

Supporting Statement for
VA Form 21P-534, *Application for Dependency and Indemnity Compensation, Survivors
Pension and Accrued Benefits by a Surviving Spouse or Child (Including Death
Compensation if Applicable)*;
VA Form 21P-534a, *Application for Dependency and Indemnity Compensation by a
Surviving Spouse or Child - In-Service Death*;
VA Form 21-534EZ, *Application for DIC, Survivors Pension, and or, Accrued Benefits*
(2900-0004)

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. Information is requested by these forms under the authority of 38 U.S.C. 1310 through 1314 and 1532 through 1543.

In RIN 2900-AO73, VA proposes to amend its pension regulations to maintain the integrity of its needs-based pension program. VA has authority under 38 U.S.C. 501(a) to prescribe all rules and regulations which are necessary or appropriate to carry out the laws administered by VA. VA would amend its information collections consistent with RIN 2900-AO73. This rulemaking is largely in response to a Government Accountability Office (GAO) report, GAO-12-50, *Veterans' Pension Benefits: Improvements Needed to Ensure only Qualified Veterans and Survivors Receive Benefits*. Under AO73, VA would amend terminology for survivors benefits, and no longer use the terminology "death pension." Therefore, we are changing form names to reflect this.

GAO 12-50 recommended that VBA modify its pension application forms and recommended an up-front verification process. VA has authority under 38 U.S.C. 5317 to use information from the Social Security Administration (SSA) and the Internal Revenue Service (IRS) in an up-front verification process. VA would amend its information collections consistent with the GAO recommendations and an up-front verification process with the SSA and IRS. Up-front verification also aids in VA compliance with the Improper Payment Elimination and Recovery Act (IPERA), Public Law 112-248.

2. VA Form 21P-534 is used to gather the necessary information to determine the eligibility of surviving spouses and children for dependency and indemnity compensation (DIC), death pension, accrued benefits, and death compensation. VA Form 21P-534a is an abbreviated application for DIC that is used only by surviving spouses and children of veterans who died while on active duty service. The VA Form 21P-534EZ is used for the Fully Developed Claims (FDC) program for pension claims.
3. VA Forms 21P-534, 21P-534a and 21P-534EZ are available on the One-VA Website in a fillable electronic format. VBA is currently hosting these forms 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. This form is designed in a “user friendly” format, incorporating plain English, to comply with the President’s Memorandum of June 1, 1998, Plain Language in Government Writing.

VA compensation and pension programs require proof of age and/or relationship for payment of benefits and additional benefits for dependents. Income information is also necessary to determine entitlement to death pension. 38 U.S.C. 5101 states that when a claimant files a claim for death benefits VA must consider entitlement to all death benefits. Therefore, VA Form 21P-534 requests all the information needed to determine eligibility for DIC, death pension, accrued benefits, and death compensation. Very few applicants are entitled to death compensation. If entitlement to both DIC and death pension is established, VA pays the greater benefit.

VA Form 21P-534a requests only the information that is needed from the claimant in order to process a claim based on in-service death. When a service member dies in service, the surviving spouse and/or children are entitled to DIC. Accrued benefits and death compensation are not payable in these cases, and DIC is always a greater benefit than death pension. Additionally, service and death information are provided to VA by the Department of Defense, so VA Form 21P-534a also does not request this information from the claimant.

VA Form 21P-534EZ is used in the fully developed claims (FDC) program.

Without this collection of information, entitlement to benefits could not be determined.

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 Thursday, September 25, 2014, Volume 79 No. 186, page(s) 57656-57657. 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 “Compensation, Pension, Education, and Vocational Rehabilitation and Employment Records-VA (58VA21/22/28),” published at 74 FR 29275 on June 19, 2009, and last amended at 77 FR 42593 (July 19, 2012).

11. There are no questions of a sensitive nature.

12. Estimate of Information Collection Burden.

a. Number of Respondents: 101,425:

VA Form 21P-534 - 25,000

VA Form 21P-534a - 1,425

VA Form 21P-534EZ - 75,000

b. Frequency of Response: one time.

c. Annual Burden is 62,856 hours:

VA Form 21P-534 - 31,250

VA Form 21P-534a – 356

VA Form 21P-534EZ - 31,250

d. Estimated completion times based on review by staff personnel:

VA Form 21P-534 – 75 minutes

VA Form 21P-534a – 15 minutes

VA Form 21P-534EZ – 25 minutes

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 \$1,508,544 (62,856 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 \$10,682,000

VA Form 21P-534

(GS-11/5 @ \$47.86 * 25,000 * 75/60 minutes = \$1,495,625)

(GS- 9/5 @ \$39.55 * 25,000 * 75/60 minutes = \$1,235,938)

(GS- 5/5 @ \$26.10 * 25,000 * 75/60 minutes = \$815,625)

VA Form 21P-534a

(GS-11/5 @ \$47.86 * 1,425 * 15/60 minutes = \$17,050)

(GS- 9/5 @ \$39.55 * 1,425 * 15/60 minutes = \$14,090)

(GS- 5/5 @ \$26.10 * 1,425 * 15/60 minutes = \$9,298)

VA Form 21P-534EZ

(GS-11/5 @ \$47.86 * 75,000 * 50/60 minutes = \$2,991,250)

(GS- 9/5 @ \$39.55 * 75,000 * 50/60 minutes = \$2,471,875)

(GS- 5/5 @ \$26.10 * 75,000 * 50/60 minutes = \$1,631,250)

b. Printing and production cost (\$90/thousand) \$134,895

c. Total cost to government \$ 10,816,895

15. The decrease in burden is due to the change in forms. If a claimant reports only having Social Security Income and no net worth, he or she does not have to submit additional information.

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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.