

SUPPORTING STATEMENT

Request for Information on Earnings, Dual Benefits, Dependents and Third Party Settlement (CA-1032) OMB No. 1215-0151

A. Justification.

1. The information requested on the CA-1032 is obtained from claimants receiving continuing compensation on the periodic disability roll. The form requests information on the claimant's earnings, dependents, third party settlements, and other Federal benefits received. The form is sent out each year to every claimant on the disability roll. This information is necessary because the Federal Employees' Compensation Act (FECA) states:

- Compensation must be adjusted to reflect a claimant's earnings while in receipt of benefits (5 USC 8106).
- Compensation is payable at the augmented rate of 75 percent only if the claimant has one or more dependents as defined by the FECA (5 USC 8110).
- Compensation may not be paid concurrently with certain benefits from other Federal Agencies, such as the Office of Personnel Management, Social Security, and the Veterans Administration (5 USC 8116).
- Compensation must be adjusted to reflect any settlement from a third party responsible for the injury for which the claimant is being paid compensation (5 USC 8132)
- An individual convicted of any violation related to fraud in the application for, or receipt of, any compensation benefit, forfeits (as of the date of such conviction) any entitlement to such benefits, for any injury occurring on or before the date of conviction (5 USC 8148 (a)).
- No Federal compensation benefit can be paid to any individual for any period during which such individual is incarcerated for any felony offense (5 USC 8148 (b)(1)).

http://nt5.scbbs.com/cgi-bin/om_isapi.dll?clientID=371046&infobase=feca-act.nfo&softpage=PL_frame

http://nt5.scbbs.com/cgi-bin/om_isapi.dll?clientID=1335362905&infobase=feca-reg.nfo&jump=SUBCHAPTER%20B&softpage=PL_frame#JUMPDEST_SUBCHAPTER%20B

In accordance with 20 CFR 10.528, OWCP periodically requires each employee who is receiving compensation benefits to complete an affidavit as to any work, or activity indicating an ability to work, which the employee has performed for the prior 15 months. If an employee who is required to file such a report fails to do so within 30 days of the date of the request, his or her right to

compensation for wage loss under 5 U.S.C. 8105 or 8106 is suspended until OWCP receives the requested report. At that time, OWCP will reinstate compensation retroactive to the date of suspension if the employee remains entitled to compensation.

2. The information collected through the CA-1032 is used to ensure that compensation being paid on the periodic roll is correct. The claimant is providing information about earnings, status of dependents, advice regarding any third party settlement, and details of any other Federal benefits that they are receiving. Without this information, claimants might receive compensation to which they were not entitled, resulting in an overpayment of compensation.

3. In accordance with the Government Paperwork Elimination Act (GPEA), the Form CA-1032 will be made available on-line in a PDF fillable and printable format at <http://www.dol.gov/esa/regs/compliance/owcp>. The CA-1032 will also be made available through DOL's DFEC on-line forms library.

A feasibility study was completed 6/24/05 and it was estimated that it would cost \$1.27 million (\$1,208,400 for digital signatures + 59,800 in programming costs) compared to the total cost of non-electronic submissions of the form of approximately \$325,000. It was determined that OWCP could make the form available for electronic submission; however, the cost was exceedingly high and not absorbable by the program. Because the form must be completed and submitted in the time frame set by the program (to avoid the suspension of benefits) and not every claimant would have the ability to complete a form electronically, the printed form would still need to continue to be sent by mail each year in the month of the claimant's birth. Mailing the form would ensure that all claimants would have the same opportunity to complete the form within the allotted time period specified before their benefits would be suspended. Since the duplication of mailing and the exceeding high costs of electronic submission would only further increase the costs to the government (\$1.27 million + \$325,000 a year - based on the 2005 feasibility estimates), it should not be made available for electronic submission.

4. This information is not duplicated anywhere else in the FEC program or anywhere else in the Federal sector. While the Internal Revenue Service and the Social Security Administration have some earnings information, their information is not sufficiently current or complete for the purpose of determining the claimant's entitlement to ongoing compensation. Also, information from the IRS is not available without the claimant's written authorization, which OWCP cannot require.

5. This information collection does not have any impact on any small entities.

6. Please refer to No. 1 and No. 2. If this information collection was done less frequently, there is an excellent chance that compensation would be paid erroneously, resulting in overpayments. Overpayment collection is difficult, and experience shows that once an overpayment has occurred, it is very difficult and costly to recover the overpaid funds.

7. There are no circumstances that require the collection to be conducted in a manner inconsistent with the guidelines in 5 CFR 1320.6.

8. Extensive legal analysis was undertaken on this form including input from the Office of the Inspector General and the U.S. Attorney's Office. The wording ensures that a false or evasive answer can be used as a basis of prosecution for fraud.

A Federal Register Notice inviting public comment was published on August 29, 2007. No comments were received.

9. No payments or gifts are provided to respondents.

10. All information contained in FECA claim files is fully protected under the Privacy Act. All forms used for initiating a compensation claim contain a statement advising the claimant of the provisions of the Privacy Act. The applicable Privacy Act system of records is DOL/GOV-1. <http://www.usdoj.gov/oip/privstat.htm> and <http://www.dol.gov/sol/privacy/dol-govt-1.htm>

11. The CA-1032 does not contain questions of a sensitive nature.

12. The information requested by the CA-1032 should be readily available to the claimant. In most cases, it should simply be a matter of filling in the form; 20 minutes has been allotted for the completion of the form.

The number of respondents is currently about 50,000 per year. This is estimated using the number of FEC claimants currently receiving compensation of the periodic roll. Therefore, hours are calculated at $50,000 \times 1/3 \text{ hr.} = 16,667 \text{ hours.}$

Because the wage category of the respondent is unknown, we have estimated the cost of the burden hours using the National Average Weekly Wage for production or non-supervisory workers on private non-agriculture payrolls as computed by BLS, or \$16.76 per hour. The cost is estimated at \$279,339.00. <http://www.bls.gov/ces/cesbtabs.htm>

13. There are no start-up costs. The only operation and maintenance cost is for postage and envelopes. The 50,000 responses at \$.41 postage + \$.03 envelope per response = \$22,000.

14. Federal Cost Estimate:

Printing cost: This form is stored in each district office's ADP system in a word processing program. It is also available in printed form. Approximately 20,000 forms are printed annually, at a cost of approximately \$.10 per form. The total printing cost, $20,000 \times \$.10 = \$2,000.$

Mailing and Envelope Cost: $50,000 \times \$.44 = \$22,000.$

Review Cost: time to review each form - 1/4 hour
hourly wages of reviewer GS-11/1 at \$26.69
 $50,000/4 \times \$26.69 = \$333,625$

(The Salary Table for FY 07-DCB was used.)

www.opm.gov/oca/07tables/html/dcb_h.asp

Total Federal Cost: $\$2,000 + 22,000 + 333,625 = \$357,625.00$

15. There is an adjustment increase of \$2,000 for operation and maintenance costs. This change results from the increase in the cost of postage since the last clearance.

In the mid 1990s OWCP/DFEC made a concerted effort to keep the number of Periodic Roll (PR) cases stable. Therefore, injured workers have been either returning to work, passing away or terminated from compensation at approximately the same rate that newly injured individuals have been placed on the Periodic Roll. Therefore, since the CA-1032 form is only sent to injured workers on the PR, there has been no change to the burden hours.

16. The information collected will not be published as statistical data.
17. No exception to the display of the expiration date is sought.
18. There are no exceptions to certification.