

## Supporting Statement for VA Form 40-1330 Claim for Standard Government Headstone or Marker and VA Form 40-1330M Claim for Government Medallion for Placement in a Private Cemetery

### 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 40-1330 is used by the public to apply for Government-provided headstones or markers for unmarked graves of eligible veterans in accordance with 38 USC 2306. It is the source of information used to evaluate the applicant's claim for the benefit. The information is requested under 38 CFR 38.632 and represents the minimum requirement by VA to properly determine the veteran's eligibility for, and entitlement to, this benefit.

VA Form 40-1330M is used by the public to apply for Government-provided medallions to be affixed to privately purchased headstones or markers of veterans that died on or after November 1, 1990. It is the source of information used to evaluate the applicant's claim for the benefit. The information is requested under 38 CFR 38.632 and represents the minimum requirement by VA to properly determine the veteran's eligibility for, and entitlement to, this benefit.

On March 2, 2016, VA amended the definition of "applicant" in 38 CFR 38.600, expanding who may request headstones, markers or medallions on behalf of decedents. See 81 FR 10765. VA forms 40-1330 and 1330M are revised to reflect the following changes in definitions of the term "applicant:"

VA Form 40-1330: *Applicant defined—burial headstones and markers.* An applicant for a headstone or marker that will mark the gravesite or burial site of an eligible deceased individual may be: (i) A decedent's family member, which includes the decedent's spouse or individual who was in a legal union as defined in 38 CFR 3.1702(b)(1)(ii) with the decedent; a child, parent, or sibling of the decedent, whether biological, adopted, or step relation; and any lineal or collateral descendant of the decedent; (ii) A personal representative, defined as a family member or other individual who has identified himself or herself to the National Cemetery Administration as the person responsible for making decisions concerning the interment of the remains of or memorialization of a deceased individual; (iii) A representative of a Congressionally-chartered Veterans Service Organization; (iv) An individual employed by the relevant state or local government whose official responsibilities include serving veterans and families of veterans, such as a state or county veterans service officer; (v) Any individual who is responsible, under the laws of the relevant state or locality, for the disposition of the unclaimed remains of the decedent or for other matters relating to the interment or memorialization of the decedent; or (vi) Any individual, if the dates of service of the veteran to be memorialized, or on whose service the eligibility of another individual for memorialization is based, ended prior to April 6, 1917.

*Applicant defined – memorial headstones and markers.* An applicant for a memorial headstone or marker to commemorate an eligible individual must be a member of the

decedent's family, which includes the decedent's spouse or individual who was in a legal union as defined in 38 CFR 3.1702(b)(1)(ii) with the decedent; a child, parent, or sibling of the decedent, whether biological, adopted, or step relation; and any lineal or collateral descendant of the decedent.

VA Form 40-1330M: *An "applicant" for a Medallion may be any of the following:* (i) A decedent's family member, which includes the decedent's spouse or individual who was in a legal union as defined in 38 CFR 3.1702(b)(1)(ii) with the decedent; a child, parent, or sibling of the decedent, whether biological, adopted, or step relation; and any lineal or collateral descendant of the decedent; (ii) A personal representative, defined as a family member or other individual who has identified himself or herself to the National Cemetery Administration as the person responsible for making decisions concerning the interment of the remains of or memorialization of a deceased individual; (iii) A representative of a Congressionally-chartered Veterans Service Organization; (iv) An individual employed by the relevant state or local government whose official responsibilities include serving veterans and families of veterans, such as a state or county veterans service officer; or (v) Any individual who is responsible, under the laws of the relevant state or locality, for the disposition of the unclaimed remains of the decedent or for other matters relating to the interment or memorialization of the decedent.

The specific changes to the definition of "applicant" will not increase the associated burden (i.e., more individuals applying). Since March 2, 2016, VA has not received an increase in the number of applications.

The following changes would also be made to forms 40-1330 and 40-1330M. These changes will not result in any changes to the burden because they will not affect the number of individuals that will apply or affect the time needed to complete the forms:

- Information about the Presidential Memorial Certificate (PMC) Program and the option to receive a PMC in addition to the headstone, marker or medallion, consistent with section 302 of Public Law 114-315.
- Changes in eligibility for a medallion, consistent with section 301 of Public Law 114-315.
- The option of a fax cover sheet when the claimant submits the form by fax to the VA (no new or different information is being collected on the fax sheet, and is only one means of submission of the forms).
- Addition of race, ethnicity, gender identify, and age demographic information for VA's statistical purposes (see item 11).
- Removal of former language related to inscription on headstones at private expense (removal of language is consistent with law and NCA inscription policy).
- Removal of former language related to the characterization of an "unmarked" grave (VA will seek to define "unmarked" in regulation).
- Addition of new emblems of belief consistent with 38 U.S.C. 2306(c) and 38 CFR 38.630(b) and 38.632(b)(2).
- Addition of more specific information related to required military/discharge documents (does not create requirement for new documentation, only provides more specificity on types of military discharge documents that may be acceptable to complete submission of claim).

- Addition of statement to inspect the headstone or marker for accuracy prior to installation.
  - Addition of information and picture of new small flat granite marker, consistent with 38 U.S.C. 2306(c) and 38 CFR 38.630(a).
  - Addition of language that clarifies that “mandatory” and “optional” inscription items are provided in English, and that “additional” inscription items may be provided in English or non-English text that consists of the Latin Alphabet or numbers, consistent with VA inscription policy.
  - Addition of information on Form 40-1330 related to whether Veteran was previously determined by VA to be eligible for burial, and related to whether the request is initial or for a replacement headstone or marker.
  - Addition of “Iraq” and “Afghanistan” as indicators of “War Service,” consistent with NCA inscription policy.
- 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.**

Currently, information on the forms is transcribed by a case manager to an ADP database and processed through a specially designed Automated Monument Application System by our Caseworkers. The application is evaluated for accuracy and validity, and a case master record is established. The application will result in the provision of a headstone or marker or medallion, or be cancelled.

- 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 forms will be available via the VA website; however, it is not feasible to submit them electronically at this time.

- 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.**

No duplication is involved. The information is not available from an alternate source.

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

The collection of information does not involve small businesses or 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.**

Since this information is on a “one time” basis it is not possible to reduce the frequency of this request.

- 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 is no special circumstance requiring collection in a manner inconsistent with 5 CFR 1320.6 guidelines.

- 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 Proposed Information Collection Activity was published in the Federal Register on April 12, 2017 (82 FR 17740), with a 60-day comment period that ended on June 12, 2017. In this 60-day comment period, VA received one comment that raised two issues:

1. Description of a “marked” grave. The current version of VA form 40-1330 (dated February 2014) includes language to establish that a grave is considered “marked” when certain inscription elements (e.g. name, dates of birth and death) are either present on a headstone or marker or are traceable to a related document such as a burial ledger. The commenter stated that this language defines a “marked” grave, and because such a definition determines whether VA provides a headstone or marker (VA may only provide a headstone or marker for an “unmarked” grave), the definition must instead be established through notice and comment rulemaking. VA agrees with the commenter, and VA will remove this language from the form. VA notes that it is in the process of drafting a proposed rule to define “unmarked grave,” and that the public will have an opportunity to comment on that proposed definition.

2. Definition of “applicant.” The current versions of VA forms 40-1330 and 40-1330M (dated February 2014 and January 2015, respectively) include a definition of the term “applicant” that has since been changed through a regulatory revision that occurred in March 2016 (please see 81 FR 10770). The 60-day notice that published on April 12, 2017 noted that there was a change in the definition of “applicant” on forms 40-1330 and 1330M, but did not further clarify that this change would merely make the forms consistent with current regulation. The commenter stated that VA’s 60-day notice did not identify the proposed change to

the term “applicant,” and therefore that proper notice had not been provided of this change. VA is not proposing in this information collection request to change the definition of “applicant” in 38 CFR 38.600 (most recently revised in March 2016, see 81 FR 10770), but rather will merely update form 40-1330 to be consistent with current regulation.

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

There are no payments made or gifts given to respondents.

**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 information collection conforms to the Privacy Act of 1974 and is subject to the conditions of disclosure contained therein. The records are maintained in the system identified as 48VA40B, Veterans (Deceased) Headstone or Marker Records – VA, as published on August 26, 1975, as Federal Register citation 40FR38095.

**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.**

The personal information asked on these forms is necessary to better serve the Veteran and for the effective delivery of burial and memorial benefits. The form collects the applicant's race, ethnicity, date of birth, and gender identity information to assist with obtaining demographics information in order to better serve Veterans who may not be aware of our benefits and services. The applicant is informed that the information will be used for statistical purposes only.

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

Approximately 166,135 respondents requested headstones, markers or medallions for an annual burden of 41,534 hours. Routine requests for headstone, marker or medallion average 15 minutes each unless there are complications. Estimating \$23.86 per hour for the time the respondents use to complete both VA Forms 40-1330 and 40-1330M, the estimated cost to the respondent is \$991,001.24 (41,534 HOURS X \$23.86 = \$991,001.24).

According to the May 2016 Bureau of Labor Statistic National Occupational Employment and Wage Estimates, the respondent population is composed All Occupations (Code 00-0000). The Mean Hourly Wage is \$23.86, making the total cost to the respondents \$991,001.24 (41,534 x \$23.86 per hour).

[https://www.bls.gov/oes/current/oes\\_nat.htm#00-0000](https://www.bls.gov/oes/current/oes_nat.htm#00-0000)

May 2016 National Occupational Employment and Wage Estimates United States:

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

00-0000 All Occupations

**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).**

This submission does not involve any recordkeeping costs. There are no capital or start-up costs. There are no operational or maintenance costs and no cost associated with the purchase of service or equipment.

**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 Costs to the Federal Government:

- A. Workload and Employee cost ratio
  1. Number of MPS Case Managers performing this function = 29
  2. Total annual salary of 29 Case Managers = \$1,337,389
  3. Percent of work day spent reviewing form = 87%
  4. Adjusted salary based on 87% = \$1,163,528
  5. Number of VA Forms 40-1330 and 40-1330M received annually = 166,135
- B. Contract Support Functions (Tessada, mailroom receipt & scanning processes)
  1. Total annual contract cost \$428,558
  2. Number of VA Form 40-1330 received by mail (40% by mail, 60% by toll free fax) = 42,229
  3. Percent of VA Form 40-1330 processed by contractor = 25%

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

There is no change in the burden hours. The current forms estimate it will take approximately 15 minutes for the applicant to complete the form. The revised forms also estimate approximately 15 minutes for the applicant to complete the form.

**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 collection is not for publication or tabulation use. The results of the information collection are not for publication or used as a statistical report.

**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.**

We are not seeking approval to omit the expiration date for OMB approval.

**B. COLLECTIONS OF INFORMANT EMPLOYING STATISTICAL METHODS**

**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 certification statement.