

Supporting Statement for 2900-0028

A. Justification

VA Form 3215, Application of Service Representative for Placement on Mailing List

1. Under 38 U.S.C. 5904, the Secretary of Veterans Affairs may recognize representatives of veteran service organizations in the preparation, presentation, and prosecution of claims under laws administered by the Department of Veterans Affairs (VA). In addition, the Secretary is requested to operate an outreach services program (38 U.S.C. 7722) to ensure veterans and beneficiaries have information about benefits and services to which they may be entitled. To support these two programs, the Secretary distributes copies of publications as requested by service organization representatives.

VA Form 3288, Request for and Consent to Release of Information from Claimant's Records

Veterans and their beneficiaries regularly request that copies of documents or information contained in their benefits or medical records be released to third parties, such as insurance companies, physicians and other individuals. The Privacy Act of 1974 (5 U.S.C. 552a) and the VA's confidentiality statute (38 U.S.C. 5701) as implemented by 38 CFR 1.526(a) and 38 CFR 1.576(b) require individuals to provide written consent before documents or information can be disclosed to third parties not allowed to receive records or information under any other provision of law, i.e., routine use of a record in a system of records. VA Form 3288 contains the minimum information that must be provided in writing before a record or information is released.

Form Letter 70-2, Request to Correspondent for Identifying Information

This form letter is used by VA to obtain additional information from a correspondent when the incoming correspondence does not provide sufficient or accurate information to identify a specific veteran. Failure to obtain this information will prevent the VA from taking their further action on the correspondence. Bold type is used to emphasize why the VA is soliciting the information and what is required of the correspondent for the VA to properly provide assistance.

38 CFR 1.519(A) Lists of Names and Addresses

Title 38 U.S.C., 5701(f)(1) authorizes the VA to disclose mailing lists of veterans and their dependents to nonprofit organizations, but only for certain specific and narrow purposes. Criminal penalties are provided for improper use of the list by the organization in violation of subsection (f) limitations. The information collection in this regulation ensures that any disclosure of a list under this subsection is authorized by law. The VA must ascertain that the applicant is a nonprofit organization and intends to use the list for a proper purpose; if not, Title 38 U.S.C., 5701(a) prohibits disclosure. The additional information collection (specific geographical locations, point of contact, and type of output and signature of organization head) is necessary to ensure timely and accurate processing of each application. Failure to obtain this information will prevent the Department from fulfilling its statutory obligations.

2. VA Form 3215 is used to process a request from a service organization to be placed on the mailing list for specific VA publications as identified by the service organization representatives on this form. The form is used to control the distribution of documents and to ensure only the minimum copies necessary are distributed. Moreover, the information on the form is used by VA regional offices for forwarding publications to the service organizations to be used in rendering services and representation of veterans, their spouses and dependents.

VA Form 3288 is completed by veterans or beneficiaries to provide the VA with a written consent to release records or information. Use of the form ensures an individual gives an informed written consent for the release of records or information about himself/herself that is consistent with the statutory requirements of the Privacy Act of 1974 and the VA's confidentiality statutes.

Form Letter 70-2 is used by VA personnel to identify a specific veteran, determine the location of a specific file, and to accomplish the action requested by the correspondent; such as, process a benefit claim or file material in an individual's claims folder. Completion of FL 70-2 is voluntary and failure to furnish the requested information has no adverse effect on either the veteran or the correspondent.

The information collected under 38 CFR 1.519(A) Lists of Names and Addresses is used by the VA in the manner and for the purpose stated in the above paragraph. Without this information VA could not meet its obligations under Title 38 U.S.C., 5701(f), and could not assure that disclosure of a list is proper.

3. The data and information on VA Forms 3288, 70-2, 38 CFR 1.519(A) are subject to the Privacy Act as it contains personal data and information, and requires the signature of the respondent prior to the release of information. VA is required to guard the privacy and protect the information from being altered as well as authenticate identity and signature of the respondent. The information requested on VA Form 3215 from the public is limited. Use of improved technology to further reduce the burden placed on the public for this information collection is not feasible, since the amount of information provided is limited and is submitted by individuals who may not have access to automated systems. Until the appropriate technologies are deployed, the data collected will not be electronically accessible.

4. No efforts have been made to identify duplication because the information is unique to each individual case and cannot be duplicated.

5. This information collection does not involve small businesses or other small entities.

6. The information on VA Form 3288 is collected only when a veteran or beneficiary requests disclosure of records or information subject to the Privacy Act, VA's confidentiality statutes. Information collected on VA Form 3215 is collected from a service organization representative as needed. VA Form 70-2 is collected when the original incoming correspondence does not contain the information necessary to identify a veteran. Information collected under 38 CFR 1.59(A) is already available and is used to the extent possible. For the reasons indicated above,

the frequency of this collection, and the amount of information collected cannot be reduced if VA is to meet its statutory obligations and continue to process applications for mailing lists.

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

8. The Department’s notice was published in the Federal Register on November 24, 2010, pages 71795-71796. No comments were received in response to this notice.

9. Decision to provide any payment or gift to respondents does not apply.

10. No assurances of confidentiality of the information are provided except for those implied in the Privacy Act of 1974 and 38 CFR 1.526.

11. There are no questions of a sensitive nature.

12. Estimate of Information Collection Burden is 22,700.

Title	Frequency of Response	Number of Respondents	Completion Time	Burden Hours
a. VA Form 3215	1	150	10 minutes	25
b. VA Form 3288	1	151,000	7.5 minutes	18,875
c. Form Letter 70-2	1	45,000	5 minutes	3,750
d. 38 CFR 1.519(A) Lists of Names and Addresses	1	50	60 minutes	50

Cost to the respondents is \$340,625.

	Burden Hours	Cost	Total
a. VA Form 3215	25	x \$20.00	\$500.00
b. VA Form 3288	18,875	x \$15.00	\$283,125.00
c. Form Letter 70-2	3,750	x \$15.00	\$56,250.00
d. 38 CFR 1.519(A) Lists of Names and Addresses	50	x \$15.00	\$750.00

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

14. Estimated Cost to the Federal Government is \$524,124.38.

	Processing	Printing Cost	Mailing @ 41¢
a. VA Form 3215	150 forms x 10 min x \$16.54/60 = \$413.50	150 forms = \$100.00	0
b. VA Form 3288	151,000 forms x 12 min x \$13.00/60 = \$392,600.00	151,000 forms \$4,530.00	\$61,910.00
c. Form Letter 70-2	45,000 forms x 5min x \$11.91/60 = \$44,662.50	45,000 forms \$1,350.00	\$18,450.00
d. 38 CFR 1.519(A) Lists of Names and Addresses	50 x 5=5.33 min x \$24.40 = \$108.38	0	0

15. There is no change in burden hours.

16. The results of this information will be neither tabulated nor published.

17. The form may be reproduced or stocked by the respondents. The form does not display an expiration date; to do so would result in unnecessary waste of existing stocks of this form. OMB approval is required every 3 years. As such, the expiration date requirement would also result in an unnecessary burden on the respondents and would delay the Department's action on requests from respondents. By not displaying the expiration date, VA seeks to reduce its cost for collecting, processing, and using the information. For these reasons, VA continues to seek exemption from displaying the expiration date on VA Forms 3215, 3288 and 70-2.

18. This submission does not contain any exceptions to the certificate statement.

B. Collections of Information Employing Statistical Methods

The data collections do not employ statistical methods.