

**Feasibility Study - Electronic Submission of Form CA/EN-1032
(OMB No. 1215-0151)**

Background: Form CA-1032 serves as a report of earnings, third party settlements, dual benefits and change in dependents. Under 5 U.S.C. 8106(b), Office of Workers' Compensation Programs (OWCP) may collect and require this information from claimants who are receiving compensation. The CA-1032 package is mailed annually to benefit recipients and includes Form EN-1032, a questionnaire that claimants are required to complete and sign. The form also serves as a tool to prosecute individuals who intentionally defraud the government by failing to report earnings.

In its 2002 Paperwork Reduction Act clearance package to the Office of Management and Budget (OMB), OWCP agreed to make the collection of this information available through electronic submission. Due to legal concerns, OWCP determined that it was not practicable to collect this information via electronic format.

In December 2004, the OWCP upon further review of the form and issues relevant to the electronic submission of the form submitted the following statement to OMB regarding the issue of making the CA-1032 available for electronic submission:

“OWCP/DFEC has decided that this form is not practicable for electronic submission and should not be made available to the general public on the DOL Internet site for reply because of the following reasons (1) the current procedure for the usage of the form is such that the respondent is responsible to make a reply to the document which is generated by the OWCP on a prescribed time line which the respondent does not control and cannot be self-determined by the respondent for a timely response and (2) the mailing of the form by the OWCP is the best way to ensure access, receipt and a timely response upon which continued benefits are dependent and can be suspended or terminated for lack of response.”

OMB approved the information collection on February 16, 2005 with terms of clearance as follows:

“Due to violation of previous terms of clearance, this collection is approved for only six (6) months. At that time, ESA must report back to OMB on their efforts to resolve feasibility concerns with electronic submission of this collection, especially including legal enforceability. At this time further implementation timelines and options will be considered. ESA will not need to publish this form for comment at the next submission in 6 months.”

Legal Implications: The two primary concerns that were raised by OWCP's legal counsel with making the form available for electronic submission were:

- a. That the lack of authenticity in using digital signatures would negatively impact any efforts to prosecute claimants who defraud the United States; and
- b. That if claimants learned they were being investigated for fraud, a new form could be electronically submitted, which could circumvent and ultimately defeat most investigative and prosecutorial efforts.

Feasibility Study:

a. To address the first of the two concerns, OWCP asked the Office of Inspector General (OIG) to research this matter and determine whether the authenticity of digital signatures had been previously tested in the courts.

Robert Dixon, Deputy Director for Division of Investigations of the OIG's office, advised that certain government agencies, namely the Internal Revenue Service (IRS) and the Office of Labor Management Standards (OLMS), currently accept electronic submissions of documents.

Mr. Dixon indicated that the IRS has successfully managed to prosecute cases where fraudulent and electronically filed documents were used as evidence. He noted that such cases have been made despite the inherent challenges of authenticating the document's author or signer. As for OLMS, it just recently began accepting such filings and has yet to seek prosecution of such a matter.

Mr. Dixon noted the obvious difficulties associated with assigning responsibility to electronically filed information and stated that the level of fraud in the FECA program will almost certainly increase as a result of making the form available for electronic submission. However, he stated that while proving such fraud is difficult, and electronically filed information not entirely desirable from a law enforcement perspective, it is not the OIG's place to rebuke the process.

b. To address the second of the two concerns (frequency of submission), OWCP posed several questions to its IT staff and discovered that with proper programming, it can control the number of submissions filed by any one person during any given timeframe. With legal and technical barriers addressed, the matter of automating the CA-1032 became a matter of cost.

Cost: OWCP could make the form available for electronic submission without risking its legal enforceability but that the cost was exceedingly high.

Using the below assumptions, OWCP estimates it will cost up to \$1.27 million (\$1,208,400 in digital signatures + \$59,800 in programming costs) to make the form available for electronic submission. The total federal cost for non-electronic submissions of the form were reported in the December 2004 Clearance submission to be \$325,000.00

The implementation costs associated with electronic submissions of the form were summarized as follows:

Digital Signature Development/Implementation Costs

Task	Estimated Cost
Modification of existing EN 1032 (80 hrs)	\$6,400.00
DITMS setup of form JAVA api (160 hrs)	\$12,800.00
PDF to TIF conversion code (320 hrs)	\$25,600.00
Configuration of digital signature "sandbox"	\$15,000.00
Programming Costs	\$59,800.00
Digital Signatures (\$25 X 48,336)	\$1,208,400.00
Total Costs	\$1,268,200.00

OWCP made the following determinations about the post implementation costs associated with submitting the form electronically:

1. Current annual EN-1032 submissions are 48,336.
2. Digital signature certificates cost \$35 for private citizens if purchased directly from the company currently contracted by DOL. (\$1,691,760 annually-contract price)
3. The GSA Schedule price for a digital signature certificate is \$33. DOL can get a bulk order discounted price of \$25 per certificate if at least 5,000 certificates are purchased at a time. (\$1,595,088 annually-GSA schedule price; \$1,208,400 annually-bulk price)

Functionality / Practicality: OWCP wishes to make practical and functional arguments as to why the Form should not be made available for electronic submission via the public website.

- (1) The form is internally driven and initiated by the government agency. The driving mechanism which triggers the issuance of the form is the claimant's date of birth. It furthermore is not cost effective for us to send reminder letters to our hundreds of thousands of claimants prompting them to go on line and file his or her form, which would be a requirement for this type of form in which timely completion determines eligibility for continuing benefits. More paper work in fact be involved which would defeat the purpose of the PRA. Furthermore, OWCP does

not desire unnecessary interruptions in payment of compensation due to processing errors which can be associated with this type of submission of important information.

- (2) Although the Form has a CA title, it isn't truly a Compensation Act Form. It in fact is a Form letter, which is not used by the general public to apply for benefits under the Act. It is a Form Letter used internally by the Agency to determine eligibility for continuing benefits. This is a crucial factor in the test for the applicability of PRA to this Form and OWCP asserts that it doesn't meet the test for applicability because the Form is not a "for public use" form.

Summary: While there are no legal complications associated with the issue of making the CA-1032 available for electronic submission. However, OWCP strongly feels that it should not be made available in this manner because the CA-1032 is a Form Letter, not a Compensation Act Form under the Compensation Act in which a claim for compensation is made. It is therefore initiated by the government agency internally and should not be interpreted as a "FOR PUBLIC USE" form. However, on the matter of still attempting to make the form available for electronic submissions, the form would require further paperwork to make claimants aware of the necessity to complete the responses to the EN-1032 attached to the Form letter, which is not cost effective and defeats the purpose of the Act. Additionally, the implementation and annual operational costs associated with electronic submissions of the form far exceed the costs associated with mailings of the form.