

Supporting Statement for Unemployment Compensation for Ex-Servicemembers (UCX) Handbook

A. Justification.

1. Legal Authority. Chapter 5 U.S.C. 8523 states that when designated by the Secretary of Labor, an agency of the United States shall make available to the appropriate State agency or to the Secretary, as the case may be, such information, including findings in the form and manner prescribed by regulations of the Secretary, as the Secretary considers practicable and necessary for the determination of entitlement of an individual to compensation under this subchapter. Form ETA 843, Request for Military Document and Information, which is contained in the Unemployment Compensation for Ex-servicemembers (UCX) Handbook, ET Handbook No. 384, may be necessary to process claims for unemployment benefits under the UCX program.

2. Use of Information. The UCX law (5 U.S.C. 8521-8523)* requires state workforce agencies (SWAs) to administer the UCX program in accordance with the same terms and conditions of the paying state's unemployment insurance law, which apply to unemployed claimants who worked in the private sector. Each state agency needs to obtain certain military service information on claimants filing for UCX benefits to enable them to determine his/her eligibility for benefits. The state agencies may record or obtain required UCX information on the form developed by the Department of Labor, ETA 843, Request for Military Document and Information. The use of this form may be essential to the UCX claims process. Form ETA 841, Request for Determination of Federal Military Service and Wages, is no longer used by most SWAs, in part, because it has become an optional form.

Information pertaining to the UCX claimant can only be obtained from the individual's military discharge papers, the appropriate branch of military service or the Department of Veterans Affairs (formerly the Veterans Administration). Without the claimant's military information, the SWA cannot adequately determine the eligibility of ex-servicemembers and would not be able to properly administer the program.

3. Use of Improved Technology. State workforce agencies have implemented procedures to send electronic requests to the Federal Claims Control Center (FCCC) for UCX wage and separation information via an existing state telecommunications system (ICON). The Federal Claims Control Center maintains the Department of Labor's copy of each DD214 issued by the military. (The FCCC provides military wage and separation information and performs crossmatches to prevent improper use of wages and duplicate payments of benefits.) This allows the state to determine appropriate action. States are authorized to determine UCX eligibility under an affidavit process, using the claimant's copy of the DD Form 214, upon notice from the FCCC that there is no DD214 on file. If the claimant does not have a DD Form 214, use of the Form ETA 843 may be required.

* (See ETA Handbook 384, Appendix A, pages A-10 through A-12)

4. Efforts to Identify Duplications. SWAs use military documents (usually the DD Form 214 or Orders of Report and Release) in order to determine individual eligibility for UCX benefits. SWAs are encouraged to obtain information pertaining to a UCX claimant from the individual's military documents (usually DD Form 214) even though this information is also available from the appropriate branch of military service or the Department of Veterans Affairs (formerly the Veterans Administration). This ensures timely first payment of UCX benefits as required by the Secretary's standard. However, when military documents are not available, the ETA 843 is used.

5. Small Business. Collection does not involve small business.

6. Less Frequent Collection. If required information was collected less frequently, SWAs would not have enough information available to make timely UCX determinations as required by the Secretary's standard.

7. Exceptions to guidelines in 5 CFR 1320.5 . 5 U.S.C. 8521 and 8523 allow for information collected by SWAs on an as needed basis.

8. Consultation Outside the Agency. In accordance with the Paperwork Reduction Act of 1995, ETA solicited comments for sixty days on the proposed extension of approval through publication in the Federal Register on May 21, 2009 (Vol 74, No. 97 p 23887). No comments were received.

State workforce agencies were consulted on the design of the forms that have been in use since the inception of the UCX program. The SWAs are responsible for collecting the information.

This agency also consults with appropriate officials of the Department of Labor, military and civilian personnel of the Department of Defense and the Department of Veterans Affairs adjudication offices on an on-going basis and no adverse comments have been received.

9. Payment. There is no payment to respondents.

10. Confidentiality. SWAs are no longer required to have a signed Privacy Act statement from the claimant attached to UCX forms requesting the appropriate branch of military service or the Department of Veterans Affairs to release pertinent information regarding the claimant to the SWA. However, if state law requires all claimants to sign a release statement, then a UCX claimant would also be required to sign a Privacy Act statement. General personnel records, which include information to establish UCX eligibility, are considered a "system of records" maintained for "routine usage" and are an exception to the Privacy Act of 1974.

11. Sensitive Questions. There are no questions of a sensitive nature.

12. Respondent Burden and Cost: The cost of the Federal Claims Control Center (FCCC) is about \$830,154 for UCFE/UCX claims processing of which approximately 90% (\$747,138) was solely for UCX claim processing. This amount is allocated to the FCCC by the Federal government as a state grant.

Additionally, fifty-three (53) SWAs utilize Form ETA 843. ETA 843 is used by SWAs only when it is necessary to collect needed information, or to obtain additional clarifying information, from the military pertaining to the UCX claimant or to obtain a copy of DD Form 214 that was not issued to the claimant when he/she separated from military service. As a result, the ETA 843 is used for approximately only five (5) percent of the UCX "first claims." The ETA 843 is then sent to any one of the four branches of military service (Army, Navy, Marines, and Air Force). The Coast Guard and the National Oceanic Atmospheric Administration are considered branches of military service for UCX purposes but are not under the jurisdiction of the Department of Defense.

Based on 105,958 UCX claims that were filed in FY 2008, approximately five (5) percent of those claims were filed using the ETA 843.

A. Burden Estimates:

Form ETA 843

$105,958 \text{ claims} \times 5\% = 5,297 \text{ claims} \times 1.0 \text{ minutes/form} = 5,297 \text{ minutes or } 88 \text{ hours.}$

Form ETA 841

This is an optional form and ETA expects that it will be used by only one or two SWAs. Therefore, no burden is claimed.

B. Respondent Cost

The cost was calculated by using the approximate hourly wage rate of a SWA claims taker which is probably equivalent to a GS-5 federal civilian employee, which is \$14.18 x 88 hours = \$1,247.84.

13. Startup Capital Costs, Cost Burden for Respondents. There are no burden costs for respondents.

14. Federal Costs. The total cost of the Federal Claims Control Center (FCCC) for FY 2005 was \$747,138 for UCX claim processing alone. Since it is estimated that the Form 843 is completed for 5% of the claims, the estimated cost for processing is \$37,357.

15. Explanation of Burden Change. The previous submission inadvertently assigned burden costs to respondents. Therefore #13 above was corrected to remove the \$37,000 previously reported.

16. Published Results. We have no plans to publish any detailed data or information relating to these requests.

17. Display of Expiration Date. This package also requests an extension of the waiver of the requirement to display expiration dates on all forms used in the Unemployment

Compensation for Ex-servicemembers (UCX) program. This requirement does not meet program needs as the forms are tailored according to the needs and UI laws of the individual SWAs. The requirement would place an unnecessary burden on the SWAs to reprint new forms upon (each) expiration. ETA will announce the extension of the current expiration date through an Unemployment Insurance Program Letter.

18. Certification Statement. There are no exceptions to the certification statement identified in item 19, "Certification for Paperwork Reduction Act Submission," of OMB 83-I.

19. Collection of Information Employing Statistical Methods. This collection does not involve statistical methods.