

SUPPORTING STATEMENT FOR VA FORM 22-5490
Survivors' and Dependents' Application for VA Education Benefits
(2900-0098)

Justification

1. Spouses, surviving spouses, and children of Veterans or Servicemembers must submit an application in order to establish basic eligibility and entitlement to Survivors' and Dependents' Educational Assistance (DEA) under chapter 35 of title 38, United States Code. Additionally, surviving spouses and children of deceased Servicemembers who die in the line of duty while on active duty must submit an application in order to establish basic eligibility and entitlement to Post-9/11 GI Bill benefits under the Marine Gunnery Sergeant John David Fry Scholarship provisions of chapter 33 of title 38, U. S. C. (The Veterans Access, Choice, and Accountability Act of 2014 (Public Law 113-146) further extended eligibility to the spouse of members of the Armed Forces who die in line of duty while on active duty after September 10, 2001). VA Form 22-5490 serves as the procedural requirement for applicants to apply to the Department of Veterans Affairs (VA) for these benefits.

VA Form 22-5490 is being revised to allow qualified spouses to apply for and make an irrevocable election to receive the Fry Scholarship. The additional question regarding an irrevocable election is required to implement section 701 of Public Law 113-146 which, effective August 7, 2014, established spousal eligibility for educational benefits under 38 U.S.C. § 3311(b)(9) but requires an irrevocable election to do so. The form is also being amended to correct a past omissions – the inclusion of an irrevocable election for children who apply for the Fry scholarship. The layout of the form is being revised to be more user-friendly and easier to complete. Instead of dividing the form by benefit type, Section IV will be divided by Spouse/Surviving Spouse vs. Children. The question related to remarriage will be moved to the spouse section. Benefit specific questions (i.e., special restorative training and specialized vocational training) will be moved to section III underneath “types of training”. The form will be revised to create distinct elections for spouse/surviving spouse vs. children. Language will also be added to the instructions page to define irrevocable election and effective date of election, if date not given.

Additionally, the form is being revised to add a check-box to allow qualified survivors and dependents eligible for vocational counseling to request VA educational and vocational counseling under 38 U.S.C. 3697A. To facilitate the revision, the item added to the application is 20 and will include a revision to the “Instructions Page” to support Item 20. Finally, the application will also be amended to move the states of Florida and South Carolina from the Atlanta Regional Processing Office’s jurisdiction to the Muskogee Regional Processing Office's jurisdiction. The numbering in instructions will also be updated to reflect changes in the form. The remainder of the form is unchanged.

The following statutes and regulations require this information collection:

a. 38 U. S. C. §§ 3311 (as amended by P.L. 113-146, section 701, effective August 7, 2014), 3513, 3697A, 5113, 5101, 5102, and 5103.

b. 38 CFR 21.3030 and 21.9510.

2. VA claims examiners use the information from this collection to help determine whether an applying individual qualifies for DEA or Fry Scholarship benefits. The information will also be used to determine if the program of education the applicant wishes to pursue is approved for educational assistance. The information on the form can be obtained only from the claimant, and a determination cannot be made without the information.

3. Information technology is helping to reduce the burden. The electronic collection is made via an internet-based application called Veterans Online Application (VONAPP) that collects the same information as the printed VA Form 22-5490. VONAPP allows applicants to submit information directly to the Regional Processing Office (RPO) with jurisdiction over the claim, reducing potential error and speeding the application process.

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 collection involves only DEA and Fry Scholarship claimants. There is no impact on education institutions or small businesses.

6. Without this information, VA would not have any basis to make determinations of eligibility for DEA and Fry Scholarship benefits. The information is collected only when the claimant requests DEA and Fry Scholarship benefits.

7. The collection of the information does not require any special circumstances.

8. The Department notice was published in the Federal Register on XXXX, Volume XXX, No XXXX, Page XXX. In response to this notice, the number comments received were XXXX.

9. VA does not provide any payment or gift to respondents.

10. VA Form 22-5490 is retained in the claimant's education folder. The confidentiality of the information entered on this form is required by 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 questions on this form are considered to be of a sensitive nature.

12. The estimated annual burden hours for the collection of the information is 52,251 hours.

a. The average number of individuals who applied for this benefit from FY 2012 to 2013 was 89,574 annually. Each applicant has the option of filing this form either electronically or on paper. We estimate it will take approximately 45 minutes for the average applicant to complete and return the paper version of VA Form 22-5490, and approximately 25 minutes for the average applicant to complete and submit the electronic version of this form.

The average number of respondents who will complete the form on **paper** is one half of the total number of respondents, 44,787; (44,787 respondents x 45 minutes divided by 60 totals 33,590 hours).

The average number of respondents who will complete the form **electronically** is 44,787; (44,787 respondents x 25 minutes divided by 60 totals 18,661 hours).

As a result of the average total number of respondents who will complete the form annually at 89,574 would result in an estimated annual burden of 52,251 hours.

b. The annual cost to the public is estimated at \$1,254,024. The 52,251 hours required to complete the form at \$24 per hour equals \$1,254,024.

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

14. The annual cost to the government for administering this form is estimated at \$673,260. This is based on the following:

a. VA estimates that it will take 20 minutes for a GS-9, step 5 claims examiner who makes \$25.77 per hour to process each paper application and 15 minutes to process each electronic application.

b. The estimated annual cost of processing paper applications is \$384,720. (44,787 respondents x 25.77 x 20 minutes divided by 60 total \$384,720).

c. The estimated annual cost of processing electronic applications is \$288,540. (44,787 respondents x 25.77 x 15 minutes divided by 60 total \$288,540).

15. In order to implement section 701 of Public Law 113-146, the additional question regarding an irrevocable election is required. Also, the question was added regarding state where one lives in order to meet the requirements set forth in section 702 of Public Law 113-146. These changes are non-substantive since they represent no appreciable change to the respondent burden.

The annual burden for this collection has increased due to an increase in the total number of respondents (from 37,604 annually to 89,574 annually due to the continuous increase of applicants submitting VA Form 22-5490 electronically). Although P.L. 113-146 added a new benefit it is merely an additional benefit for spouses that could already have applied for chapter 35 using the same form; therefore, VA does not anticipate any additional increase in the number of respondents for this information collection as a result.

VA Form 22-5490 is being revised to allow qualified spouses to apply for and make an irrevocable election to receive the Fry Scholarship. The changes will also correct past omissions to allow children who apply for the Fry scholarship to make an irrevocable election to receive the benefit. The layout of the form is being revised to be more user-friendly and easier to complete. Instead of dividing the form by benefit type, Section IV will be divided by Spouse/Surviving Spouse vs. Children. The question related to remarriage will be moved to the spouse section. Benefit specific questions (i.e., special restorative training and specialized vocational training) will be moved to section III underneath "types of training". The form will be revised to create distinct elections for spouse/surviving spouse vs. children. Language will also be added to the instructions page to define irrevocable election and effective date of election, if date not given.

The form is also being revised to add a check-box to allow qualified dependents eligible for benefits under this program to request VA educational and vocational counseling under 38 U.S.C. 3697A. To facilitate the revision, the item added to the application is 20 and will include a revision to the "Instructions Page" to support Item 20. The application will also be amended to move the states of Florida and South Carolina from the Atlanta Regional Processing Office's jurisdiction to the Muskogee Regional Processing Office's jurisdiction.

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 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.