

**SUPPORTING STATEMENT FOR VA FORM 22-1990
OMB NUMBER 2900-0154**

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. Information technology is being used to reduce this burden. Claimants have the option of using VONAPP (Veterans On-Line Application) to submit the information via the Internet. Additionally, we have converted this form into an electronic fillable format available on the Internet. VA estimates that 70% of claimants submit the form via VONAPP.

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 notices were published in the Federal Register on January 16, 2014, Volume 79, Number 11, page 2943. One comment was received. The commenter recommends the usage of non-gendered terms in the information collection instrument, VA Form 22-1990, Application for VA Education Benefits. The commenter specifically requested that the word “parents” be used in place of “mother and father” in

the section of this form that requests information concerning the dependency of the parents of the Veteran.

VA has determined that the commenter was referencing an obsolete version of the VA Form 22-1990, which used the gendered terms. In the current version of the VA Form 22-1990, non-gendered terms are used to request information pertaining to parents.

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 263,826 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%	256,696	15	64,174
	100%	855,652		263,826

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 \$6,331,824 (24 x 263,826 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 \$13,164,432 based on 855,652 responses annually:

a. For the approximate 256,696 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 256,696 responses gives a total of 21,391 hours. The cost to the government for scanning the paper forms at \$13.31 per hour totals \$284,714.

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 570,435 hours. The cost to the government for processing all 855,652 responses at \$22.57 per hour is \$12,874,718.

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.