

Supporting Statement for VA Forms 21-22 and 21-22a
Appointment of Veterans Service Organization as Claimant's Representative
and
Appointment of Individual as Claimant's Representative
(2900-0321)

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 dependents and/or beneficiaries. 38 U.S.C. 5902 states that VA may recognize representatives of service organizations to assist beneficiaries in the prosecution of VA claims, but no individual shall be recognized unless such individual has filed a power of attorney, executed in a manner prescribed by VA. 38 U.S.C. 5903 states that VA may recognize an individual as a claimant's representative if no fee or compensation of any nature will be charged and such individual has filed a power of attorney, executed in a manner prescribed by VA. Regulatory authority is found in 38 CFR 14.631. VA Form 21-22a is being revised to

The current rule is that a properly executed VA Form 21-22a, signed by the claimant, is currently required to indicate appointment of an individual veterans service organization representative or agent for purposes of representation and for VA's disclosure of claimant information to the individual designated on the form. See 38 U.S.C. §§ 5701, 5702, and 7332; 38 C.F.R. §§ 1.525 and 14.631. Under the proposed rule, a properly executed 21-22a would require (1) a claimant's signature to indicate appointment of a representative, agent, attorney, or individual providing representation on a particular claim for purposes of representation and to provide authority for VA's disclosure of claimant information to the individual appointed, and (2) the signature of a representative to indicate acceptance of the appointment and to indicate any limitations to the scope of representation.

2. VA Forms 21-22 and 21-22a are used to collect the information needed to determine whom claimants have appointed to represent them in the preparation, presentation, and prosecution of claims for VA benefits. The information is also used to determine the extent of representatives' access to claimants' records.

3. VA Forms 21-22 and 21-22a are available on the One-VA web site in a fillable electronic format. The URL for the One-VA Forms Website is <http://www.va.gov/vaforms/>. VBA is currently hosting these forms on a secure server and does not currently have the technology in place to allow for the complete submission of the forms. Validation edits are performed to assure data integrity. Efforts within VA are underway to provide a mechanism to allow the information to be submitted electronically with a recognized signature technology. There currently is no utility process in place that will allow the data submitted on the forms to be incorporated with an existing centralized legacy database. Veterans Online Applications (VONAPP) allows applicants to view, print, and submit applications electronically to VBA. VA Forms 21-22 and 21-22a are

not currently available in VONAPP; however, the forms will be available in VONAPP when the resources become available.

4. Program reviews were conducted to identify potential areas of duplication; however, none were found to exist. There is no known Department or Agency which maintains the necessary information, nor is it available from other sources within our Department.
5. The collection of information does not involve small businesses or entities.
6. Without the information provided on VA Forms 21-22 and 21-22a, VA would be unable to determine whom claimants have appointed to represent them in the prosecution of VA claims, the extent of such representation, and access to appropriate records.
7. There is no special circumstance requiring collection in a manner inconsistent with 5 CFR 1320.6 guidelines.
8. The Department notice was published in the Federal Register on February 10, 2009, pages 6696-6697. There were no comments received in response to this notice.
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 found in 42 Fed. Reg. 49726 (9/27/1977).
11. There are no questions of a sensitive nature.
12. Estimate of Information Collection Burden.
 - a. Number of Respondents is estimated at 331,400 per year: 325,000 for VA Form 21-22 and 6,400 for VA Form 21-22a.
 - b. Frequency of Response is one time for most beneficiaries.
 - c. Annual burden is 27,616 hours.
 - d. The estimated completion time of 5 minutes is based on review by staff personnel and previous usage of this form.
 - e. The total estimated cost to respondents is \$414,240 (27,616 x \$15 per hour).
13. This submission does not involve any recordkeeping costs.
14. Estimated Costs to the Federal Government:

a. Processing/Analyzing costs	\$1,447,666
(GS- 9/5 @ \$27.37 x 331,400 x 8/60 minutes =	\$1,209,389)
(GS- 3/5 @ \$14.38 x 331,400 x 3/60 minutes =	\$238,277)
b. Printing and production cost	\$775
c. Total cost to government	\$2,770,836

15. There is no change in the reporting burden.

16. The information collection is not for publication or tabulation use.

17. The collection instruments, VA Forms 21-22 and 21-22a, may be reproduced and/or stocked by the respondents and veterans service organizations. These VA forms do not display an expiration date, and if required to do so would result in unnecessary waste of existing stocks of these forms. These forms are submitted to OMB 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 exemption that waives the displaying of the expiration date on VA Forms 21-22 and 21-22a.

18. This submission does not contain any exceptions to the certification statement.

B. Collection of Information Employing Statistical Methods

The data collection does not employ statistical methods.