

REQUEST FOR NON-SUBSTANTATIVE CHANGE
(OMB Control Number 2900–0098)

ISSUE:

In order to implement section 701 of Public Law 113-146, an additional question regarding an irrevocable election is required to be added to the form. Also, a question regarding the state where one lives has to be added 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 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.

BACKGROUND:

On August 8, 2014, the President signed into law the Veterans Access, Choice, and Accountability Act of 2014, Public Law 113-146, which amends the Marine Gunnery Sergeant John David Fry Scholarship of chapter 33 of title 38, United States Code (U.S.C.). In order to incorporate the provisions of section 701 of the "Veterans Access, Choice, and Accountability Act of 2014 form changes are needed to Information Collection 2900-0098.

Section 1002 of the Supplemental Appropriations Act, 2009 (Public Law 111-32) amended 38 U.S.C. chapter 33 (the Post-9/11 GI Bill) by adding 38 U.S.C. § 3311(b)(9), to extend eligibility for educational assistance under that program to children of members of the Armed Forces who die in line of duty while on active duty after September 10, 2001. Pursuant to 38 U.S.C. § 3311(f)(1), the educational assistance payable for such individuals' pursuit of programs of education under chapter 33 is known as the "Marine Gunnery Sergeant John David Fry Scholarship" (Fry Scholarship). The Veterans Access, Choice, and Accountability Act of 2014 (Public Law 113-146) further extend 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 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. Education Service requests approval of this information collection in order to carry out the implementation of the law which requires VA to immediately accept applications to pay education benefits for terms beginning on or after January 1, 2015. Approval of this information collection is needed immediately because VA needs to begin accepting and processing applications prior to the start of

terms beginning on or after January 1, 2015. VA sends payments to schools and beneficiaries up to 30 days prior to the start of term (in this case, as early as December 1, 2014) which means that VA needs sufficient lead time to provide the updated application to claimants, receive the updated applications from them, process the claims, issue award decisions to the claimants, allow the claimants time to provide the VA certificate of eligibility to their schools, allow the schools sufficient time to submit required documentation to VA, and allow VA sufficient time to process and send benefit payments prior to the January 1, 2015, term start date. Any delay in updating the application (VA Form 22-5490) will seriously threaten VA's ability to assess spousal eligibility for the Fry Scholarship and to issue certificates of eligibility needed in order to enroll in school and begin issuing payments prior to the start of terms beginning on January 1, 2015.

RECOMMENDATION:

Approval of the request for non-substantive changes to VA Form 22-5490 (OMB Control Number 2900-0098).