

**Medical Expense Report, VA Form 21P-8416**  
**OMB 2900-0161**

**A. JUSTIFICATION**

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

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 this form under the authority of 38 U.S.C. §1503(a)(8) regarding exceptions to countable income for needs-based benefits, specifically an amount equal to amounts paid by a claimant or beneficiary for unreimbursed medical expenses.

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 in conjunction 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.

**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 21P-8416 is used by claimants and beneficiaries to report unreimbursed medical expenses for the purpose of reducing their countable income associated with needs-based benefit programs such as VA Pension and Parents' Dependency and Indemnity Compensation (DIC). Unreimbursed medical expenses are deducted from otherwise countable income to determine eligibility for income-based benefits and the rate payable.

**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.**

For the information collected on VA Form 21P-8416, VA does not use automated, electronic, mechanical, or other technological collection techniques.

VA Form 21P-8416 is available on the [benefits.va.gov](http://benefits.va.gov) website in a fillable electronic format.

VBA does not currently have the technology in place to allow for the electronic submission of the form. To ease the burden on respondents, VBA plans to develop and deploy functionality enabling electronic submission of this information. VBA cannot estimate the date this functionality will be deployed.

**4. Describe efforts 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.**

VBA conducted program reviews to identify duplication, but found none. There is no known Department or Agency which maintains the necessary information, nor is the information available

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through other sources within VA. Information regarding a claimant's medical expenses can only be supplied by the claimant.

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

The collection of information may require certification from an official of a small business (a care facility other than a nursing home or an in-home care provider). The certification is contained on pages 5 and 6 of the form, and is limited to the greatest extent possible. VBA estimates the time burden for the official of the business to be less than two minutes. VBA cannot properly determine a claimant's countable medical expenses without this certification. If the claimant does not intend to claim expenses related to a care facility other than a nursing home or in-home care expenses, the worksheets are not required.

### **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.**

VBA would be unable to properly administer needs-based benefits without this collection of information. The information is collected on an ad hoc basis, and, therefore, cannot be collected less frequently. The form is designed to collect the minimum amount of information which will allow VBA to properly administer the program.

### **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 which would cause this 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 Office of Management and Budget.

### **8. 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 Notice of Proposed Rulemaking was published at 80 FR 3839, on January 23, 2015. No comments specifically mentioned this collection.

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Fifty-one (51) commenters stated VA's application process is too complex, too many forms are required to complete the process, and forms are too long. We appreciate the commenters' concerns regarding the complexity of the application process. We have designed the forms to minimize the burden imposed on the applicant and collect only the information necessary to properly administer the benefit.

Three (3) commenters expressed concern regarding a disabled individual's ability to understand and complete the forms. We appreciate the difficulty disabled individuals face in completing the forms without assistance, but the information requested on the forms is required to properly administer the pension benefit.

VA received thirteen (13) additional comments which did not contain specific areas of improvement or concern.

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

No payments or gifts to respondents will be made under this collection of information.

### **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.**

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 (June 19, 2009).

### **11. Provide additional justification for any questions of a sensitive nature (Information that, with a reasonable degree of medical certainty, is likely to have a serious adverse effect on an individual's mental or physical health if revealed to him or her), 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. Number of Annual Respondents: 60,000
  - a. These totals were derived from a query of our claims database and represent the actual number of each form received on in an average year.
- b. Frequency of Response: One-time
- c. Total Burden Hours: 30,000 hours
- d. Estimated Completion Time: 30.00 minutes (0.50 hours)
- e. The population of respondents includes school children, working age adults, disabled adults, and elderly adults. Therefore, it is not possible to make assumptions regarding the population of applicants, such as the average age of applicants or their average earnings. In order to

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estimate the costs to respondents, VBA used general wage information for the population as a whole.

The Bureau of Labor Statistics (BLS) gathers information on full-time wage and salary workers. According to the latest available BLS data, the mean hourly earnings of full-time wage and salary workers is \$24.34 based on the BLS wage code – “00-0000 All Occupations.” This information was taken from the following website: ([https://www.bls.gov/oes/current/oes\\_nat.htm](https://www.bls.gov/oes/current/oes_nat.htm), May 2017).

Legally, respondents may not pay a person or business for assistance in completing the information collection, and a person or business may not accept payment for assisting a respondent in completing the information collection. Therefore, there are no expected overhead costs for completing the information collection. VBA estimates the total cost of all respondents to be \$730,200.00 (30,000 burden hours x \$24.34 per hour).

Mean Wage = \$24.34/hour  
 Burden Hours per Response = 0.50 hrs.  
 Cost per Response = \$24.34/hr. x 0.50 hrs. = \$12.17  
 Total Burden Estimate = \$12.17/Response x 60,000 Responses = \$730,200

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

The submission does not involve any record-keeping costs.

**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.**

Grade	Step	Burden Time	Fraction of Hour	Hourly Rate	Cost Per Response	Total Responses	Total
5	3	10 Min.	0.1667	\$14.79	\$2.4650	60,000	\$147,900.00
Overhead at 100% Salary							\$147,900.00
9	3	50 Min.	0.8333	\$22.42	\$18.6833	60,000	\$1,121,000.00
Overhead at 100% Salary							\$1,121,000.00
11	3	15 Min.	0.2500	\$27.12	\$6.7800	60,000	\$406,800.00
Overhead at 100% Salary							\$406,800.00
Processing / Analyzing Costs							\$3,351,400.00
Printing and Production Cost							\$0.00
Total Cost to Government							\$3,351,400.00

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Note: The hourly wage information above is based on the hourly 2018 General Schedule (Base) Pay ([https://www.opm.gov/policy-data-oversight/pay-leave/salaries-wages/salary-tables/pdf/2018/GS\\_h.pdf](https://www.opm.gov/policy-data-oversight/pay-leave/salaries-wages/salary-tables/pdf/2018/GS_h.pdf)). This rate does not include any locality adjustment as applicable.

The processing time estimates above are based on the actual amount of time employees of each grade level spend to process to completion a claim received on this form. The within-grade step (3) of each employee represents the average experience of employees within each grade.

To account for overhead costs and benefits, we factored in additional costs of 100% of employee salary. This is necessarily a rough adjustment, because methods of estimating these costs vary widely from study to study. One such study, from the [Boston Business Journal](http://web.mit.edu/e-club/hadzima/pdf/how-much-does-an-employee-cost.pdf) (<http://web.mit.edu/e-club/hadzima/pdf/how-much-does-an-employee-cost.pdf>), references an estimate of overhead costs and benefits as high of 170% of employee salary. Since there is no industry standard for estimating overhead costs and benefits costs based on employee salary, we feel our estimate of 100% of employee salary is reasonable.

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

VA reviewed the actual number of claims received using this collection and determined we receive fewer than previously requested. This number was derived from a query of our claims database. The reduction in the number of estimated annual respondents and burden hours was published in the Notice of Proposed Rulemaking 2900-AO73 (80 FR 3839 through 386, on January 23, 2015).

### **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 information collected is not for tabulation.

### **17. If seeking approval to omit the expiration date for OMB approval of the information collection, explain the reasons that display would be inappropriate.**

We are not seeking to omit the expiration date.

### **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 include any exceptions to the certification statement.

## **B. COLLECTIONS OF INFORMATION EMPLOYING STATISTICAL METHODS**

No statistical methods are used in this data collection.