

## OMB SUPPORTING STATEMENT

RI 20-7 – Representative Payee Application

RI 30-3 – Information Necessary for a Competency Determination

### A. Justification

1. Title 5, U. S. Code, Sections 8345(e) and 8466(c) provide that payment due a minor, or an individual mentally incompetent or under legal disability, may be made to the person who is constituted guardian or other fiduciary by the law of the State of residence of the claimant or is otherwise vested with the care of the claimant or his estate.
2. RI 20-7 is used by the Civil Service Retirement System (CSRS) and the Federal Employees Retirement System (FERS) to collect information from persons who apply to be fiduciaries for annuitants or survivor annuitants who appear to be incapable of handling their own funds or for minor children. The scope of the information requested includes items relating to the capability and the suitability of the applicant to assume responsibility for the annuitant's benefit, as well as identifying information from the applicant. RI 30-3 is an enclosure to RI 20-7 and is needed for adult annuitants who are alleged to be incompetent. RI 30-3 collects medical information regarding the annuitant's competency for OPM's use in evaluating the annuitant's condition. Failure to collect this information would make it impossible for OPM to make a determination as to whom to pay and thus could deny payment provided by title 5, U.S. Code, Chapters 83 and 84. Both forms have been revised to bring the Public Burden Statement up-to-date. The Public Burden Statement meets the requirement of 5 CFR 1320.8(b)(3).
3. The information collected is detailed and can only be obtained from the respondents. New methods of information technology would do little to reduce the burden on the respondents; they must sign the application attesting to its truth, under penalty of law, to the best of their knowledge. However, the forms are available in a PDF format on our website and meet our GPEA requirements.
4. Applications are filed individually. Duplication is minimized.
5. Information is not collected from small businesses.
6. This information is collected only when OPM must determine whether a person properly should be responsible for handling benefits for an incompetent annuitant. Less frequent collections would be to the disadvantage of the incompetent annuitant.
7. This information collection is consistent with the guidelines in 5 CFR 1320.6.
8. A notice of proposed information collection was published in the *Federal Register* on December 30, 2009, giving persons outside the agency an opportunity to comment on the form. No comments were received.
9. No payment or gift is provided to these respondents.

10. This information collection is protected by the Privacy Act of 1974 and OPM regulations (5 CFR 831.106). The routine uses for disclosure appear in the *Federal Register* for OPM/Central-1 (73 FR 15013, *et seq.*, March 20, 2008).
11. This information collection includes questions about the annuitant's medical condition; this information is considered private and is protected by OPM as described in item 10 above. The information must be collected, if there is no court-appointed guardian, in order for OPM to determine whether the annuitant is incompetent. The submission of this information is voluntary. However, if it is not submitted, OPM cannot determine whether the annuitant needs a representative payee.
12. The number of respondents to RI 20-7 is 12,480; we estimate that it takes 30 minutes to fill out the form. The annual burden is 6,240 hours. The number of respondents to RI 30-3 is 250; we estimate it takes 60 minutes to fill out the form. The annual burden is 250 hours. The total burden is 6,490 hours. This burden is not expected to vary substantially.
13. Although recent physicians' reports may be required so that we can make a competency determination, there is no way to estimate the cost to the annuitants because they are paying for their continuing medical care anyway. They do not necessarily have to get a special medical evaluation to fulfill the OPM requirements.
14. The annualized cost to the Federal government is \$198,850. This cost includes employee salary hours devoted to the program, forms cost, and overhead.
15. There is no change to the respondent burden.
16. The results of this information collection are not published.
17. It is not cost-effective to reprint the whole supply of forms to change the OMB clearance expiration date. Therefore, we seek approval not to display the date on the form.
18. There are no exceptions to the certification statement.