

Supporting Statement for  
Veteran's Application for Compensation and/or Pension, VA Form 21-526, Veteran's  
Supplemental claim Application, 21-526b, and Authorization and Consent to Release  
Information to the Department of Veterans Affairs, 21-4142  
(2900-0001)

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. Title 38 U.S.C. 5101(a) provides that a specific claim in the form provided by the Secretary must be filed in order for benefits to be paid to any individual under the laws administered by the Secretary. VA Form 21-526 is the prescribed form for initial disability claims. VA Form 21-526b is the prescribed form for supplemental disability or ancillary benefit claims.

2. VA Form 21-526 and 21-526b are used to gather the necessary information to determine a veteran's eligibility, dependency, and income, as applicable, for the compensation and/or pension benefit sought. Without this information, determination of entitlement would not be possible.

VA added a field to the 21-526 requesting information on a claimant's transferred assets based on the following VA Office of General Counsel opinion:

“We have seen a lot of activity from attorneys practicing elder law, who, in some cases, claim that they can assist individuals in qualifying for VA aid and attendance by transferring their assets using various types of trust instruments. As you probably know, VA must generally consider such assets in determining eligibility unless the applicant relinquished all ownership and control. We have communicated with a few individuals regarding their promotional material, which implies that prior to applying for pension the claimant may transfer assets and that there is no need to inform VA of the transfer. This presents a problem because attorneys may advise claimants to transfer their assets, charge a fee for the transfer, and assist the claimant in preparing a pension claim. A few years later, when VA learns of the transferred assets, which the claimant continued to control, VA creates a debt that the beneficiary may not be able to repay. Family members then request a waiver. This has actually happened in a few cases.

I note that the 21-526 form does not inquire about transfers of assets prior to the date of application. This may be something that VBA should add to the form. Attorneys' ethical obligation to advise claimants about asset transfers would then be clear.”

Additionally, claimants who need assistance in obtaining non-VA medical records complete VA Form 21-4142. VA added the date of birth field as a result of private treatment providers rejecting the form or not responding because they could not locate the claimant's records without a date of birth.

3. The Department is in process of adding several VA Forms to the Veterans Online Applications (VONAPP). VONAPP allows applicants to view, print, and submit applications electronically to VBA. VA Form 21-526 is one of the forms already available in the VONAPP. VA Form 21-526b will be added to VONAPP after the form is approved by OMB. VA Form 21-4142 is used to request medical treatment records from private doctors, hospitals, physicians, etc. VA does not currently have in place an electronic signature infrastructure. Therefore, VA Form 21-4142, cannot at this time be added to VONAPP because the form requires the original signature of the beneficiary/claimant in order for VA to obtain these medical records due to Health Insurance Portability and Accountability Act (HIPAA) enacted by Congress in 1996.
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. This form was redesigned into a “user friendly” form, incorporating plain English, to comply with the President’s Memorandum of June 1, 1998, Plain Language in Government Writing.
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 July 24, 2009, pages 36828-36829 for VA Form 26-526b and on September 29, 2009, pages 49916-49917 for VA Form 21-526 and 21-4142. No comments were received.
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 “Compensation, Pension, Education, and Vocational Rehabilitation and Employment Records-VA (58VA21/22/28),” published at 74 FR 29275 (June 19, 2009).
11. There are no questions of a sensitive nature.
12. Estimate of Information Collection Burden.
  - a. Number of yearly respondents is estimated at 391,708 for VAF 21-526 and 3,292 for VAF 21-4142, and 200,000 for VAF 21-526b.
  - b. Frequency of Response is one time for most beneficiaries.
  - c. Annual burden is 441,982 (391,708 for VAF 21-526 , 274 for 21-4142, and 50,000 for VAF 21-2526b) hours.

d. The estimated completion time is 60 minutes for VA Form 21-526, 15 minutes for VA Form 21-526b and 5 minutes for 21-4142.

e. The total estimated cost to respondents is \$6,629,730 (441,982 x \$15 per hour).

13. This submission does not involve any recordkeeping costs.

14. Estimated Costs to the Federal Government:

a. Processing/Analyzing costs \$12,393,184

(GS- 9/5 @ \$28.04 x 391,708 x 60/60 minutes = \$10,983,492)

(GS- 9/5 @ \$28.04 x 200,000 x 15/60 minutes = \$1,402,000)

(GS- 9/5 @ \$28.04 x 3,292 x 5/60 minutes = \$7,692)

b. Printing and production cost (\$90 per thousand) \$32,498

c. Total cost to government \$12,425,682

15. The addition of Part X on the 21-526 does not change the reporting burden. The current respondent burden of 1 hour allows time for the respondent to obtain all net worth information necessary to complete the form, including asset information. The added question is presented in a yes/no check-box format. If the respondent has no transferred assets, checking the “no” box would not affect the time it takes to complete the form.

The addition of the date of birth field on the 21-4142 does not increase the respondent burden as this information is readily know to the respondent and would not require additional time to obtain the information to complete this field.

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

17. The collection instrument, VA Form 21-526, 526b and 21-4142, 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 21-526, 526b and 21-4142.

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

## B. Collection of Information Employing Statistical Methods

The data collection does not employ statistical methods.