

**SUPPORTING STATEMENT FOR
REGULATION FOR RECONSIDERATION OF DENIED CLAIMS
2900-0600**

A. JUSTIFICATION

1. Explain the circumstances that make the collection of information necessary. Identify legal or administrative requirements that necessitate the collection of information.

Provisions for this data collection are included in 38 C.F.R. 17.133. This informal process provides for submission of a written request for reconsideration denial of healthcare benefits. The request contains the reason the claimant believes the decision is erroneous and allows submission of new and relevant information. This process reduces both formal appeals and allows decision making to be more responsive to Veterans using the VA healthcare system.

2. Indicate how, by whom, and for what purposes the information is to be used; indicate actual use the agency has made of the information received from current collection.

The purpose of this data collection is to provide a vehicle to request an informal review of the denied claims of Veterans. Veterans whose application for healthcare benefits has been denied will initiate this request. To assure the correctness of the decision to deny, hospital administrative personnel will review the data submitted by denied applicants.

3. Describe whether, and to what extent, the collection of information involves the use of automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g. permitting electronic submission of responses, and the basis for the decision for adopting this means of collection. Also described any consideration of using information technology to reduce burden.

The collection of information does not involve the use of automated, electronic, mechanical, or other technological collection techniques and no specific form or format is required. Additionally, VA determined that automating this data collection is not economically feasible.

4. Describe effort to identify duplication. Show specifically why any similar information already available cannot be used or modified for use for the purposes described in Item 2 above.

This is a unique, voluntary, informal process conducted in addition to the formal appeals process. In the event the decision is later appealed, the data gathered will be furnished to the Board of Veterans Affairs as supplemental information. Thus, there is no duplication.

5. If the collection of information impacts small businesses or other small entities, describe any methods used to minimize burden.

No small businesses or other small entities are impacted by this information collection.

6. Describe the consequences to Federal program or policy activities if the collection is not conducted or is conducted less frequently as well as any technical or legal obstacles to reducing burden.

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As this information is collected only when review of a denied claim is requested, VA would not be responsive to the needs of the veteran if the information were collected less frequently.

7. Explain any special circumstances that would cause an information collection to be conducted more often than quarterly or require respondents to prepare written responses to a collection of information in fewer than 30 days after receipt of it; submit more than an original and two copies of any document; retain records, other than health, medical, government contract, grant-in-aid, or tax records for more than three years; in connection with a statistical survey that is not designed to produce valid and reliable results that can be generalized to the universe of study and require the use of a statistical data classification that has not been reviewed and approved by OMB.

There are no such special circumstances.

8. a. If applicable, provide a copy and identify the date and page number of publication in the Federal Register of the sponsor's notice, required by 5 CFR 1320.8(d), soliciting comments on the information collection prior to submission to OMB. Summarize public comments received in response to that notice and describe actions taken by the sponsor in responses to these comments. Specifically address comments received on cost and hour burden.

The notice of Proposed Information Collection Activity was published in the Federal Register on April 11, 2013, page 21711, Volume 78, No. 70. VA received 3 public comments in response to this notice.

The FRN Public Comments and VHA response have been uploaded into the OIRA ROCIS system. The following is a summary of the comments and response.

Public Comment 1: Teddy Teel, LA, (Posted May 1, 2013)

1. There should not be a time limit of a denied claim when the VA has committed an error.
2. Strike the word (new) (FR Notice) but leave relevant information not previously considered.
3. If the VA wants to be more responsive to veterans, (Add) VA has 60 days or less to make a reconsideration decision.
4. VA wants to put more burden on Veterans. Sometimes it takes more than a year to get a doctor's appointment, to contest these claims, or to get the relevant information to support the claim. Also, sometimes VA does response to Veterans request for information in a timely manner.

VHA Purchased Care Chief Business Office Response (July 15, 2013):

The comments regarding the removal of a time limit due to a VA error and the inclusion of a time limit for VA to respond with or reconsider a decision need to be submitted through lawmaking authorities (Congress or Senate) and are outside of the scope of the collection of information request.

Veterans can use the Veterans' Claims Assistance Act (VCAA) towards meeting the one-year deadline. Through the Act, VA has the duty to assist and inform Veterans with the Veterans' Compensation and Pension claims.

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Public Comment 2: Gwendolyn Sheppard, WI, (Posted May 8, 2013)

There should not be a time limit of a denied claim when the VA has committed an error in its decision. The Veteran is usually going through medical treatment that may prevent her/him from focusing on fighting the claim process. It is more important to heal than stressing about a time limit.

VHA Purchased Care Chief Business Office Response (July 15, 2013):

The comments regarding the removal of a time limit due to a VA error and the inclusion of a time limit for VA to respond with or reconsider a decision need to be submitted through lawmaking authorities (Congress or Senate) and are outside of the scope of the collection of information request.

Veterans can use the Veterans' Claims Assistance Act (VCAA) towards meeting the one-year deadline. Through the Act, VA has the duty to assist and inform Veterans with the Veterans' Compensation and Pension claims.

Public Comment 3: Edward Higgins, AL, (Posted June 6, 2013)

Mr. Higgins was a Driver with the 32nd Trans Co 4thtrans Stuttgart Germany. He described his travels through Saudi Arabia, Kuwait and Iraq. There are no records to support their movements or locations. He drove through Kuwait in the middle of a sunny day but there was no sun to see for the smoke. They were exposed to all manner of toxins and he feels that the government was well aware of this. He says that those who reap research money without actually trying to find out the truth for Veterans will eventually stand in judgment.

VHA Purchased Care Chief Business Office Response (July 15, 2013):

VA's review of this comment yields no additional information necessary for inclusion into the proposed regulation. The comments did not directly address the collection of information request.

The VHA PRA Compliance Officer provided Mr. Higgins the Federal Register Notice for a current data collection that seemed to be what Mr. Higgins was actually addressing. He was also provided a draft copy of the instrument and justification to comment on: VA-2013-VACO-0001-0091 Agency Information Collection Activities; Proposals, Submissions, and Approvals: Open Burn Pit Registry Airborne Hazard Self-Assessment Questionnaire; OMB No. New: FR Doc. #2013-13224.

- b. Describe efforts to consult with persons outside the agency to obtain their views on the availability of data, frequency of collection, clarity of instructions and recordkeeping, disclosure or reporting format, and on the data elements to be recorded, disclosed or reported. Explain any circumstances which preclude consultation every three years with representatives of those from whom information is to be obtained.**

An official of a chartered Veterans Service Organization suggested this informal information collection.

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9. Explain any decision to provide any payment or gift to respondents, other than remuneration of contractors or grantees.

No payment or gift is provided to respondents.

10. Describe any assurance of privacy, to the extent permitted by law, provided to respondents and the basis for the assurance in statute, regulation, or agency policy.

Assurances of confidentiality are contained in 38 U.S.C. 5701 and 7332. Respondents are informed that the information collected will become part of the Consolidated Health Record which complies with the Privacy Act of 1974. This data becomes part of the [system of records identified as 24VA19 "Patient Medical Record – VA" as set forth in the Compilation of Privacy Act Issuances via online GPO access at http://www.gpoaccess.gov/privacyact/index.html](http://www.gpoaccess.gov/privacyact/index.html).

11. Provide additional justification for any questions of a sensitive nature, such as sexual behavior and attitudes, religious beliefs, and other matters that are commonly considered private; include specific uses to be made of the information, the explanation to be given to persons from whom the information is requested, and any steps to be taken to obtain their consent.

There are no questions of a sensitive nature.

12. Estimate of the hour burden of the collection of information:

a. 101,652 respondents x 1 response x 30 minutes per response / 60 = 50,826 burden hours

b. If this request for approval covers more than one form, provide separate hour burden estimates for each form and aggregate the hour burdens in Item 13 of OMB 83-I.

This request does not include a form. This informal process only requires submission of a written request for reconsideration denial of healthcare benefits

c. Provide estimates of annual cost to respondents for the hour burdens for collections of information. The cost of contracting out or paying outside parties for information collection activities should not be included here. Instead, this cost should be included in Item 14.

The cost to the respondents for submitting this information is \$1,168,998.00 (50,826 burden hours X \$23 per hour). The figure reported, \$23.00, is based on the Bureau of Labor and Statistics, as provided by the VA Clearance Officer in 2012. The initial 2010 clearance request reflected the \$15.00 per hour. VA does not require any additional recordkeeping.

13. Provide an estimate of the total annual cost burden to respondents or record keepers resulting from the collection of information. (Do not include the cost of any hour burden shown in Items 12 and 14).

a. There is no capital, start-up, operation or maintenance costs.

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b. Cost estimates are not expected to vary widely. The only cost is that for the time of the respondent.

c. There is no anticipated recordkeeping burden.

14. Provide estimates of annual cost to the Federal Government. Also, provide a description of the method used to estimate cost, which should include quantification of hours, operation expenses (such as equipment, overhead, printing, and support staff), and any other expense that would not have been incurred without this collection of information. Agencies also may aggregate cost estimates from Items 12, 13, and 14 in a single table.

The total cost to the Federal Government is estimated to be \$2,704,197.30.

	Salary	Responses	Equals	Time	Total Cost
Review	\$44.66 (GS 13/5)	101,652	\$4539778.3	x 30 min / 60	\$ 2269889.15
Handling	\$17.09 (GS 5/5)	101,652	\$1737232.6	x 15 min / 60	\$ 434,308.15
					<u>\$2,704,197.30</u>

15. Explain the reason for any program changes or adjustments reported in Items 13 or 14 of OMB 83-I

The adjustment to the annual cost to the Federal Government was based on updates to the hourly rates from what was previously recorded in the 2010 clearance request. The current hourly rate reflects the 2013 Office of Personnel Management (U.S. 14.16%) GS 13/5 and 5/5 pay.

16. For collections of information whose results will be published, outline plans for tabulation and publication. Address any complex analytical techniques that will be used. Provide the time schedule for the entire project, including beginning and ending dates of the collection of information, completion of report, publication dates, and other actions.

There are no plans to publish the results of the information collected.

17. If seeking approval to omit the expiration date for OMB approval of the information collection, explain the reasons that display would be inappropriate.

This is not applicable because there is no form involved in this information collection.

18. Explain each exception to the certification statement identified in Item 19, "Certification for Paperwork Reduction Act Submissions," of OMB 83-I.

There are no exceptions.

B. COLLECTIONS OF INFORMATION EMPLOYING STATISTICAL METHODS

No statistical methods are used in this data collection.