

Supporting Statement for
VA Form 21-0958
Notice of Disagreement

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. Information is requested by this form under the authority of 38 U.S.C. 1114, 1521(d) and (e), 1115(1)(E), 1311(d), 1541(d) and (e). Regulatory authority is found in Title 38 CFR 3.351, 3.351(d), 3.351 (d)(2), 3.351(c)(2), 4.16, and 3.326(a).

2. VA Form 21-0958 will be used by the Veteran to indicate disagreement with a decision issued by a Regional Office (RO) in order to initiate an appeal. Historically, VBA commenced a pilot program on March 1, 2012 and provided the NOD in all decision and notification letters at the pilot location. VAF 21-0958, *Notice of Disagreement*, is the first step in the appeal process. The respondent may or may not continue with an appeal to the Board of Veterans Appeals (BVA). If the veteran opts to continue to BVA for an appeal, this form will be included in the claim folder as evidence. VA will provide VA Form 21-0958 to claimants with the letter of the notification of the decision in paper form, via hyperlink to VA's website, or through its electronic claims processing system. VA is proposing to codify the requirement of this form for claimants to initiate an appeal in order to streamline the appeals process for more accurate and efficient appeals processing.

3. The form will be made available on the One-VA web site in a fillable electronic format. VBA does not have the technology in place to allow for the complete electronic submission of the form. There currently is no utility process in place that will allow the data submitted on the forms to be incorporated with an existing centralized legacy database. At this time, VA does not have the resources to add this form to VONAPP for electronic submission. However, as resources become available, VA will consider adding it to VONAPP and/or the eBenefits web portal.

4. Program reviews were conducted to identify potential areas of duplication. There is no known Department or Agency which maintains the necessary information, nor is it available from other sources within our department. Although claimants may use the existing VA Form 21-4138 to report a disagreement with VA's decision, the 21-4138 was not intended for this purpose. The new form will provide the claimant with a prescribed form designed to file a Notice of Disagreement on specific issues of contention. The form will also allow VA to process NOD's more efficiently.

5. The collection of information does not involve small businesses or entities.

6. This form is designed in a “user friendly” format, 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 XXXXXX at page XXXXXX. Comments/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 58VA21/22/28, “Compensation, Pension, Education, and Vocational Rehabilitation and Employee Records—VA ” as set forth in Privacy Act Issuances, 1993 compilation found in 74 Fed. Reg. 117 (June 19, 2009), and last amended by 75 FR 22187 (April 27, 2010), with other amendments, as cited therein.

11. There are no questions of a sensitive nature.

12. Estimate of Information Collection Burden.

a. Number of Respondents is estimated at 144,000 per year. Historically, out of every 100 completed VBA decisions, approximately 12 Notices of Disagreement are received.

b. Frequency of Response is one time for most beneficiaries.

c. Annual burden is 72,000 hours.

d. The estimated completion time of 30 minutes is based on review by staff personnel.

e. The total estimated cost to respondents is \$1,080,000 (72,000 hours x \$15/hour).

13. This submission does not involve any recordkeeping costs.

14. Estimated Costs to the Federal Government:

a. Processing/Analyzing costs	\$ 7,216,560
(GS-13/5 @ \$48.35 x 144,000 x 30/60 minutes = \$3,481,200)	
(GS-11/5 @ \$33.92 x 144,000 x 30/60 minutes = \$2,442,240)	
(GS-5/5 @ \$17.96 x 144,000 x 30/60 minutes = \$1,293,120)	
b. Printing and production cost (\$90 per thousand)	\$17,412
c. Total cost to government	\$7,229,520

15. There is no change in responding burden even with Notice of Proposed Rulemaking (NPRM) RIN 2900-AO81, “Standard Claims and Appeals Forms” which proposes to require all claims for benefits to be submitted on an application or form prescribed by the Secretary. However, the estimated costs to the federal government have been revised to reflect updated data.

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

17. The collection instrument, VA Form 21-0958 may be reproduced and/or stocked in paper form by respondents and veterans organizations. Requiring VA to display an expiration date on the form would result in unnecessary waste of existing stocks. Inclusion of the expiration date could also result in a delay of the Department's action on the benefit being sought (respondent trying to obtain a newer version, while VA would have accepted the older version). For the reasons stated, VA continues to seek an exemption that waives the displaying of the expiration date.

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

B. Collection of Information Employing Statistical Methods

The Veterans Benefits Administration does not collect information employing statistical methods.