

SUPPORTING STATEMENT FOR
EVIDENCE FOR TRANSFER OF ENTITLEMENT OF EDUCATION BENEFITS
(2900–0708)

A. Justification.

1. The Department of Veterans Affairs (VA) is authorized to pay educational assistance to dependents of individuals who transferred benefits under the Montgomery GI Bill – Active Duty Program and the Post-9/11 GI Bill Program. Title 38 U.S.C. 3020 and 3319 provide that each military service has the option to permit individuals to transfer their educational assistance to one or more of their dependents. VA's regulations that implement 38 U.S.C. 3020 and 3319 are contained in 38 CFR 21.7080 and 21.9570, respectively.

The individual approved to transfer their educational assistance to their dependents must provide the name of each dependent, the number of months of entitlement transferred to each dependent, and the period (beginning date or ending date) for which the transfer will be effective for each designated dependent. The individuals may modify or terminate a previous designation by submitting a request for change or revocation to VA.

The Department of Defense (DoD) solely determines whether or not an individual is eligible to transfer educational assistance to dependents. The Department of Defense uses DD Form 2366-1 to record this information for individual's requesting to transfer benefits under MGIB. The Department of Defense uses a website (<https://www.dmdc.osd.mil/TEB/>) to record requests for transfer of educational assistance under the Post-9/11 GI Bill.

VA generally accepts the information provided by DoD as the supporting evidence to show that the individual was approved by the military to transfer entitlement, to whom he or she wants to transfer entitlement, how many months he or she wants to transfer, and the dates the transfer is effective. However, if an individual subsequently wants to amend or revoke a previous designation, VA will accept modifications submitted electronically through DoD's website and statements in writing that show the pertinent information.

2. VA will use the information shown on DOD Form 2366-1 or submitted electronically from DoD's website to determine whether the dependent qualifies to receive education benefits under the transfer of entitlement provisions of law. Without this information, VA would not be able to determine the dependent's eligibility for the transfer of eligibility program.

3. Information technology is currently being used to reduce the burden for individuals requesting to transfer educational benefits under the Post-9/11 GI Bill program. Information technology is not currently being used to collect information regarding transferring educational assistance under MGIB at this time as the number of applicants and approved participants is not significant. Collecting transfer of entitlement

information using DD Form 2366-1 is the most efficient and causes the least burden on the public.

4. VA is not aware of any duplication of this information collection.
5. This information collection only involves individuals requesting to transfer benefits to their dependents. There is no impact on educational institutions or small businesses.
6. If this information is not collected, eligible dependents may be not paid if entitled or may be paid if not entitled. To collect the information less frequently would prevent VA from making the payments specified by law.
7. The collection of this information does not require any special circumstances.
8. The Department notice was published in the Federal Register on November 4, 2010, pages 68035-68036. No comments were received in response to this notice.
9. VA does not provide any payment or gifts to respondents.
10. This information is retained permanently in the claimant's electronic education folder. Privacy to the extent covered by law is covered by VA system of Records, Compensation, Pension, Education and Vocational Rehabilitation and Employment Records – VA (58VA21/22/28), which is contained in the Privacy Act Issuances, 2009 Compilation.
11. None of the information collected is considered to be of a sensitive nature.
12. The estimated annual burden for the collection of this information is 5,227 hours, submitted by 62,725 respondents. During FY 2010, VA paid approximately 51,600 transfer of entitlement (TOE) claims under the Post-9/11 GI Bill and approximately 100 TOE claims under MGIB. Based on the FY 2011 Presidential Budget Submission, VA anticipates that the number of trainees under the Post-9/11 GI Bill will increase by 10 percent. Incorporating the anticipated increase in trainees, we estimate that we will receive an average of 62,625 TOE claims under the Post-9/11 GI Bill annually for the next three years. While we anticipate a decrease in the total number of trainees under MGIB, VA does not expect to see a significant decrease in the usage of TOE benefits already awarded. As such, we continue to estimate that we will pay approximately 100 TOE claims under MGIB annually for the next three years. The estimated annual burden was determined by multiplying the estimated annual responses (62,725) multiplied by 5 minutes, the time required to gather the information and complete the form, divided by 60.

The cost to the public is \$78,405. We determined this cost by multiplying 5,227 hours by \$15.

13. This submission does not involve any record keeping costs.

14. The estimated cost to the Federal government is approximately 1.3M. VA calculated this amount as follows:

A GS 9, step 5 claims examiner (\$28.04 hourly) needs approximately 45 minutes to process the information $[(62,725 \text{ responses} \times 45 \text{ minutes}/60) \times (28.04) = \$1,319,106.75]$.

15. There is a significant increase in the burden hours for this submission due the increase in the number of claims received since the implementation of the Post-9/11 GI Bill program. Under the previous submission there were a very limited number of individuals eligible for transferred benefits under MGIB. The Post-9/11 GI Bill program includes transfer of entitlement provisions that are less restricted than those provided under MGIB.

16. VA will not publish this information or make it available for publication.

17. VA generally will use DOD Form 2366-1 and information provided by the DoD website as collection instruments. The Department of Defense has to option to revise these instruments as necessary. VA would use any revised instrument (DD Form 2366-1 or website) as provided by DoD.

18. This information collection fully complies with all the requirements of 5 CFR 1320.8(b)(3).

B. Collection of Information Employing Statistical Methods.

This collection of information by the Department of Veterans Affairs does not employ statistical methods.