

**SUPPORTING STATEMENT FOR THE
PAPERWORK REDUCTION ACT SUBMISSION TO RENEW THE
ETA 5130, BENEFIT APPEALS REPORT, OMB 1205-0172**

A. JUSTIFICATION

1. Circumstances that Make the Collection Necessary.

The ETA 5130, Benefit Appeals Report, contains information on the number of appeals and the resultant decisions classified by program, appeal level, cases filed and disposed of (workload flow), and decisions by level, appellant and issue. The data on this form are used to monitor the benefit appeals process in the state workforce agencies (SWAs).

Section A. Single Claimant and Multi-Claimant Appeals Case Decisions by Program and Other Dispositions. This is basic workload count by level of decision and program. These are the figures used to determine administrative funding. It also shows how many cases were disposed of other than by decision. Sudden fluctuations in this figure alert the Office of Unemployment Insurance (OUI) to possible administrative problems.

Section B. Claimants Involved in State Unemployment Insurance (UI) Appeals Cases by Status of Appeals. This shows the flow of the workload. By watching the relationship among "filed during," "disposed of during," the potential for a backlog problem can be identified in time to provide technical assistance. This is why monthly data are crucial. A quarterly report would not allow a pattern to be identified for at least two quarters. By then the backlog could require even more remedial help, take longer to undo and have more of a potential for lawsuits, which charge that appeals decisions are untimely. Two to three monthly reports would identify any change in performance.

Section C. State UI Appeals Decisions by Type of Appellant. This shows if there are high rates of reversals that could indicate problems in the way decisions are made at the lower level. This could mean higher workload levels and, therefore, higher administrative costs. This section also indicates which party is the appellant and would show patterns in the types of decisions made.

Section D. Number of Lower Authority State UI Appeals Decisions by Issue. This shows which issue was involved in the cases

appealed. The data indicate patterns of decisions that can result in higher workload and therefore higher costs to the Federal government.

This collection is authorized under the Social Security Act, Section 303(a)(6).

2. How, by Whom, How Frequently, and for What Purpose is the information to be Used.

These data are used by both the Regional and National Office OUI staff to monitor state appeals processes and to develop plans for remedial action. The report is also needed for workload budgeting figures.

If this information were not available, problems that arise might not be discovered until the only solutions available would be very time consuming and costly efforts and possibly not before the state would be more open to lawsuits concerning due process and prompt payment of benefits.

Again, monthly data allow OUI to identify changes in performance early and to offer assistance, if necessary, before a problem gets out-of-hand.

3. Consideration of Information Technology to Reduce Burden.

All the states have automated their appeals record keeping, data collection, and tracking processes. As with most UI reports, this report is part of an electronic reporting system through which states enter and transmit data to the National Office. States have the option of creating a file on their own computer system and uploading it to the UI system to eliminate manual data entry and the potential for errors. Reduction of burden through increased automation is always encouraged and supported.

4. Duplication.

There is no similar information reported elsewhere.

5. Impact on Small Businesses.

There is no impact on small businesses or other small entities.

6. Consequence of Not Collecting or Collecting less Frequently.

Without this information, the National Office would have no way of monitoring the appeals process. If the data were collected less frequently, the National Office could not quickly step in to help a SWA as a problem develops. With a quarterly report, at least several quarters would elapse before the National Office would be aware of the development of a pattern of performance indicating a problem. Consequently, remedial action would be delayed, be less efficient, less effective, more expensive and both the state and possibly the Department would be more open to potential litigation.

7. Special Circumstances Requiring the Collection to be Conducted in a Manner Inconsistent with 5 CFR 1320.5.

See item 6 for discussion of need for monthly collection. This information collection is otherwise consistent with the guidelines in 5 CFR 1320.5.

8. Consultation with Persons Outside the Agency.

National Office program staff are routinely in touch with Regional staff who work with state staff through phone calls, visits and conferences. National Office staff are also available to state staff. Additionally, in accordance with the Paperwork Reduction Act of 1995, a notice was published in the Federal Register on September 2, 1020 (Vol. 75, p. 53983) and the public was allowed 60 days to review and comment on this information collection request. No comments were received.

9. Payment or Gift to Respondents.

There are no payments or gifts to respondents.

10. Assurance of Confidentiality.

There is no assurance of confidentiality.

11. Questions of a Sensitive Nature.

There are no questions of a sensitive nature.

12. Burden.

The estimated annual burden for this collection is 1,908 hours

(636 hours for the ETA 5130 Regular report, 636 hours for the ETA 5130 Extended Benefits report and 636 hours for the ETA 5130 Emergency Unemployment Compensation report).

Program	Respondents	Hours per response	Reporting Frequency	Burden Hours
Regular	53	1	12	636
Extended Benefits	53	1	12	636
EUC 2008	53	1	12	636
Total				1,908

The cost of assembling the reports is estimated to be \$77,865.48 per year. This estimate is arrived at by multiplying the annual burden hours by the FY 2011 average hourly wage for state workforce agency staff as follows: 1908 hours x \$40.81 per hour = \$77,865.48, however, the Federal government pays the salaries of the state staff via administrative funds, so there is no direct cost to the states.

13. Start-up Costs.

There are no start-up costs. All reports are collected and then electronically transmitted. There are no operational costs other than those associated with burden hours shown in item 12.

14. Federal Costs.

Cost to the Federal government cannot be estimated. Data is generally entered by the states and electronically transmitted to the National Office computer, along with many other reports, where it is immediately available for use.

15. Changes in Burden.

The revision in burden reflects the expansion of reporting to accommodate congressionally mandated expansions of benefits through the Emergency Unemployment Compensation 2008 program and the ARRA expansions of the Federal-State Extended Benefit programs. We expect states to submit the ETA 5130 for all three programs for the duration of the extended and emergency programs.

Once the recession has ended, it is likely this report will revert to a lower burden level as we resume more typical reporting frequencies. The reduction of one reporting entity reduces the number of annual reports by 12 and corrects an inadvertent error in ROCIS in the previous submission.

16. Publication.

Data are not published on a routine basis.

17. Request not to Display OMB Number.

The OMB number is displayed.

18. Exceptions.

There are no exceptions.

B. Collection of Information Employing Statistical Methods

This request does not employ a statistical methodology.