

Supporting Statement for VA Form 21-8951 and VA Form 21-8951-2
Notice of Waiver of VA Compensation or Pension
to Receive Military Pay and Allowances
(2900-0463)

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. 10 U.S.C. 12316 and 38 U.S.C. 5304 require a reservist/guardsman to waive disability benefits paid by VA in order to receive active or inactive duty training pay.

VA has revised VA Form 21-8951 and 21-8951-2 to include a language change to the last paragraph on page 1 to read instead; *'If VA cannot adjust your benefits from a future date, it may make a retroactive adjustment, which may create an overpayment in your account.'* The language previously explained that an overpayment would not be created, however, in rare cases where the amount withheld was greater than the pay received, overpayments were created. Thus, the language previously stated was in error. The language change above clarifies that a possible overpayment can be created from the retroactive adjustment. The expiration date is also being added to the form.

2. VA Forms 21-8951 and 21-8951-2 are used by reservists/guardsmen to file a waiver of VA disability benefits. At the end of each fiscal year, the Department of Defense (DoD) and the Department of Transportation (DOT) through the Defense Manpower Data Center (DMDC) furnish VA a tape indicating which VA beneficiaries are reservists. VA sends each identified VA beneficiary/reservist a VA Form 21-8951 to report the number of days he/she trained and waive VA benefits for an equal number of days. VA Form 21-8951 is a computer-generated form that is dispatched from VA's central computer and preprinted with identification and training pay data. VA Form 21-8951-2 is used whenever a recipient loses VA Form 21-8951 or requires another copy of the form; identifying information and training pay data is not preprinted on the form. When the form is returned, the VA regional office adjusts VA benefits prospectively and no overpayment is created. After six months, VA provides DMDC with a tape identifying those reservists who have not waived VA benefits. This information is used by DoD and DOT to recover unauthorized payments.
3. VA Forms 21-8951 and 21-8951-2 are available on the One-VA Website in a fillable electronic format. VBA is currently hosting this form on a secure server and does not currently have the technology in place to allow for the complete submission of the form. Validation edits are performed to assure data integrity. Efforts within VA are underway to provide a mechanism to allow the information to be submitted electronically with a recognized signature technology. There currently is no utility process in place that will allow the data submitted on the form to be incorporated with an existing centralized legacy database.

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. If the collection were not conducted or were conducted less frequently, the law could not be administered effectively.
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 June 12, 2014, Volume 79, No. 113, pages 33806 and 33807. No comments were received in response to this notice.
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 Rehabilitation Records—VA," as set forth in Privacy Act Issuances, 1993 compilation found in 74 Fed. Reg. 117 (June 19, 2009).
11. There are no questions of a sensitive nature.
12. Estimate of Information Collection Burden.
 - a. Number of Respondents is estimated at 21,000 per year.
 - b. Frequency of Response is annually for most beneficiaries.
 - c. Annual burden is 3,500 hours.
 - d. The estimated completion time of 10 minutes is based on review by staff personnel and previous usage of this form.
 - 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 \$84,000 (3,500 burden hours x \$24 per hour).
13. This submission does not involve any recordkeeping costs.
14. Estimated Costs to the Federal Government:
 - a. Processing/Analyzing costs \$292,005
(GS-12/5 @ 40.66 x 21,000 x 10/60 minutes = \$142,310)

(GS-9/5 @ \$28.04 x 21,000 x 10/60 minutes = \$ 98,140)
(GS-3/5 @ \$14.73 x 21,000 x 10/60 minutes = \$ 51,555)

b. Printing and production cost \$3,244
c. Total cost to government \$295,249

15. VA has revised VA Form 21-8951 and 21-8951-2 to include a language change to the last paragraph on page 1 to read instead; *'If VA cannot adjust your benefits from a future date, it may make a retroactive adjustment, which may create an overpayment in your account.'* The language previously explained that an overpayment would not be created, however, in rare cases where the amount withheld was greater than the pay received, overpayments were created. Thus, the language previously stated was in error. The language change above clarifies that a possible overpayment can be created from the retroactive adjustment. The expiration date is also being added to the form.

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

17. We are not seeking approval to omit the expiration date for OMB approval.

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

B. Collection of Information Employing Statistical Methods

This collection of information does not employ statistical methods.