

Supporting Statement for VA Form 21-0788
Information Regarding Apportionment of Beneficiary's Award
(2900-0666)

A. Justification

1. The Department of Veterans Affairs (VA), through its Veterans Benefits Administration (VBA), administers an integrated program of benefits and services established by law for veterans, service personnel, and their dependents and/or beneficiaries. Information is requested by this form under the authority of 38 U.S.C. 5307 which states that a veteran's or beneficiary's compensation and pension benefits may be apportioned for his/her dependents. Regulatory authority is found in 38 C.F.R. 3.450 through 3.454 and 3.458 through 3.461.
2. VA Form 21-0788 is used to determine whether benefits may be apportioned under 38 C.F.R. 3.450 (a)(1)(i), 3.450(a)(2), and 3.451 and, if so, the amount. 38 C.F.R. 3.450 provides that a portion of a veteran's benefits may be paid to his/her spouse and children if they are not residing with the veteran and the veteran is not providing reasonable support. A portion of a surviving spouse's benefits may be paid to the veteran's children who are not living with the surviving spouse. 38 C.F.R. 3.451 states that an apportionment must not cause undue hardship on the veteran, and the resources, income, and special needs of the veteran and his/her dependents must be considered in determining the basis for an apportionment. This form will be completed separately by the veteran and the claimant in order to obtain the information needed to determine whether benefits may be apportioned and the amount payable.
3. VA Form 21-0788 will be available on the One-VA web site in a fillable electronic format. VBA is currently hosting forms on a secure server and does not currently have the technology in place to allow for the complete submission of the form. Validation edits are performed to assure data integrity. Efforts within VA are underway to provide a mechanism to allow the information to be submitted electronically with a recognized signature technology. There currently is no utility process in place that will allow the data submitted on the form to be incorporated with an existing centralized legacy database.
4. Program reviews were conducted to identify potential areas of duplication; however, none were found to exist. There is no known Department or Agency which maintains the necessary information, nor is it available from other sources within our Department.
5. The collection of information does not involve small businesses or entities.
6. The form is used to collect the information that is necessary to determine whether an apportionment may be authorized and the reasonable amount that may be awarded. Without this collection of information, VA would be unable to properly authorize apportionments of compensation and pension benefits.

7. There is no special circumstance requiring collection in a manner inconsistent with 5 CFR 1320.6 guidelines.

8. The Department notice was published in the Federal Register on March 18, 2011, page 15048. No comments were received in response to this notice.

9. No payments or gifts to respondents have been made under this collection of information.

10. The records are maintained in the appropriate Privacy Act System of Records identified as 58VA21/22/28, "Compensation, Pension, Education, and Rehabilitation Records—VA" as set forth in Privacy Act Issuances, 1993 compilation found in 74 Fed. Reg. 117 (June 19, 2009).

11. There are no questions of a sensitive nature.

12. Estimate of Information Collection Burden.

a. Number of Respondents is estimated at 25,000 per year.

b. Frequency of Response is one time for most beneficiaries.

c. Annual burden is 12,500 hours.

d. The estimated completion time of 30 minutes is based on review by staff personnel and previous usage of forms requesting similar information.

e. The total estimated cost to respondents is \$187,500 (12,500 hours x \$15 per hour).

13. This submission does not involve any recordkeeping costs.

14. Estimated Costs to the Federal Government:

a. Processing/Analyzing costs \$2,129,375

(GS-12/5 @ \$40.66 x 25,000 x 60/60 minutes = \$1,016,500)

(GS-9/5 @ \$28.04 x 25,000 x 90/60 minutes = \$1,051,500)

(GS-3/5 @ \$14.73 x 25,000 x 10/60 minutes = \$ 61,375)

b. Printing and production cost \$1,050

c. Total cost to government \$2,129,375

15. There is no change in the reporting burden.

16. The information collection is not for publication or tabulation use.

17. The collection instrument, VA Form 21-0788, may be reproduced and/or stocked by the respondents and veterans service organizations. This VA form does not display an expiration date, and if required to do so would result in unnecessary waste of existing stocks of this form. This form is submitted to OMB every 3 years. As such, this date requirement would also result in an unnecessary burden on the respondents and would delay Department action on the benefit being sought. VA also seeks to minimize its cost to itself of collecting, processing and using the information by not displaying the expiration date. For the reasons stated, VA continues to seek an exemption that waives the displaying of the expiration date on VA Form 21-0788.

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

B. Collection of Information Employing Statistical Methods

The Veterans Benefits Administration does not collect information employing statistical methods.