

**Application of Service Representative for Placement on Mailing List, Request for & Consent to Release of Info from Claimant's Records, Requests to Correspondent for Identifying Info, 38 CFR 1.519(A)**

**Supporting Statement for 2900-0028**

A. Justification

**1. Explain the circumstances that make the collection of information necessary. Identify legal or administrative requirements that necessitate the collection of information.**

**VA Form 3215, Application of Service Representative for Placement on Mailing List**

Under 38 U.S.C. 5904, the Secretary of Veterans Affairs may recognize representatives of veteran service organizations in the preparation, presentation, and prosecution of claims under laws administered by the Department of Veterans Affairs (VA). In addition, the Secretary is requested to operate an outreach services program (38 U.S.C. 7722) to ensure veterans and beneficiaries have information about benefits and services to which they may be entitled. To support these two programs, the Secretary distributes copies of publications as requested by service organization representatives.

**VA Form 3288, Request for and Consent to Release of Information from Claimant's Records**

Veterans and their beneficiaries regularly request that copies of documents or information contained in their benefits or medical records be released to third parties, such as insurance companies, physicians and other individuals. The Privacy Act of 1974 (5 U.S.C. 552a) and the VA's confidentiality statute (38 U.S.C. 5701) as implemented by 38 CFR 1.526(a) and 38 CFR 1.576(b) require individuals to provide written consent before documents or information can be disclosed to third parties not allowed to receive records or information under any other provision of law, i.e., routine use of a record in a system of records. VA Form 3288 contains the minimum information that must be provided in writing before a record or information is released.

**Form Letter 70-2, Request to Correspondent for Identifying Information**

This form letter is used by VA to obtain additional information from a correspondent when the incoming correspondence does not provide sufficient or accurate information to identify a specific Veteran. Failure to obtain this information will prevent the VA from taking their further action on the correspondence. Bold type is used to emphasize why the VA is soliciting the information and what is required of the correspondent for the VA to properly provide assistance.

**38 CFR 1.519(A) Lists of Names and Addresses**

Title 38 U.S.C., 5701(f)(1) authorizes the VA to disclose mailing lists of Veterans and their dependents to nonprofit organizations, but only for certain specific and narrow purposes. Criminal penalties are provided for improper use of the list by the organization in violation of subsection (f) limitations. The information collection in this regulation ensures that any disclosure of a list under this subsection is authorized by law. The VA must ascertain that the applicant is a nonprofit organization and intends to use the list for a proper purpose; if not, Title

38 U.S.C., 5701(a) prohibits disclosure. The additional information collection (specific geographical locations, point of contact, and type of output and signature of organization head) is necessary to ensure timely and accurate processing of each application. Failure to obtain this information will prevent the Department from fulfilling its statutory obligations.

**2. Indicate how, by whom, and for what purposes the information is to be used; indicate actual use the agency has made of the information received from current collection.**

VA Form 3215 is used to process a request from a service organization to be placed on the mailing list for specific VA publications as identified by the service organization representatives on this form. The form is used to control the distribution of documents and to ensure only the minimum copies necessary are distributed. Moreover, the information on the form is used by VA regional offices for forwarding publications to the service organizations to be used in rendering services and representation of Veterans, their spouses and dependents.

VA Form 3288 is completed by Veterans or beneficiaries to provide the VA with a written consent to release records or information. Use of the form ensures an individual gives an informed written consent for the release of records or information about himself/herself that is consistent with the statutory requirements of the Privacy Act of 1974 and the VA's confidentiality statutes.

Form Letter 70-2 is used by VA personnel to identify a specific Veteran, determine the location of a specific file, and to accomplish the action requested by the correspondent; such as, process a benefit claim or file material in an individual's claims folder. Completion of FL 70-2 is voluntary and failure to furnish the requested information has no adverse effect on either the Veteran or the correspondent.

The information collected under 38 CFR 1.519(A) Lists of Names and Addresses is used by the VA in the manner and for the purpose stated in the above paragraph. Without this information VA could not meet its obligations under Title 38 U.S.C., 5701(f), and could not assure that disclosure of a list is proper.

**3. Describe whether, and to what extent, the collection of information involves the use of automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g. permitting electronic submission of responses, and the basis for the decision for adopting this means of collection. Also describe any consideration of using information technology to reduce burden.**

The data and information on VA Forms 3288, 70-2, 38 CFR 1.519(A) are subject to the Privacy Act as it contains personal data and information, and requires the signature of the respondent prior to the release of information. VA is required to guard the privacy and protect the information from being altered as well as authenticate identity and signature of the respondent. The information requested on VA Form 3215 from the public is limited. Use of improved technology to further reduce the burden placed on the public for this information collection is not feasible, since the amount of information provided is limited and is submitted by individuals who may not have access to automated systems. Until the appropriate technologies are deployed, the

data collected will not be electronically accessible.

**4. Describe effort to identify duplication. Show specifically why any similar information already available cannot be used or modified for use for the purposes described in Item 2 above.**

No efforts have been made to identify duplication because the information is unique to each individual case and cannot be duplicated.

**5. If the collection of information impacts small businesses or other small entities, describe any methods used to minimize burden.**

This information collection does not involve small businesses or other small entities.

**6. Describe the consequences to Federal program or policy activities if the collection is not conducted or is conducted less frequently as well as any technical or legal obstacles to reducing burden.**

The information on VA Form 3288 is collected only when a veteran or beneficiary requests disclosure of records or information subject to the Privacy Act, VA's confidentiality statutes. Information collected on VA Form 3215 is collected from a service organization representative as needed. VA Form 70-2 is collected when the original incoming correspondence does not contain the information necessary to identify a Veteran. Information collected under 38 CFR 1.59(A) is already available and is used to the extent possible. For the reasons indicated above, the frequency of this collection, and the amount of information collected cannot be reduced if VA is to meet its statutory obligations and continue to process applications for mailing lists.

**7. Explain any special circumstances that would cause an information collection to be conducted more often than quarterly or require respondents to prepare written responses to a collection of information in fewer than 30 days after receipt of it; submit more than an original and two copies of any document; retain records, other than health, medical, government contract, grant-in-aid, or tax records for more than three years; in connection with a statistical survey that is not designed to produce valid and reliable results that can be generalized to the universe of study and require the use of a statistical data classification that has not been reviewed and approved by OMB.**

There are no special circumstances that require the collection to be conducted in a manner inconsistent with the guidelines in 5 CFR 1320.6.

**8. a. If applicable, provide a copy and identify the date and page number of publication in the Federal Register of the sponsor's notice, required by 5 CFR 1320.8(d), soliciting comments on the information collection prior to submission to OMB. Summarize public comments received in response to that notice and describe actions taken by the sponsor in responses to these comments. Specifically address comments received on cost and hour burden.**

The Department's notice was published in the Federal Register on March 31, 2017, Volume 82, No. 61 pages 16088-16089. No comments were received in response to this notice.

**b. Describe efforts to consult with persons outside the agency to obtain their views on the availability of data, frequency of collection, clarity of instructions and recordkeeping, disclosure or reporting format, and on the data elements to be recorded, disclosed or reported. Explain any circumstances which preclude consultation every three years with representatives of those from whom information is to be obtained.**

Outside consultation is conducted with the public through the 60- and 30-day Federal Register notices. No additional consultation has been necessary as the information is simple, straightforward and is readily available.

**9. Explain any decision to provide any payment or gift to respondents, other than remuneration of contractors or grantees.**

Decision to provide any payment or gift to respondents does not apply.

**10. Describe any assurance of privacy, to the extent permitted by law provided to respondents, and the basis for the assurance in statute, regulation, or agency policy.**

No assurances of privacy of the information are provided except for those implied in the Privacy Act of 1974 and 38 CFR 1.526.

**11. Provide additional justification for any questions of a sensitive nature, such as sexual behavior and attitudes, religious beliefs, and other matters that are commonly considered private; include specific uses to be made of the information, the explanation to be given to persons from whom the information is requested, and any steps to be taken to obtain their consent.**

There are no questions of a sensitive nature.

**12. Estimate of the hour burden of the collection of information:**

a. Estimate of Information Collection Burden is 22,700.

Title	Frequency of Response	Number of Respondents	Completion Time	Burden Hours
a. VA Form 3215	1	150	10 minutes	25
b. VA Form 3288	1	151,000	7.5 minutes	18,875
c. Form Letter 70-2	1	45,000	5 minutes	3,750
d. 38 CFR 1.519(A) Lists of Names and Addresses	1	50	60 minutes	50

**b. If this request for approval covers more than one form, provide separate hour burden estimates for each form and aggregate the hour burdens in Item 13 of OMB 83-1.**

**c. Provide estimates of annual cost to respondents for the hour burdens for collections of information. The cost of contracting out or paying outside parties for information collection activities should not be included here. Instead, this cost should be included in Item 14.**

Cost to the respondents is \$461,094.50.

	Burden Hours	Cost	Total
a. VA Form 3215	25	x \$23.86	\$596.50
b. VA Form 3288	18,875	x \$23.86	\$450,357.50
c. Form Letter 70-2	3,750	x \$23.86	\$8,947.50
d. 38 CFR 1.519(A) Lists of Names and Addresses	50	x \$23.86	\$1,193.00

The May 2016 Bureau of Labor Statistics Occupational Wage Code gathers information on full-time wage and salary workers. Accordingly, the first quarter of 2017's median weekly earnings of full-time wage and salary workers is \$855.00. Assuming a forty (40) hour work week, the mean hourly wage is \$23.86 (Wage Code: 00-0000, All Occupations).

[https://www.bls.gov/oes/current/oes\\_nat.htm](https://www.bls.gov/oes/current/oes_nat.htm).

**13. Provide an estimate of the total annual cost burden to respondents or recordkeepers resulting from the collection of information. (Do not include the cost of any hour burden shown in Items 12 and 14).**

- a. There is no capital, start-up, operation or maintenance costs.
- b. Cost estimates are not expected to vary widely. The only cost is that for the time of the respondent.
- c. There is no additional recordkeeping burden.

**14. Provide estimates of annual cost to the Federal Government. Also, provide a description of the method used to estimate cost, which should include quantification of hours, operation expenses (such as equipment, overhead, printing, and support staff), and any other expense that would not have been incurred without this collection of information. Agencies also may aggregate cost estimates from Items 12, 13, and 14 in a single table.**

Estimated Cost to the Federal Government is \$834,901.04.

	Processing	Printing Cost	Mailing @ 49¢
a. VA Form 3215	150 forms x 10 min x \$22.03 (GS-7/10)/60 = \$550.75	150 forms = \$100.00	0
b. VA Form 3288	151,000 forms x 12 min x \$22.03 (GS-7/10)//60 = \$665,306.00	151,000 forms \$4,530.00	\$61,910.00
c. Form Letter 70-2	45,000 forms x 5 min x \$22.03 (GS-7/10)//60 = \$82,612.50	45,000 forms \$1,350.00	\$18,450.00
d. 38 CFR 1.519(A) Lists of Names and Addresses	50 x 5 min x \$22.03 (GS- 7/10)/60 = \$91.79	0	0

**15. Explain the reason for any burden hour changes since the last submission.**

There is no change in burden hours. VA has been added the expiration date to the forms.

**16. For collections of information whose results will be published, outline plans for tabulation and publication. Address any complex analytical techniques that will be used. Provide the time schedule for the entire project, including beginning and ending dates of the collection of information, completion of report, publication dates, and other actions.**

The results of this information will be neither tabulated nor published.

**17. If seeking approval to not display the expiration date for OMB approval of the information collection, explain the reasons that display would be inappropriate.**

VA will not seek exemption from displaying the expiration date on VA Forms 3215, 3288 and 70-2.

**18. Explain each exception to the certification statement identified in Item 19, "Certification for Paperwork Reduction Act Submissions," of OMB 83-I.**

This submission does not contain any exceptions to the certificate statement.

**B. Collections of Information Employing Statistical Methods**

The data collections do not employ statistical methods.