

SUPPORTING STATEMENT FOR:

(2900-0154)

VA Form 22-1990	Application for VA Education Benefits
VA Form 22-1990e	Application for Family Member to Use Transferred Benefits
VA Form 22-1990n	Application for VA Education Benefits Under the National Call to Service (NCS) Program
VA Form 22-1990R	Application for Veterans Retraining Assistance Program (VRAP)

A. Justification.

1. In order to receive VA Educational Assistance Allowance under chapters 33 and 30 of title 38, U.S.C., chapters 1606 and 1607 of title 10, U.S.C., and sections 901 and 903 of Pub. Law 96-342, veterans, servicepersons, and reservists must complete VA Form 22-1990, Application for Education Benefits. Each individual completes the form only once.

The following administrative and legal requirements necessitate the collection: 38 U.S.C. 3034; 3241, 3323(a), 3471, 5101(a); Pub. Law 96-342, sections 901 and 903; 10 U.S.C. 16136(b), and 16166(b).

2. The claimant uses this form to submit an initial (or “original”) claim for VA education benefits. The information requested on this form helps VA determine the applicant’s eligibility to education benefits listed in item 1(a). In order to streamline the application process for the claimant, we have divided one large application into three, removing the two least used programs (National Call to Service (NCS) Transfer of Entitlement (TOE) and developing separate applications for those programs, the VA Form 22-1990E and VA Form 22-1990N.
3. VA Forms 22-1990, 22-1990e, 22-1990n, and 22-1990R 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 information collection only involves individuals (veterans, servicepersons and reservists). There is no impact on educational institutions or small businesses.

6. If this information is not collected or is collected less often, VA could not pay education benefits. There are no technical or legal obstacles to reducing the burden.
7. The collection of this information does not require any special circumstances.
8. The Department notice was published in the Federal Register on (Insert Date) (Volume __, No. __) (page/pages) (Insert Page Number(s)). (No or number) comments were received in response to this notice.
9. VA does not provide any payment or gift to respondents.
10. VA Form 22-1990 is retained permanently in the student's education file. Our assurance of confidentiality is covered by our System of Records, Compensation, Pension, Education, Vocational Rehabilitation and Employment Records — VA (58VA21/22/28) which are contained in the Privacy Act Issuances, 2012 Compilation.
11. None of the questions on the application are considered to be of a sensitive nature.
12. VA has updated the estimated annual burden for this collection of information due to streamlining the application itself. Our burden estimate is 273,098 hours for 855,652 responses. The number of respondents and burden hours:

The chart below includes the actual number of trainees from Fiscal Year (FY) 2013 and the projected number of trainees for FY 2014 and FY 2015. The projected numbers are from Education Service's Strategic Development team and are considered valid estimates based on past performance:

Program	FY 2013	FY 2014	FY 2015
Chapter 33	710,932	764,252	802,465
Chapter 30(incl. VRAP)	195,727	126,870	54,915
Chapter 1606	59,292	54,934	53,273
Chapter 1607	13,336	9,222	6,956
Total	979,287	955,278	917,609

Of the total number of trainees for FY 2013, 881,358 were original claims, or roughly 90% of total claims received that year. Using that ratio, we expect that approximately 859,750 original claims will be filed in FY 2014 and roughly 825,848 original claims will be received in FY 2015. This provides an average of 855,652 original claims expected yearly.

Each claimant has the option of filing this form electronically using the VONAPP program or on paper. We estimate that it takes 15 minutes for the average claimant to complete and return the paper version of VA Form 22-1990 and an estimate of 20 minutes for the average claimant to complete either electronic means of submitting the

VA Form 22-1990. Our records show that approximately 70% of claimants apply using the VONAPP computer application.

Type of Submission	%	Number	Minutes Each	Hours
VONAPP	70%	598,956	20	199,652
paper	30%	293,786	15	73,446
	100%	892,742		273,098

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 \$6,554,352 (24 x 273,098 burden hours).

13. This submission does not involve any record keeping costs.
14. The estimated annual cost to the Federal Government for administering this collection of information is \$13,076,818 based on 855,652 responses annually:
 - a. For the approximate 293,786 applications submitted on paper, a GS 4 step 5 clerk who earns \$13.31 per hour scans the paper form into The Image Management System (TIMS), an electronic file system. This step should take approximately 5 minutes per application. 5 minutes times 293,786 responses gives a total of 24,482 hours. The cost to the government for scanning the paper forms at \$13.31 per hour totals \$325,855.
 - b. After scanning, each application is processed by an adjudicator working at the GS 9 step 5 rate (\$22.57). The adjudicators will need approximately 40 minutes to process each original claim. 40 minutes times 855,652 TOTAL responses (regardless of how the application is submitted) is 564,730 hours. The cost to the government for processing all 855,652 responses at \$22.57 per hour is \$12,745,963.
 - c. VA also incurs a yearly maintenance cost for the VONAPP application of \$5,000.
15. Supplemental Statement regarding non-substantive changes made to VA Form 22-1990.

On June 26, 2013, the Supreme Court held, in *United States v. Windsor*, that section 3 of the Defense of Marriage Act (DOMA) violates the Fifth Amendment by discriminating against same-sex couples who are lawfully married under state law.

VBA administers benefits and programs that depend on the definition of the terms "spouse" and "surviving spouse." For purposes of VA benefits, 38 U.S.C. § 101(3) and § 101 (31) define "surviving spouse" and "spouse" as persons "of the opposite sex." These definitions (codified separately from DOMA) were not specifically addressed in the Supreme Court's decision. On September 4, 2013, the United States Attorney General announced that the President had directed the Executive Branch to cease enforcement of 38 U.S.C. §§ 101(3) and 101(31), to the extent they preclude provision of Veterans' benefits to same-sex married couples. Accordingly, VA will no longer enforce the above-mentioned statutory provisions or VBA's implementing regulation (38 C.F.R. § 3.50), to the extent that they preclude provision of Veterans' benefits to same-sex

married couples. This announcement allows VA to administer spousal and survivors' benefits to same-sex married couples, provided their marriages meet the requirements of 38 U.S.C. § 103(c).

Therefore, VA is revising VA Form 22-1990, to add the following statute language approved by the White House and Department of Justice, in the instructions section of the form:

IMPORTANT: If you are certifying that you are married for the purpose of VA benefits, your marriage must be recognized by the place where you and/or your spouse resided at the time of marriage, or where you and/or your spouse resided when you filed your claim (or a later date when you became eligible for benefits) (38 U.S.C. § 103(c)). Additional guidance on when VA recognizes marriages is available at <http://www.va.gov/opalmarriage/>.

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

16. VA does not publish this information or make it available for publication.
17. We are not seeking approval to omit the expiration date for OMB approval.
18. This information collection fully complies with all the requirements of 5 CFR 1320.8(b)(3).

B. Collection of Information Employing Statistical Methods.

This collection of information by the Veterans Benefits Administration does not employ statistical methods.