellants, whose earning capacity covers an extremely wide spectrum, or by their representatives. Representatives may, in turn, be

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employees of recognized veterans' service organizations who provide appellate services as part of their overall free services to veterans, or they may be attorneys-at-law or accredited agents who may charge a fee. We have used \$28.03 per hour as the estimated hourly cost.¹ VA estimates the annualized burden hour cost to respondents as follows:

No. of Responses	Hours per Response	Total Hours	Cost per hour	Total Cost
45,850	1	45,850	\$28.03	\$1,285,176

13. Estimate of Annual Cost Burden to Respondents or Recordkeepers from Collection of Information

There should be no costs to respondents other than those identified in question 12. No ongoing accumulation of information, or special purchase of services, supplies or equipment, is required.

14. Annual Cost to the Federal Government

Responses are reviewed by VA Regional Office Rating Specialists in the course of the adjudication of claims, by BVA attorneys in preparing recommended appeal dispositions for review by BVA Veterans Law Judges, and by BVA Veterans Law Judges in deciding appeals. Responses are maintained in preexisting VA claims files.

Position & Grade	Hourly Rate	Hours	Other Cost	Total
VA Regional Office Rating Specialist-GS 12/3	\$33.38 ²	11,463 (reviewing 45,850 responses at 1/4 hour each)		\$382,618
BVA Attorney / Adviser-GS 13/3 ³	\$42.40	11,463 (reviewing 45,850 responses at 1/4 hour each)		486,010
BVA Board	\$62.19	11,463		712,852

¹ This figure is equal to the wage and salary component of the average employer costs for employee compensation for civilian workers in private industry and State and local government in the United States. United States Department of Labor, Bureau of Labor Statistics, News Release 07-1883, December 11, 2007, located at <http://www.bls.gov/news.release/ecec.nr0.htm>.

² Salary Table 2008-RUS, Office of Personnel Management.

³ Salary Table 2008-DCB, Office of Personnel Management.

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Position & Grade	Hourly Rate	Hours	Other Cost	Total
Member-AL3/B ⁴		(reviewing 45,850 responses at 1/4 hour each)		
			Printing and distribution-102,000 VA Forms 9 annually	9,000
			Total Costs	\$1,590,480

15. Explanation for Program Changes or Adjustments

There are no program changes.

16. Tabulation, Statistical Analysis, and Publication Plans

The results of this information collection will not be published for statistical use. Board decisions are made available on websites accessible through the Internet to assist in complying with 5 U.S.C. § 552(a)(2).

17. Reason for Seeking Approval Not to Display Expiration Date for OMB Approval of the Information Collection

The control number is currently displayed on the VA Form 9 and in the applicable regulation, 38 C.F.R. § 20.202. The form is produced and distributed in large quantities, and it would not be practical to display an expiration date on the form since it would have to be changed every three years. This would be an unnecessary waste of labor and distribution costs. Therefore, VA continues to seek exemption from the requirement to display the expiration date for the OMB approval on the VA Form 9.

18. Exceptions to the Certification Statement

The retention period for recordkeeping requirements is not stated in this collection because there are no such requirements.

B. Employing Statistical Methods

This collection of information does not employ statistical methods.

⁴ 2008 Locality Rates of Pay for Administrative Law Judges, Office of Personnel Management--Washington-Baltimore, DC-MD-VA-WV. Annual rate of \$129,352 divided by 2,080 hours.

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(B) WITHDRAWAL OF SERVICES BY A REPRESENTATIVE

1. Necessity

Individuals appealing a denial of a claim for VA benefits to the Board of Veterans' Appeals (BVA or Board) have a right to be represented, subject to regulation by VA. 38 U.S.C. § 7105(a). *See also* 38 U.S.C. §§ 5901 through 5905. Appellants who appoint a representative depend upon that representative to protect their appellate interests. VA looks to the representative for the completion of necessary representational services and is required to provide information concerning the status of the appeal to the representative. *See, e.g.*, 38 U.S.C. § 7104(e)(2). When a representative withdraws from a case, both the appellant and the Board must be informed so that the appellant's rights may be adequately protected and so that the Board may meet its statutory obligations to provide notice to the current representative. In the critical final stages of the appellate process, the Board also attempts to protect appellants from the adverse consequences of being abandoned by their representative without good cause by requiring that the representative file a motion seeking permission before withdrawing from a case. These concerns are addressed in 38 C.F.R. § 20.608.

2. How, by Whom, and for What Purpose the Information is to be Used

This information keeps both appellants and VA informed about who is representing the appellant and assists in protecting appellants from unethical conduct by a representative.

3. Use of Information Technology

The information gathered is unique in each case. Word-processing equipment may be used. A manual signature is desirable to ensure authenticity. Although BVA's Information Technology staff has contemplated the use of electronic verification software, the cost to the federal government of using such software would be prohibitive in light of the small number of responses. Further, the law requires the representative to give written notice, which must be mailed to the address set out in the regulation. *See* 38 C.F.R. § 20.608.

4. Description of Effort to Identify Duplication

The purpose for which this collection exists requires use of unique information specific to each case. Information that is only "similar," should it exist, would be irrelevant.

5. Description of Methods Used to Minimize Burden

Some appellant's representatives, such as some small service organizations or attorneys-at-law doing business in solo practices or small firms, might qualify as small entities. However, the information requested is minimal and is the least required for the protection of appellants' rights and the fulfillment of statutory requirements. The information required may be provided in a simple business letter.

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6. Description of the Consequence if the Collection were Conducted Less Frequently

This collection of information is dependent solely on the desire of a representative to withdraw from a specific case. Accordingly, the frequency of collection is not controlled by VA. The information must be obtained at each occurrence in order to afford protection to appellants and in order for VA to be able to know who is providing representational services in each individual appeal.

7. Special Circumstances

This collection complies with 5 C.F.R. § 1320.5(d) criteria.

8. Consultation Outside the Agency

Comments were solicited in compliance with 5 C.F.R. § 1320.8(d). The Department notice was published in the Federal Register on March 28, 2008, Volume 73, Number 61. There were no comments received.

9. Payments or Gifts to Respondents

None.

10. Description of Confidentiality

VA complies with the provisions of 38 U.S.C. § 5701 and the Privacy Act of 1974 (5 U.S.C. § 552a). Assurances of confidentiality are provided in the systems of records identified as:

a. “Veterans Appellate Records System—VA” (44VA01) established at 40 FR 38095 (8/26/75) and amended at 53 FR 46741 (11/18/88), 56 FR 15663 (4/17/91), 63 FR 37941 (7/14/98), 66 FR 47725 (9/13/01), and 70 FR 6079 (2/4/05); and

b. “Compensation, Pension, Education and Rehabilitation Records—VA” (58VA21/22) established at 41 FR 9294 (3/3/76), and last amended at 66 FR 47725 (9/13/01), with other amendments as cited therein.

11. Sensitive Questions

None of the information solicited for this collection is considered to be of a sensitive nature.

12. Estimation of Respondent's Reporting Burden

Withdrawal of a representative is relatively rare. No exact statistics are kept. VA estimates that there will be 550 responses annually. The information is normally furnished in

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a simple business letter. The amount of time spent by an individual in providing the information will vary. At the field level, simple notification of the withdrawal to VA and the represented party is all that is required. At the appellate level, the reasons for the withdrawal must also be provided. With this in mind, the Board's best estimate would be that an average of 1/3 hour is spent in preparation of each notice. Some responses will be prepared by attorneys-at-law. Others will be prepared by service organization representatives, accredited agents, clerical personnel, or other non-attorneys. VA estimates that a fair average expense rate would be \$33 per hour.⁵

No. of Responses	Hours per Response	Total Hours	Cost per hour	Total Cost
550	20 minutes	183	\$33.00	\$6,039

13. Estimate of Annual Cost Burden to Respondent's or Recordkeepers from Collection of Information

There should be no costs to respondents other than those identified in question 12. No ongoing accumulation of information, or special purchase of services, supplies or equipment, is required.

14. Annual Cost to the Federal Government

Responses at the field level are reviewed by VA Regional Office personnel who update VA's records and file the response(s). At the appellate level, they are reviewed by BVA attorneys in preparing recommended motion dispositions for review by BVA Veterans Law Judges, and by BVA Veterans Law Judges in deciding motions to withdraw. Responses are maintained in preexisting VA claims files.

Position & Grade	Hourly Rate	Hours	Total
VA Regional Office Rating Specialist-GS 9/5	\$24.46 ⁶	83.3 (500 responses at 1/6 hour each)	\$2,038
BVA Attorney/Adviser-GS 13/3	\$42.40 ⁷	25 (50 responses at 1/2 hour each)	1,060
BVA Board Member-AL3/B	\$62.19 ⁸	25 (50 responses at 1/2 hour each)	1,555
Total Costs			\$4,653

⁵ It is impossible to arrive at an exact rate. However, because a response might involve an attorney-at-law, VA believes that an average rate slightly higher than the wage and salary component of the average employer costs for employee compensation for civilian workers in private industry and State and local government in the United States is warranted. (In FY 2007, the representative was an attorney-at-law in only 2.0 % of cases before the Board.)

⁶ Salary Table 2008-RUS, Office of Personnel Management.

⁷ Salary Table 2008-DCB, Office of Personnel Management.

⁸ 2008 Locality Rates of Pay for Administrative Law Judges, Office of Personnel Management--Washington-Baltimore, DC-MD-VA-WV. Annual rate of \$129,352 divided by 2,080 hours.

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15. Explanation for Program Changes or Adjustments

There are no program changes or adjustments.

16. Tabulation, Statistical Analysis, and Publication Plans

The results of this information collection will not be published for statistical use.

17. Reason for Seeking Approval Not to Display Expiration Date for OMB Approval of the Information Collection

VA understands that display is not required. This collection is contained in a regulation, 38 C.F.R. § 20.608, that displays the OMB control number. There is no VA form for submitting the information.

18. Exceptions to the Certification Statement

The retention period for recordkeeping requirements is not stated in this collection because there are no such requirements.

B. Employing Statistical Methods.

This collection of information does not employ statistical methods.

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(C) REQUESTS FOR CHANGES IN HEARING DATES

1. Necessity

VA provides hearings to appellants and their representatives, as required by basic Constitutional due-process considerations and by 38 U.S.C. § 7107(b). From time to time, appellants request changes in hearing dates and/or times, withdraw hearing requests, and request new hearing dates after failing to appear at a scheduled hearing. See 38 C.F.R. §§ 20.702 and 20.704.

2. How, by Whom, and for What Purpose the Information is to be Used

The information provided is used by the Board of Veterans' Appeals (BVA or Board), and by VA Regional Office personnel who schedule field and video hearings on behalf of the Board, to evaluate requests for changes in hearing dates and to reschedule hearings or remove cases from the hearing docket, as appropriate.

3. Use of Information Technology

A manual signature is desirable to ensure authenticity. Although BVA's Information Technology staff has contemplated the use of electronic verification software, the cost to the federal government of using such software would be prohibitive in light of the small number of responses. Further, the applicable regulations require hearing date change requests to be in writing. See 38 C.F.R. §§ 20.702(c) and (d) and 20.704(c) and (d). Word-processing equipment may be used.

4. Description of Effort to Identify Duplication

The purpose for which this collection exists requires use of unique information specific to each case. Information that is only "similar," should it exist, would be irrelevant.

5. Description of Methods Used to Minimize Burden

Some representatives, such as attorneys-at-law doing business in solo practices or small firms, might qualify as a small business and some small service organizations may be affected. The information requested is the least required for the adequate control of VA's hearing calendars. No burden is imposed unless an appellant desires some change in the hearing calendar.

6. Description of the Consequence if the Collection were Conducted Less Frequently

This information is unique in each case and must be collected in each case in order to maintain adequate control over hearing calendars and provide hearings to the affected public at times and places where they can attend. Apart from inconvenience to appellants, failure to obtain the information would result in a waste of government assets in allocating resources to

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hearings that will not be attended and would delay hearings in other cases by having hearing dates and times taken up by those who cannot or will not appear. VA also notes that the frequency of collection depends upon the desires of VA claimants to modify the hearing schedule and, in that sense, is not controlled by VA.

7. Special Circumstances

This collection complies with 5 C.F.R. § 1320.5(d) criteria.

8. Consultation Outside the Agency

Comments were solicited in compliance with 5 C.F.R. § 1320.8(d). The Department notice was published in the Federal Register on March 28, 2008, Volume 73, Number 61. There were no comments received.

9. Payments or Gifts to Respondents

None.

10. Description of Confidentiality

VA complies with the provisions of 38 U.S.C. 5701 and the Privacy Act of 1974 (5 U.S.C. 552a). Assurances of confidentiality are provided in the systems of records identified as:

a. “Veterans Appellate Records System—VA” (44VA01) established at 40 FR 38095 (8/26/75) and amended at 53 FR 46741 (11/18/88), 56 FR 15663 (4/17/91), 63 FR 37941 (7/14/98), 66 FR 47725 (9/13/01); 70 FR 6079 (2/4/05); and

b. “Compensation, Pension, Education and Rehabilitation Records—VA” (58VA21/22) established at 41 FR 9294 (3/3/76) and last amended at 66 FR 47725 (9/13/01), with other amendments as cited therein.

11. Sensitive Questions

None of the information solicited for this collection is considered to be of a sensitive nature.

12. Estimation of Respondent's Reporting Burden

a. In fiscal year 2007, 14,073 Board hearings were requested. Of those requests, the Board conducted 9,930 hearings (420 in Washington, DC; 6,642 at VA regional offices; and 2,868 video conference hearings with the Board member located in Washington and the appellant located at a regional office). (Inasmuch as hearings are customarily requested in the

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course of completion of the VA Form 9, there is no additional burden for filing a hearing request added here.)

b. Approximately nine percent (9%) of hearing requests (1,323 requests) were withdrawn prior to the hearing date under 38 C.F.R. §§ 20.702(e) and 20.704(e). The Board estimates that approximately 10% (1,410) of all hearing requests involved a request for a new hearing date. Of that 10%, approximately half (705) were initial requests under 38 C.F.R. §§ 20.702(c)(1) and 20.704(c). The remaining half (705) involved motions under the provisions of 38 C.F.R. §§ 20.702(c)(2), 20.702(d), and 20.704(d).

The Board estimates that approximately 10% (1,410) of all hearing requests were “no shows,” where the veteran failed to appear and did not file a motion for a new hearing.

c. The withdrawal of hearing requests and requests for hearing date changes that do not require filing a motion involve nothing more than the preparation of a simple letter stating the withdrawal or requesting the change. VA believes that ¼ hour is a fair average time for preparing such a letter. The time required to prepare a motion for change in the remaining cases will vary depending upon the detail which the moving party wishes to present and the amount of legal research, etc., which a party may wish to perform. The Board estimates that the amount of time will average 1 hour.

d. Most of the letters, motions and responses will be drafted by non-attorneys, such as members of the general public with a wide spectrum of earning capacity, or veterans’ service organizations who represent VA appellants without charge as part of their service to veterans. Others will be drafted by attorneys. VA considers \$33 to be a fair average hourly rate (including related service organization costs).⁹

e. VA estimates the annualized burden hour cost to respondents as follows:

No. of Responses	Hours per Response	Total Hours	Cost per hour	Total Cost
2,028 (1,323 withdrawal letters and 705 date change request letters)	¼ (drafting letter)	507	\$33.00	\$16,731
705 (date change motions)	1 (drafting motion)	705	\$33.00	23,265
Totals		1,212		\$39,996

⁹ See footnote 5.

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13. Estimate of Annual Cost Burden to Respondent's or Recordkeepers from Collection of Information

There should be no costs to respondents other than those identified in question 12. No ongoing accumulation of information, or special purchase of services, supplies or equipment, is required.

14. Annual Cost to the Federal Government

See the answer to question 12 for assumptions regarding estimated responses. For purposes of this estimate, field hearings and videoconference hearings are treated together, inasmuch as both are scheduled for the Board by VA regional offices.

Position & Grade	Hourly Rate	Hours	Total
VA Regional Office Assistant Service Center Manager-GS 12/5	\$35.47 ¹⁰	105 (reviewing 632 requests for changes in the dates of field and video hearings and preparing responses at 1/6 hour each)	\$3,736
VA Regional Office Rating Specialist-GS 9/5	\$24.46 ¹¹	194.33 (processing and responding to 1,166 notices of withdrawal of field and video hearing requests at 1/6 hour each)	4,753
BVA Program Analyst-GS 11/5	\$31.61 ¹²	156 (reviewing and preparing responses to withdrawals of requests for Washington hearings (157) and date change requests (74), or identifying motions (705) and forwarding them to Board Members, at 1/6 hour each)	4,931
BVA Board Member-AL3/B	\$62.19 ¹³	352.5 (reviewing 705 motions for changes in Washington, field, or video hearing dates and rendering decisions at 1/2 hour each)	21,922
Total Costs			\$35,342

¹⁰ Salary Table 2008-RUS, Office of Personnel Management.

¹¹ Salary Table 2008-RUS, Office of Personnel Management.

¹² Salary Table 2008-DCB, Office of Personnel Management.

¹³ 2008 Locality Rates of Pay for Administrative Law Judges, Office of Personnel Management--Washington-Baltimore, DC-MD-VA-WV. Annual rate of \$129,352 divided by 2,080 hours.

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15. Explanation for Program Changes or Adjustments

There have been no program changes. Program adjustments since 2004 reflect changes in the number of hearings requested and provided annually. The number of hearings held has increased since 2004, due in part to the increased use of video hearings and an increased number of Travel Board trips (in-person hearings held at a VA regional office before a Veterans Law Judge). The number of video hearings rose from 2,104 to 2,868. The number of Travel Board hearings also increased, from 4,357 to 6,642.

16. Tabulation, Statistical Analysis, and Publication Plans

The results of this information collection will not be published for statistical use.

17. Reason for Seeking Approval Not to Display Expiration Date for OMB Approval of the Information Collection

VA understands that display is not required. This collection is contained in regulations, 38 C.F.R. §§ 20.702 and 20.704, that display the OMB control number. There is no VA form for submitting the information.

18. Exceptions to the Certification Statement

The retention period for recordkeeping requirements is not stated in this collection because there are no such requirements.

B. Employing Statistical Methods

This collection of information does not employ statistical methods.

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(D) MOTIONS FOR RECONSIDERATION

1. Necessity

According to 38 U.S.C. § 7103(a), decisions by the Board of Veterans' Appeals (BVA or Board) are final "unless the Chairman orders reconsideration of the decision" either "on the Chairman's initiative, or upon motion of a claimant." Procedures for filing a reconsideration motion are set forth in 38 C.F.R. § 20.1001.

2. How, by Whom, and for What Purpose the Information is to be Used

The Board Chairman, or his designee, uses the information provided in deciding whether reconsideration of a Board decision should be granted.

3. Use of Information Technology

Word-processing equipment may be used. A manual signature is desirable to ensure authenticity. Although BVA's Information Technology staff contemplated the use of electronic verification software, the cost to the Federal Government of using such software would be prohibitive in light of the small number of responses. Further, the applicable regulation requires that motions must be in writing. See 38 C.F.R. § 20.1001(a).

4. Description of Effort to Identify Duplication

The purpose for which this collection exists requires use of unique information specific to each case. Information that is only "similar," should it exist, would be irrelevant.

5. Description of Methods Used to Minimize Burden

Some appellant's representatives, such as some small service organizations or attorneys-at-law doing business in solo practices or small firms, might qualify as small entities. The regulation permits the information to be provided in a letter. No special printed form or format is required. The information requested is the least required to identify the applicable records and the grounds upon which reconsideration is sought.

6. Description of the Consequence if the Collection were Conducted Less Frequently

This information is unique in each case and must be provided to the Board in order for the Board to be aware that reconsideration is being sought and to inform the Board of the basis of the request. Failure to obtain the information would deprive appellants of this form of potential relief. The frequency of collection depends solely upon the desire of VA claimants to obtain reconsideration and is thus within their control.

7. Special Circumstances

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This collection complies with 5 C.F.R. § 1320.5(d) criteria.

8. Consultation Outside the Agency

Comments were solicited in compliance with 5 C.F.R. § 1320.8(d). The Department notice was published in the Federal Register on March 28, 2008, Volume 73, Number 61. There were no comments received.

9. Payments or Gifts to Respondents

None.

10. Description of Confidentiality

VA complies with the provisions of 38 U.S.C. 5701 and the Privacy Act of 1974 (5 U.S.C. 552a). Assurances of confidentiality are provided in the systems of records identified as:

a. “Veterans Appellate Records System—VA” (44VA01) established at 40 FR 38095 (8/26/75) and amended at 53 FR 46741 (11/18/88), 56 FR 15663 (4/17/91), 63 FR 37941 (7/14/98), 66 FR 47725 (9/13/01), and 70 FR 6079 (2/4/05);

b. “Compensation, Pension, Education and Rehabilitation Records—VA” (58VA21/22) established at 41 FR 9294 (3/3/76) and last amended at 66 FR 47725 (9/13/01), with other amendments as cited therein.

11. Sensitive Questions

None of the information solicited for this collection is considered to be of a sensitive nature.

12. Estimation of Respondent's Reporting Burden

Based upon motion denials and reconsideration decisions following the allowance of a motion for fiscal year 2007, VA estimates that 846 responses will be filed annually. Time spent in the preparation and filing of a motion will vary depending upon the detail which the moving party wishes to present and the amount of legal research, etc., which a party may wish to perform. The Board estimates that the amount of time will average 1 hour. Considering that some of the motions and responses will be drafted by non-lawyers and others will be drafted by attorneys, VA considers \$33 to be a fair average hourly rate.¹⁴

¹⁴ See footnote 5.

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No. of Responses	Hours per Response	Total Hours	Cost per hour	Total Cost
846	1	846	\$33.00	\$27,918

13. Estimate of Annual Cost Burden to Respondent's or Recordkeepers from Collection of Information

There should be no costs to respondents other than those identified in question 12. No ongoing accumulation of information, or special purchase of services, supplies or equipment, is required.

14. Annual Cost to the Federal Government

VA estimates that 846 responses will be filed annually. All responses involve 1 hour of review by a GS 9/5 paralegal. All proposed dispositions of motions for reconsideration are currently reviewed by a Deputy Vice Chairman of the Board, AL-2, who makes the decision on behalf of the Chairman. 38 C.F.R. §§ 20.102(b) and 20.1001(c). VA estimates the average review time at 1 hour. Although a DVC may spend more time on complex dispositions, less time may be spent on less complex dispositions. One hour is a good estimate of the average time spent. Approximately 5 percent require research and a legal memorandum, prepared by a GS 14/7 attorney, requiring an average of 8 hours to complete.

Position & Grade	Hourly Rate	Hours	Total
Paralegal- GS 9/5	\$26.13 ¹⁵	846	\$22,106
Attorney-GS 14/7	56.37 ¹⁶	336	18,940
Deputy Vice Chairman-AL-2	76.20 ¹⁷	846	64,465
Total Costs			\$105,511

15. Explanation for Program Changes or Adjustments

There are no program changes. Adjustments reflect a change in the number of responses filed annually.

16. Tabulation, Statistical Analysis, and Publication Plans

The results of this information collection will not be published for statistical use.

¹⁵ Salary Table 2008-DCB, Office of Personnel Management.

¹⁶ Salary Table 2008-DCB, Office of Personnel Management.

¹⁷ 2008 Locality Rates of Pay for Administrative Law Judges, Office of Personnel Management--Washington-Baltimore, DC-MD-VA-WV. Annual rate of \$158,500 divided by 2,080 hours.

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17. Reason for Seeking Approval Not to Display Expiration Date for OMB Approval of the Information Collection

VA understands that display is not required. This collection is contained in a regulation, 38 C.F.R. § 20.1001. Although the control number was left off of the regulation due to an unintentional technical error, VA has initiated steps to publish in control number as a technical amendment to the regulation as soon as possible. There is no VA form for submitting the information.

18. Exceptions to the Certification Statement

The retention period for recordkeeping requirements is not stated in this collection because there are no such requirements.

B. Employing Statistical Methods

This collection of information does not employ statistical methods