

Supporting Statement for VA Forms 21-4140 and 21-4140-1  
Employment Questionnaire  
(2900-0079)

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. Under 38 CFR 4.16, VA pays individual unemployability, compensation at the 100 percent rate, to veterans who are unable to secure or follow a substantially gainful occupation as a result of service-connected disabilities. Information is requested by this form under the authority of 38 U.S.C. 501. Regulatory authority is found in 38 C.F.R. 3.362 and 3.343.

2. VA Forms 21-4140 and 21-4140-1 are to be used to gather the necessary information to determine continued entitlement to individual unemployability. Individual unemployability benefits are being paid to veterans who are no longer entitled. Additionally, per 38 CFR 3.901, veterans must knowingly submit false information in order for it to be considered fraud. Therefore, VA requires veterans who are receiving individual unemployability benefits to certify that they are still unemployed or are marginally employed. The form will be completed annually by all recipients of individual unemployability who are under age 60.

3. VA Form 21-4140 is not available on-line because it is a computer-generated form and dispatched from VA's central computer to veterans who are required to complete it. VA Form 21-4140-1 is identical to VA Form 21-4140 and is used by VA regional offices whenever a recipient loses VA Form 21-4140 or did not receive the form for some other reason. VA Form 21-4140-1 will be available on the One-VA web site in a fillable electronic format. VBA will be hosting the form 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. Veterans Online Applications (VONAPP) allows applicants to view, print, and submit applications electronically to VBA. However, VA Form 21-4140-1 is not one of the forms scheduled to be added to VONAPP. The Department will reconsider adding the form to VONAPP when the resources become available.

4. VA, SSA, and IRS conduct a regular data exchange (IVM processing) that provides VA with the amount of earnings recipients receives. However, a recent program review has shown that this data exchange is not timely in identifying many recipients who are receiving earnings above the poverty level. As a result, many recipients have been receiving VA benefits to which they are not entitled. VA is unable to adjust benefits based solely on IRS wage information (38 U.S.C. 5317(b)), and we cannot rely on the electronic interfaces for timely information about changes in employment.
5. The collection of information does not involve small businesses or entities.
6. 38 CFR 3.652 provides that recipients are required to certify, when requested, that the eligibility factors which established entitlement to the benefit being paid continue to exist. Individual unemployability is awarded based on a veteran's inability to be gainfully employed due to service-connected disabilities, and entitlement may be terminated if a veteran begins working. Without information about recipients' employment, VA would not be able to determine continued entitlement to individual unemployability, and overpayments would result.
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 May 11, 2011, page 27386. 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 130,000 per year.
  - b. Frequency of Response is annually for most beneficiaries.
  - c. Annual burden is 10,833 hours.
  - d. The estimated completion time of 5 minutes is based on review by staff personnel and previous usage of these forms.
  - e. The total estimated cost to respondents is \$162,495 (10,833 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 \$3,083,383

(GS-12/5 @ \$40.66 x 130,000 x 8/60 minutes = \$ 704,773)

(GS- 9/5 @ \$28.04 x 130,000 x 36/60 minutes = \$2,187,120)

(GS- 3/5 @ \$14.73 x 130,000 x 6/60 minutes = \$ 191,490)

b. Printing and production cost \$1,000

c. Total cost to government \$3,084,383

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 21-4140-1, may be reproduced and/or stocked by the respondents and veterans service organizations. The form does not display an expiration date, and if required to do so would result in unnecessary waste of existing stocks of these forms. These forms are 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 seeks an exemption that waives the displaying of the expiration date on VA Forms 21-4140 and 21-4140-1.

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

B. Collection of Information Employing Statistical Methods

This submission does not collect information employing statistical methods.