

## **Supporting Statement – DD Form 294**

### **A. Justification**

1. The Fiscal Year 2008 National Defense Authorization Act amended Title 10, United States Code by adding Section 1554a. That provision of law directs the Secretary of Defense to establish a Physical Disability Board of Review to review disability determinations of individuals who were separated from the armed forces during the period beginning on September 11, 2001 through December 31, 2009 due to unfitness for duty due to a medical condition with a disability rating of 20 percent disabled or less; and were found ineligible for retirement. On June 27, 2008, the Department of Defense published DoD Instruction 6040.44, which provides the guidance for this process.
2. The form is the means by which former Service members can request this review.
3. The form will be publically accessible on the World Wide Web, but since there is a request to make a change which will provide significant legal entitlements the form must be signed and mailed to a central intake unit.
4. There is a legal requirement that the member either request or consent to, this review process. Accordingly, there must be some means to document that request or consent.
5. The form will not impact small businesses.
6. If there is no method for former service members to request or consent to the review described above, the agency will not be in compliance with a statutory mandate.
7. There are no special collection circumstances.
8. Public comments will be solicited in the Federal Register as required by 5 CFR 1320.8(d). A subsequent information collection package will address any comments received on the information collection.
9. No gift or payment will be provided to respondents.
10. All medical and personal information submitted will be safeguarded and only given to those with a need to know it to perform their agency duties. The information will be subject to the Privacy Act (5 USC 552(a) as well as the Health Insurance Portability and Accountability Act (HIPAA) (Public Law 104-191). Each of the Services has a system of records notice in support of the DD 294 (attached).
11. The request for Social Security Number is strictly to assure proper identification of the individual and appropriate records.

12. It is extremely difficult to estimate the number of respondents since the agency will not send the form to anyone (except upon request) and does not solicit information, but is a means to apply for a review. It is also difficult if not impossible to estimate how many individuals will apply for a newly created review. Assuming a 15 percent appeal rate of disability decisions distributed evenly over the next five years, we anticipate 150 applications per month, 1800 per year, or 5400 in the three-year form approval period. At 45 minutes per form, that amounts to 1350 hours per year to fill these forms out. The form takes an estimated 45 minutes to complete as established by having approximately eight agency personnel who had not seen the form before fill it out as if they were potential respondents (applicants) and from Agency experience with other application forms (DD 293 and DD 149). Assuming a roughly 85/15 split in former enlisted to officer in the overall population of respondents and using an average hourly wage of \$25.10 for enlisted members (regular military compensation (RMC) for an E-5 with 8 years of service) and \$41.50 for officers (RMC for an O-3 with 8 years of service), the overall cost to respondents would be approximately \$37,206 (enlisted:  $1800 * .85 = 1530$ ,  $1530 * [\$25.10 * .75] = \$28,802$  an officer:  $1800 * .15 = 270$ ,  $270 * [\$41.50 * .75] = \$8,404$ ). This costing method uses average prior military earnings as an approximation for current civilian earnings.

13. The costs that are incurred by the receipt of this form (application) are properly associated with, and allocated to, the costs of implementing the statutorily-mandated Physical Disability Board of Review (PDBR) process. Stated differently, in accordance with the guidance provided for this entry, the costs of equipment and services are not included because they would be considered expended in the customary and usual business of processing applications.

14. The form will be reviewed by several personnel. First it will be reviewed by administrative personnel for completeness and accuracy. That review will take an average of a half hour, which equates to 900 man-hours a year at \$27.00 an hour for a subtotal of \$24,300. The form and its attachments will then be reviewed by a medical doctor as part of the PDBR process which will take an average of one hour or a total of 1800 man-hours a year at \$67.00 an hour for a subtotal of \$120,600. Lastly, it will be reviewed by two executive personnel in the decision process, a quarter hour each for a total of an additional 900 man-hours at a per hour (450 man-hours at \$67.00 per hour (GS 15) for \$30,150, and 450 man-hours at \$79.00 an hour (SES) for \$35,550) for a third subtotal of \$65,700. The total will be 3600 man-hours and \$210,600.

15. New collection.

16. There will be no published results from information collected from the information provided by these forms.

17. The OMB expiration date should not be displayed because this could lead potential applicants to conclude that their applications will not be accepted after a three year period whereas the law does not support such a cutoff date.

18. There are no exceptions to the certifications required in item 19, “Certification for Paperwork Reduction Act Submissions” of OMB Form 83-1.

B. Collection of information employing statistical methods:

Statistical methods are not employed for the collection of this information.