

SUPPORTING STATEMENT - PART A

DoD Postsecondary Education Complaint Records Collection – 0704-0501

A. JUSTIFICATION

1. Need for the Information Collection

In April 2012, President Barack Obama signed Executive Order 13607-- Establishing Principles of Excellence for Educational Institutions Serving Service Members, Veterans, Spouses, and Other Family Members. The Executive Order (EO) is designed to provide protections, enhance resources and support tools available to Service members and Veterans using military tuition assistance, and Veterans using Post 9/11 and GI Bill benefits to pursue a higher education. The EO:

- Requires that DoD ensure student protections are put into place for Service members, Spouses, and other adult Family members.
- Requires the Department of Defense (DoD) to promptly revise regulations, instructions, guidance documents, memoranda of understanding
- Encourages the federal agencies to expand oversight activities to better address military student concerns, and to ensure military students and Veterans receive quality educational opportunities in exchange for their federal education benefits.

To ensure DoD student protections, Section Four of the EO also directs the Secretaries of Defense, Veterans Affairs (VA), and Education, in consultation with the Directors of the Consumer Financial Protection Bureau (CFPB), the Department of Justice, and the Federal Trade Commission to develop a centralized complaint process for students receiving Federal military and veteran's educational benefits.

In July 2012, DoD and the aforementioned federal agencies designed a complaint intake form to be utilized by both DoD and VA; and to meet the Principles of Excellence (PoE) requirements. The DoD and VA intake forms contain the same data elements with slight variations as necessary to meet the requirements for both agencies respectively. DoD developed its Postsecondary Education Complaint Management System (PECS), to house the Intake form and to monitor and manage incoming complaints. The DoD implemented both the Postsecondary Education Complaint Intake form and the Postsecondary Education Complaint Management System on January 30, 2014.

The Postsecondary Education Complaint information collection is necessary to meet the requirements of the EO and to obtain, document, and respond to complaints, questions, and other issues concerning educational programs and services provided to military students, and their adult Family members. It allows DoD to monitor and track the types of complaint issues that are submitted, the complaint content, the educational institutions the complaints have been filed against, the type of education benefits being used, and the branch of the

military Service. The information collection is invaluable to DoD in that it allows the Department to: (1) have greater oversight on specific issues that concern- Service members and Spouses who are pursuing higher education, (2) maintain a collaborative environment with the military Services as complaint cases are tracked and managed, (3) improve outreach and communication with Service members and Spouses, and (4) address the reported issue(s) with the educational institution. Moreover, it serves as a convenient resource for students receiving military, MyCAA, and veteran educational benefits to raise concerns and is an effective process for submitting complaints against institutions they feel have acted deceptively or fraudulently.

DoD students include:

1. Active Duty Service members or Reserve Component personnel in an active drilling status who are receiving Title 10 funds for tuition assistance;
2. Service members performing Active Guard and Reserve duty receiving Title 10 funds for tuition assistance;
3. Military spouses receiving Title 10 funds for tuition assistance through a Military Spouse Career Advancement Account (MyCAA).
4. Military Spouses or adult family members using Post 9/11 GI Bill educational benefits transferred from their military sponsor.
5. Adult family members attending a postsecondary class conducted on a military installation.

2. Use of Information

The information collected via the DoD electronic Intake form is used to assist in further developing and shaping of relevant mitigating and preventative measures concerning abusive, deceptive, and fraudulent practices against Service members and Spouses who are pursuing higher education utilizing TA and MyCAA. Service members and their spouses (hereinafter “respondents”) can now complete and submit a complaint Intake form electronically via URL at: http://www.militaryonesource.mil/voluntary-education?content_id=274604. The Intake is a web-based form that will present a respondent with specific questions through dynamic generation based on the respondents’ answers, leading to fewer questions presented and to a more efficient completion time of the intake form. The questions within the intake form prompt respondents for a description of the complaint at issue, the respondents’ desired resolution, their preferred contact information, identification of the educational institution they are filing a complaint against, and any previous action taken to attempt to resolve the complaint. Responses to these questions will help document the substance of the complaint, and provide complaint case managers necessary information to properly research the case with the postsecondary educational institution. The complaint information will also help DoD to monitor and identify egregious acts, discrimination, and other violations of the EO across the Services and in the MyCAA Spouse populations.

The process for filing a complaint includes the following steps:

- 1) The respondent accesses the Intake via URL: http://www.militaryonesource.mil/voluntary-education?content_id=274604.

- 2) The respondent completes the data elements specified in the DoD Intake form and submits the form electronically.
- 3) A summary of the Intake form details are then emailed to the respondent upon successful submission, along with assigned unique case ID#.
- 4) Upon submission by the respondent, the complaint immediately appears in the PECS as a “*pending*” case.
- 5) The Intake form is assigned to a Level 2 user, which would be one of the Military Service Voluntary Education Chiefs (Air Force, Army, Marines, Navy) or the MyCAA program manager and/or both of their respective designees at level 2. Notification is sent via the PECS email to the Level 2 user(s) that they have received a pending case. Each Service and the MyCAA Program Manager identifies the designees who will be assigned as Level 2 complaint case managers. Level 2 users can transfer a case down to Level 1 for management and resolution when it is appropriate to do so. Level 1 includes the field level for the Services and MyCAA counselors.
- 6) The complaint case manager will review the complaint within a 72-hour period and take one of the following actions:
 - a) Resolve at the Service Base Level 1/MYCAA Level 1 and respond; or
 - b) Route to the appropriate Level 1 designee to resolve and respond; or
 - c) Route to OSD to resolve and respond; or
 - d) Transfer to VA or ED if appropriate
- 7) A complaint case will continue in a *pending* status until it has an assigned manager. Upon taking ownership of a pending complaint case, the user becomes the assigned case owner and the case status is updated to “*Reserved*”.
- 8) After taking ownership of the now “*reserved*” complaint, the complaint case manager will review the assigned complaint case to determine whether the complaint meets the Principles of Excellence (PoE) parameters.
- 9) If the case meets the PoE parameters, the case is then updated to an “*active*” status.
- 10) At this point when the case is updated to “*active*”, a system-generated email is then sent to the respondent (service member or spouse) notifying him or her that their case is now active. If needed, the case manager will request additional information from the service member or spouse and will continue to provide them with updates as the case is being worked.
- 11) The case manager will then contact the educational institution to discuss the complaint issue(s) and request a written response and any actions taken.
- 12) Upon receipt of the educational institution’s response, the case manager will review it to ensure that it provides the best resolution for the service member or spouse and school.
- 13) The case manager then communicates the resolution to the Service member or spouse via the PECS management system email capability.
- 14) Once a resolution has been reached, the complaint case is closed.
- 15) When a complaint case cannot be resolved at the Service level and warrants escalation, the complaint information is transferred up to the DoD, Office of the Assistant Secretary of Defense (Readiness), Force Education, Voluntary Education office for review and resolution.
- 16) When a complaint case does not fall within the PoE parameters, the Level 2 user navigates the case through the close case process and assigns a close reason of *Invalid*. The case manager

will enter notes concerning why the case is considered an invalid case. Cases may be considered as invalid when they lack the needed information to research the issues and the complainant does not respond to several attempts made to reach him or her. Cases may also be considered invalid if they pertain to issues that can be resolved at the base level and by the MYCAA Level 1 call center team. These complaints do not fall within the PoE parameters.

17) Complaint cases that fall outside the purview of DoD are transferred to the appropriate agency. For example, cases that concern financial aid issues, these cases are transferred to the Department of Education for review and resolution; and complaint cases that concern Post 9/11 GI Bill are transferred to the Department of Veteran Affairs for review and resolution.

18) All DoD complaint cases are referred to the Federal Trade Commission's Consumer Sentinel System which serves as the centralized repository for all (DoD and VA) complaints. Complaint cases that meet PoE parameters and concern unlawful practices may be reviewed for further investigation by the Department of Justice, the CFPB and other relevant agencies as appropriate, for possible enforcement action.

3. Use of Information Technology

This collection is 100% electronic. The DoD Intake form is electronic and is housed within the DoD PECS. The PECS Intake landing page is accessed via link on the DoD Military OneSource Voluntary Education web page at http://www.militaryonesource.mil/voluntary-education?content_id=274604. The DoD Postsecondary Education Complaint Intake form and the DoD Postsecondary Education Complaint Management System were implemented on January 30, 2014. The PECS complaints are submitted and managed via the web-based database system. The electronic complaint process allows case managers to have immediate access to a complaint once the Intake form has been completed and submitted into the PECS system. The DoD intake form is available to Service members and military Spouses online 24 hours a day and is easily accessible from multiple internet sources, such as the DoD Voluntary Education homepage on the Military OneSource web site the DoD MOU web page, the My Career Advancement Account (MyCAA) web site and from the respective Military Services' Tuition Assistance Program websites. The PECS cases are transmitted to the Federal Trade Commission's Consumer Sentinel System which serves as the long-term centralized repository for both DoD and VA complaints.

4. Non-duplication

There is currently no other DoD system that allows for the submission, management, resolution, and storing of complaints related to TA and MyCAA submitted by service members across the military Services and Spouses.

5. Burden on Small Business

The data collection is not anticipated to burden small business entities significantly.

6. Less Frequent Collection

Information is only collected when a DoD military or spousal student has a complaint. If DoD is not able to collect this information, it would be difficult for the Department to detect aggressive, deceptive, and/or illegal practices that military students experience as they pursue higher education at postsecondary education institutions of higher learning.

7. Paperwork Reduction Act Guidelines

There are no special circumstances. The information collection will be collected in a manner consistent with the guidelines in 5 CFR 1320.5(d)(2).

8. Consultation and Public Comments

- a. The 60-day Federal Register Notice for the collection published on 12 July 2017. The 60-Day FRN citation is 82 FRN 32180.
- b. The 30-day Federal Register Notice for the collection published on 22 September 2017. The 30-Day FRN citation is 82 FRN 44393.

No comments were received during the 60-Day Comment Period.

- c. DoD has coordinated the Intake and PECS using screenshots exhibits that reflect the changes to the DD Form 2936 and PECS management system. The military Services were provided the proposed changes to the DD Form 2936, the collection exhibit (attached in this package), and the CAPE Cost Summary and were asked to provide feedback and comments. The Services were in agreement with the changes to the DD Form 2936 and the PECS management system.

9. Gifts or Payment

This information collection does not provide any payment or gift to respondents.

10. Confidentiality

All information collection activities will be conducted in full compliance with the requirements of the Privacy Act, § 552 of Title 5, United States Code, and Treasury regulations. The DoD websites will explain that personally identifiable information will be protected to the extent permitted by law. The website will also inform the complainant that the process for obtaining a resolution may require that their case information be shared with the school referenced in the complaint. DoD will implement the appropriate security measures to ensure data is safeguarded including the use of locked file storage, confidentiality stamping, restricted system access, data encryption, restricted print options, and disposal by cross-cut shredding. The information system will be fully compliant with the Federal Information Security Management Act of 2002

with the security category of “Low.” The PECS Management system has incorporated the use of the DOD Self-Service Logon (DS Logon) application (a part of the 2006 eAuthentication initiative) as the main authentication method for accessing the Intake form. DS Logon is founded on the Office of Management and Budget Memorandum M-04-04, which outlines e-authentication guidelines for federal agencies. DS Logon will provide a secure, self-service logon credential using: (1) DoD Common Access Card, a secure hard-token credential issued to active duty military personnel and DoD civilian employees, and (2) DS Logon username and password. Access to any records in the system will be: (1) further restricted to only CAC authenticated users, (2) based on role privileges, and (3) based on those who require the data in the performance of official duties and have completed information assurance and privacy training annually. The Contractor will also maintain documented security policies, and procedures in accordance with the contract; and will follow confidentiality guidelines as set out in a non-disclosure agreement. Data protection initiatives will provide for electronic data security, permitting access only to authorized individuals and only during authorized times.

The PAS is viewable to respondents upon accessing the system/instrument.

An Agency Disclosure Notice (ADN) has been provided as a separate document. The ADN has not been integrated into the system but we plan to integrate it before the next submission as part of the terms of clearance.

This information collection is governed by a System of Records Notice (SORN) that can be accessed at: <http://dpcl.dod.mil/Privacy/SORNsIndex/DOD-wide-SORN-Article-View/Article/570751/dpr-44-dod/>.

A draft PIA has been provided with the package.

The record retention schedule for this collection is as follows: Destroy 3 years after the resolution of case. Transfer a copy of closed cases to Federal Trade Commission Consumer Sentinel System.

11. Sensitive Questions

The DoD Postsecondary Education Complaint intake form does not include questions about sexual behavior or attitude. The DoD Postsecondary Education Complaint Intake Form includes a series of questions for Service members and military spouses to help identify and correctly route and resolve complaints. Additionally, the DoD Postsecondary Education Complaint intake form includes an optional question, which prompts the respondent for his or her age group, which will be used as a metric to help identify possible issues related to students in a particular age group.

12. Respondent Burden, and its Labor Costs

a. Estimation of Respondent Burden

The estimation of the respondent burden is based on actual complaints received during the first full fiscal year of the Intake and PECS’ existence FY 15 (October 1, 2014 – September 30,

2015). There were a total of 63 complaint cases submitted via PECS from MyCAA spouses. The estimated time to complete and submit each complaint took approximately 15 minutes per respondent. The estimation in the table below is based on the service member population only.

Type of Intake	Estimated Number of Respondents per Year	Estimated Number of Intake Submissions per Respondent	Annual Responses	Average Burden Time per Complaint
Web based	63	1	63	15 minutes

b. Labor Cost of Respondent Burden

The estimation of the labor cost of the respondent’s burden is based on actual complaints received during the first full fiscal year of PECS’ existence (October 1, 2014 – September 30, 2015). There were 63 complaints submitted via PECS from MyCAA spouse users and is as follows:

Annual Responses	Average Burden per Complaint	Average Hourly Rate using Estimated Average Salary for Spouses \$23,615/2087	Labor Cost Per Response (\$.19 x 15 minutes)	Estimated Total Labor Cost for PECS Collection (2.85 x 63)
63	15 minutes	\$11.32	\$2.85 per response	\$179.55

The labor cost of the respondent burden (service members) was calculated using a survey of military spouse employment at <http://militaryoneclick.com/survey-shows-military-spouse-employment-is-not-easy-feat/>. The number of computing hours used is based on the OPM.gov factsheet on Computing Hourly Rates of Pay Using the 2,087 Hour Divisor at <https://www.opm.gov/policy-data-oversight/pay-leave/pay-administration/fact-sheets/computing-hourly-rates-of-pay-using-the-2087-hour-divisor/>.

13. Respondent Costs Other than Burden Hour Costs

There are no annualized costs, capital, or start-up costs that are required of the respondents.

14. Cost to the Federal Government

The estimated annual sustainment operations cost for the DoD Postsecondary Education Management Complaint System is \$62,400. The estimated costs (\$1764) relating to the processing of the spouse complaints by a federal government civilian worker is calculated as follows:

14. Cost to the Federal Government

Labor Cost to the Federal Government						
		Collection Instrument #1	Collection Instrument #2	Total		
Number of Responses		63				
Processing Time Per Response (in hours)		2 hour				
Hourly Wage of Worker(s) Processing Responses		\$13.93 (\$14) (GS-11)				
Cost to Process Each Response (Processing Time Per Response multiplied by Hourly Wage of Worker(s) Processing Responses)		2 x \$14.00 = \$28.00				
Total Cost to Process Responses (Cost to Process Each Response multiplied by Number of Responses)		63 x \$28.00=\$1,764.00				
Operational and Maintenance Costs						
Equipment	Printing	Postage	Software Purchases	Licensing Costs	Operational & System Maintenance	Total
					62,400	
Total Cost to the Federal Government						
Operational and Maintenance Costs		Labor Cost to the Federal Government		Total Cost (O&M Costs + Labor Cost)		
<u>\$62,400</u>		\$1764.00		\$64,164.00		

Information obtained from:

<http://www.opm.gov/policy-data-oversight/pay-leave/salaries-wages/salary-tables/pdf/2015/GS.pdf>, 2015

<https://www.opm.gov/policy-data-oversight/pay-leave/pay-administration/fact-sheets/computing-hourly-rates-of-pay-using-the-2087-hour-divisor/>.

The operational and maintenance costs represent the annual sustainment operations of the PECS management system in which the electronic DD Form 2961 resides.

15. Reasons for Change in Burden

This information collection has expired and therefore this information is provided for a reinstatement of the expired collection. When the initial records collection for PECS was submitted, it was a pilot therefore the burden was estimated. The burden was changed to reflect actual numbers of complaints using an average of the three years FY 14-16 that complaints were submitted. The submission of this collection is to reinstate the previous collection which expired in August 2015.

16. Publication of Results

Data collected through the DoD Postsecondary Education Complaint Intake Form will be analyzed and aggregate results may be provided in reports to be issued by DoD. The results of analyses will be presented at the aggregate level in summaries, reports, and briefings. Owing to the limitations of the data, any analysis will be limited to descriptive results. The responses of individual respondents will not be identifiable.

17. Non-Display of OMB Expiration Date

The expiration date for OMB approval will be displayed on the DoD Postsecondary Education Complaint Intake Form.

18. Exceptions to “Certification for Paperwork Reduction Submissions”

DoD is not requesting any exceptions to the certification statement identified in Item 19 “Certification for Paperwork Reduction Act Submissions”.