

**SUPPORTING STATEMENT**  
**ETA 5130, BENEFIT APPEALS REPORT, OMB 1205-0172**

**A. JUSTIFICATION**

1. Circumstances that Make the Collection Necessary.

The ETA 5130, Benefit Appeals Report, contains information on the number of appeals and the resultant decisions classified by program, appeal level, cases filed and disposed of (workload flow), and decisions by level, appellant and issue. The data on this form are used to monitor the benefit appeals process in the state workforce agencies (SWAs).

Section A. Single Claimant and Multi-Claimant Appeals Case Decisions by Program and Other Dispositions. This is basic workload count by level of decision and program. These are the figures used to determine administrative funding. It also shows how many cases were disposed of other than by decision. Sudden fluctuations in this figure alert the Office of Unemployment Insurance (OUI) to possible administrative problems.

Section B. Claimants Involved in State Unemployment Insurance (UI) Appeals Cases by Status of Appeals. This shows the flow of the workload. By watching the relationship among "filed during," "disposed of during," the potential for a backlog problem can be identified in time to provide technical assistance. This is why monthly data are crucial. A quarterly report would not allow a pattern to be identified for at least two quarters. By then the backlog could require even more remedial help, take longer to undo and have more of a potential for lawsuits, which charge that appeals decisions are untimely. Two to three monthly reports would identify any change in performance.

Section C. State UI Appeals Decisions by Type of Appellant. This shows if there are high rates of reversals that could indicate problems in the way decisions are made at the lower level. This could mean higher workload levels and, therefore, higher administrative costs. This section also indicates which party is the appellant and would show patterns in the types of decisions made.

Section D. Number of Lower Authority State UI Appeals Decisions by Issue. This shows which issue was involved in the cases appealed. The data indicate patterns of decisions that can result in higher workload and therefore higher costs to the Federal government.

This collection is authorized under the Social Security Act, Section 303(a)(6).

2. Use of the Information

These data are used by both the Regional and National Office OUI staff to monitor state appeals processes and to develop plans for remedial action. The report is also needed for workload budgeting figures.

If this information were not available, problems that arise might not be discovered until the only

solutions available would be very time consuming and costly efforts and possibly not before the state would be more open to lawsuits concerning due process and prompt payment of benefits.

Again, monthly data allow OUI to identify changes in performance early and to offer assistance, if necessary, before a problem gets out-of-hand.

3. Information Technology.

All the states have automated their appeals record keeping, data collection, and tracking processes. As with most UI reports, this report is part of an electronic reporting system through which states enter and transmit data to the National Office. States have the option of creating a file on their own computer system and uploading it to the UI system to eliminate manual data entry and the potential for errors.

4. Duplication.

There is no similar information reported elsewhere.

5. Impact on Small Businesses.

There is no impact on small businesses or other small entities.

6. Consequence of Not Collecting or Collecting less Frequently.

Without this information, the National Office would have no way of monitoring the appeals process. If the data were collected less frequently, the National Office could not quickly step in to help a SWA as a problem develops. With a quarterly report, at least several quarters would elapse before the National Office would be aware of the development of a pattern of performance indicating a problem. Consequently, remedial action would be delayed, be less efficient, less effective, more expensive and both the state and possibly the Department would be more open to potential litigation.

7. 5 CFR 1320.5. Collection is inconsistent with 5 CFR 1320.5.

See item 6 for discussion of need for monthly collection. This information collection is otherwise consistent with the guidelines in 5 CFR 1320.5.

8. Federal Register Notice.

In accordance with the Paperwork Reduction Act of 1995, a notice was published in the Federal Register on May 22, 2013 (Vol. 78, p. 30336) and the public was allowed 60 days to review and comment on this information collection request. No comments were received.

9. Payment or Gift.

There are no payments or gifts to respondents.

10. Assurance of Confidentiality.

There is no assurance of confidentiality.

11. Questions of a Sensitive Nature.

There are no questions of a sensitive nature in this report.

12. Federal and Respondent Cost.

The estimated annual burden for this collection is 1,908 hours (636 hours for the ETA 5130 Regular report, 636 hours for the ETA 5130 Extended Benefits report and 636 hours for the ETA 5130 Emergency Unemployment Compensation report).

Program	Respondents	Hours per Response	Reporting Frequency	Total Responses	Total Burden Hours
Regular	53	1	12	636	636
Extended Benefits	53	1	12	636	636
EUC 2008	53	1	12	636	636
Total	53 Unduplicated	////////////////////////////////	////////////////////////////////	1908	1,908

The cost of assembling the reports is estimated to be \$82,482.84 per year. This estimate is arrived at by multiplying the annual burden hours by the FY 2014 average hourly wage for state workforce agency staff that was computed in the development of the FY 2014 state UI base administrative grants: 1,908 hours x \$43.23 per hour = \$82,482.84. The Federal government pays the salaries of the state staff via administrative funds, so there is no direct cost to the states.

13. Burden Costs.

All reports are collected and then electronically transmitted. There are no operational costs other than those associated with burden hours shown in item 12. Additional costs incurred by States choosing to create a file on their own computer system and uploading it to the UI system would not be considered an additional burden under the PRA, as those costs would be incurred only if the State chose not to use the submission system provided free of charge by ETA. ETA accounts for the effort to respond to the information collection under burden hours; consequently, in order to avoid a double counting of the burden the Department has determined that any additional effort would most appropriately be considered a usual or customary business practice that a respondent engages in for its own purposes. See 5 C.F.R. § 1320.3(b)(2).

14. Costs to the Federal Government.

During FY2014, ETA has budgeted \$791,000 to operate and maintain the Unemployment Insurance Required Reports system. Including the subject ICR, this system supports 30 information collections. For administrative purposes, each information collection is assumed to contribute an equal share of the cost for supporting the entire system; therefore the cost allocated to this ICR is estimated to be \$26,367 ( $\$791,000 \text{ system cost} / 30 \text{ information collections}$ ).

15. Changes in Burden.

This ICR seeks no approval for discretionary actions affecting respondent burden. DOL has refined the burden estimate entries for this collection, to make the relationship between reginfo.gov database information more consistent with the burden reported to respondents. As shown in item 12, each month States submit a separate ETA 5130 for each of three programs and each form takes 1 hour to complete. The form provides that burden estimate. The database, however, reflected a single monthly response taking three hours. The total burden hours remains the same.

16. Publication.

Data is not published.

17. Request not to Display OMB Number Expiration Date.

ETA will display the expiration date.

18. Certification Exceptions.

ETA seeks no exceptions.

**B. Collection of Information Employing Statistical Methods**

This request does not employ a statistical methodology.