

SUPPORTING STATEMENT FOR  
EVIDENCE FOR TRANSFER OF ENTITLEMENT OF EDUCATION BENEFITS  
(2900-0708)

**A. Justification.**

1. The Department of Veterans Affairs (VA) is authorized to pay educational assistance to dependents of individuals who transferred benefits under the Montgomery GI Bill-Active Duty and the Post-9/11 GI Bill. Title 38 U.S.C. 3020 and 3319 provide that each military service has the option to permit individuals to transfer their educational assistance to one or more of their dependents. VA has implemented the provisions of 38 U.S.C. 3020 and 3319 in 38 CFR 21.7080 and 21.9570, respectively.

Individuals approved to transfer their educational assistance to their dependents must provide the name of each dependent, the number of months of entitlement transferred to each dependent, and the period (beginning date or ending date) for which the transfer will be effective for each designated dependent. The individuals may modify or terminate a previous designation by submitting a request for change or revocation to VA.

The Department of Defense (DoD) solely determines whether or not an individual is eligible to transfer educational assistance to dependents. The Department of Defense uses DD Form 2366-1 to record this information for individuals requesting to transfer benefits under MGIB. The Department of Defense uses a website (<https://www.dmdc.osd.mil/TEB/>) to record requests for transfer of educational assistance under the Post-9/11 GI Bill.

VA accepts the information provided by DoD as evidence to show that the individual was approved by the military to transfer entitlement, to whom he or she wants to transfer entitlement, how many months he or she wants to transfer, and the dates between which the transfer is effective. However, if an individual subsequently wants to amend or revoke a previous designation, VA will accept modifications submitted electronically through DoD's website and statements in writing that show the pertinent information.

2. VA uses the information shown on DoD Form 2366-1 or submitted electronically from DoD's website to determine whether the dependent qualifies to receive education benefits under the transfer of entitlement provisions of law. Without this information, VA would not be able to determine the dependent's eligibility for the transfer of entitlement program.

3. Information technology is currently being used to reduce the burden for individuals requesting to transfer educational benefits under the Post-9/11 GI Bill program. Information technology is not currently being used to collect information regarding transferring educational assistance under MGIB at this time as the number of applicants and approved participants is not significant. Collecting transfer of entitlement information using DD Form 2366-1 is the most efficient method and causes the least burden on the public.
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. This information collection only involves individuals requesting to transfer benefits to their dependents. There is no impact on educational institutions or small businesses.
6. If this information is not collected, eligible dependents may not be paid if entitled or may be paid if not entitled. To collect the information less frequently would prevent VA from making the payments specified by law.
7. The collection of this information does not require any special circumstances.
8. The Department notice was published in the Federal Register on September 27, 2013, Volume 78, Number 188, page 59772. No comments were received in response to this notice.
9. VA does not provide any payment or gifts to respondents.
10. Our assurance of confidentiality is covered by 38 U.S.C. 5701 and our System of Records, Compensation, Pension, Education and Vocational Rehabilitation and Employment Records - VA (58VA21/22/28), which are contained in the Privacy Act Issuances, 2011 Compilation.
11. None of the information collected is considered to be of a sensitive nature.
12. The estimated annual burden for the collection of this information is 14,476 hours, submitted by 173,709 respondents. During FY 2012, VA paid approximately 646,302 trainees under the Post-9/11 GI Bill; of those trainees, 147,875 were transfer of entitlement (TOE) claims. During FY 2012, under the Montgomery GI Bill, VA paid approximately 118,000 trainees, of which, only 57 were TOE claims. Based on the FY 2014 Presidential Budget Submission, VA anticipates that the number of trainees under the Post-9/11 GI Bill will increase by 10 percent. Incorporating the anticipated increase in trainees, we estimate that we will receive an average of 173,709 TOE claims under the Post-9/11 GI Bill annually for the next three Fiscal years. This average was determined using the TOE estimates for FY 2013, FY 2014 and FY 2015. We anticipate

a decrease in the total number of trainees and TOE trainees under MGIB. Since we expect such an insignificant number of TOE claims under the MGIB, TOE claims under the MGIB have not been included. The estimated annual burden was determined by multiplying the estimated annual responses (173,709) by 5 minutes, the time required to gather the information and complete the form, and then dividing the result by 60.

e. According to the U.S. Bureau of Labor Statistics Average Hourly Earnings, the cost to the respondent is \$24, making the total cost to the respondents an estimated \$347,424, (14,476 hours by \$24 per hour).

13. This submission does not involve any record keeping costs.

14. The estimated cost to the Federal government is approximately \$3.3M. VA calculated this amount as follows:

A GS 9, step 5 claims examiner (\$25.77 hourly) needs approximately 45 minutes to process the information [(173,709 responses x 45 minutes/60) X (25.77)=\$3,357,360.70].

15. There is a significant increase in the burden hours for this submission due to the increase in the number of claims received since the implementation of the Post-9/11 GI Bill program. Under the previous submission there were a very limited number of individuals eligible for transferred benefits under MGIB. The Post-9/11 GI Bill program includes transfer of entitlement provisions that are less restricted than those provided under MGIB.

16. VA will not publish this information or make it available for publication.

17. VA will not indicate the expiration date of approval in the Code of Federal Regulations. Generally, OMB approvals are for three years or less. If VA displayed the expiration date, we would be routinely revising regulations just for dates. VA will show the OMB control number.

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

This collection of information by the Department of Veterans Affairs does not employ statistical methods.