

**“Application for Accreditation as Service Organization Representative”
OMB 2900-0018**

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 Office of the General Counsel (OGC), accredits representatives of recognized service organizations, claims agents, and attorneys to represent claimants in the preparation, presentation, and prosecution of claims for benefits under laws administered by VA. *See* 38 U.S.C. §§ 5901-5904. Through the recognition and accreditation process, the Secretary ensures that claimants for VA benefits have responsible, qualified and competent representation. *See* 38 U.S.C. §§ 5902 and 5904(a); 38 C.F.R. § 14.626. Representatives may not lawfully represent claimants without completing and maintaining accreditation requirements. *See* 38 C.F.R. §§ 14.629(a) and 14.633(b).

- 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.**

The following form and collections of information are used to determine eligibility for accreditation:

- VA Form 21**, Application for Accreditation as Service Organization Representative, is used to obtain basic information necessary to determine whether an individual may be accredited as a service organization representative for purposes of representation of claimants before VA. The information requested includes basic identifying information, as well as certain information concerning training and experience, military service, and employment. The information is used to evaluate qualifications, ensure against conflicts of interest, and allow appropriate organization officials to certify and periodically recertify the character and qualifications of applicants. *See* 38 U.S.C. § 5902; 38 C.F.R. § 14.629(a). VA Form 21 is designed to ensure that regulatory standards for accreditation have been met so that VA claimants have a pool of qualified claims representatives to assist them in the preparation, presentation, and prosecution of their claims.

To recommend an individual for accreditation as a representative or periodically recertify the representative's qualifications to remain accredited, *see* 38 C.F.R. § 14.629(a), the veterans' service organization's certifying officer files the VA Form 21 with OGC where the form is evaluated manually by an OGC employee to confirm that the individual meets qualification standards for accreditation and whether the organization should be cautioned about potential conflicts of interest. If an applicant meets the regulatory standards, OGC notifies the certifying official of the organization with which the applicant is affiliated that the applicant has been accredited by OGC as a representative. If the organization is not the primary certifying organization because the representative has been accredited based on cross-accreditation (where an individual is accredited based on their status as an accredited and functioning representative of another organization, *see* 38 C.F.R. § 14.627(k) (definition of cross-accreditation)), the certifying official of the primary organization is copied of the notice of the new accreditation. Accredited representatives are authorized to act on behalf of claimants who have designated the service organization with which they are affiliated as a claims representative. Those denied accreditation,

and their organizations, are informed of the reasons for their denial. Without this form, VA would have no standardized formal means of documenting applicant qualifications and recertification.

The contact information from the VA Form 21 for individuals who are accredited by VA is used in OGC's online directory of VA-accredited practitioners. The directory can be searched by location and type of practitioner. The directory allows claimants to find qualified representation in their local area to assist them with their claims. In addition, false statements on the VA Form 21 may be used in OGC's disciplinary reviews to demonstrate violations of the standards of conduct set forth in 38 C.F.R. § 14.632.

The revised VA Form 21 requires the same information as prior versions of the forms, but consolidates on this form previously approved versions that were omitted from the last version, including a space for the service organization's certifying officer to indicate "recertification" of the individual representative, and the fact that the representative's signature is not required for recertification. One other minor difference is the addition of an option for the service organization's certifying officer to indicate that the recommendation is for "cross-accreditation" of the individual representative based on the representative's existing accreditation with another organization.

b. **Accreditation Cancellation Information**, the collection of information associated with 38 C.F.R. § 14.633(a), is not linked to a specific VA form. Under section 14.633, organizations requesting cancellation of a representative's accreditation based on misconduct or incompetence or resignation to avoid cancellation of accreditation based upon misconduct or incompetence, would be required to inform VA of the specific reason for the cancellation request. An OGC employee would record the information and take the appropriate action according to 38 C.F.R. § 14.633. The information is particularly useful in situations of cross-accreditation where an individual is accredited based on their status as an accredited and functioning representative of another organization. This information ensures VA has the ability to cancel the individual's accreditation not only through the organization in which the misconduct or malfeasance occurred, but in every organization through which the individual is accredited. If the representative was not accredited through other service organizations, the information gathered is filed and used to prevent VA from later accrediting the same individual through other organizations or in the person's individual capacity as an attorney or a claims agent. Without this collection of information, VA would have no way to record and document incidents of misconduct or incompetence among the current pool of more than 9,700 accredited individual representatives, holding more than 20,500 accreditations (including cross-accreditations) through recognized service organizations.

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.

VA Form 21 is available on the VA website in a fillable electronic format. Respondents can fill in the blanks, print and sign the form, and fax or mail the form to OGC. OGC currently hosts this form on a secure server. Efforts within VA are underway to acquire electronic submission capability for the VA Form 21.

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.

Procedures were reviewed to identify potential areas of duplication; however, none were found to exist. There is no known department or agency that maintains the necessary information, nor is it available from other sources within this Department. VA is considering ways that information collected for the purpose of VA accreditation can be shared with other VA offices that also interact with representatives of recognized service organizations.

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

The collection of information will not have a significant impact on a substantial number of small businesses or entities. The information collected from applicants is minimized inasmuch as the amount and frequency of information collected are the minimum required to accomplish the purposes of the form.

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.

a. Absent the information provided on VA Form 21, VA would have no way of determining whether applicants for accreditation as service organization representatives meet the requirements of 38 U.S.C. § 5902 and 38 C.F.R. § 14.629(a).

b. Absent the collection of accreditation cancellation information under 38 C.F.R. § 14.633(a), VA would have no way of determining whether service organization representatives should be barred from further practice before the Department for misconduct or lack of competence.

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.

These collections of information are conducted in a manner consistent with guidelines in 5 C.F.R. § 1320.5(d)(2). There are no special circumstances that would require respondents to prepare or submit the documents outlined above or respond in fewer than 30 days.

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 Department notice was published in the Federal Register on Thursday, July 25, 2019, Volume 84, No. 143, pages 35929-35930. No comments were received.

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

No payment or gift has been authorized for 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.

VA complies with the provisions of 38 U.S.C. § 5701 and the Privacy Act of 1974 (5 U.S.C. § 552a). In addition, VA notifies respondents through a notice at the top of each form that information provided may be disclosed outside VA for certain routine uses, which have been published in the Federal Register. A summary of the pertinent routine uses is provided on each form under VA system of records 01VA022.

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:

Estimate of Information Collection Burden: Totals at k. through o. below.

VA Form 21

- a. Number of Respondents: 4,700 (2,600 new applicants and 2,100 recertifications)
- b. Frequency of Response: One time
- c. Estimated Completion Time: 15 minutes/response for new applicants and 10/minutes/response for recertifications
- d. Annual Burden Hours: 1,000 hours (650 hours for new applicants and 350 hours for recertifications)
- e. Estimates of annualized cost to respondents for the hour burdens for collections of information, identifying and using appropriate wage rate categories.: \$24,980.00 = 1,000 hours x \$24.98.

OGC estimates that \$24.98 would be a reasonable cost per hour for these responses. VA cannot make further assumptions about the population of respondents because of the variability of factors such as the educational background and wage potential of respondents. Therefore, this figure is equal to the most recent United States average hourly wage for “All Occupations” published by the U.S. Department of Labor Bureau of Labor Statistics, in this case data for May 2018. This is based on occupational code: 00-0000. https://www.bls.gov/oes/current/oes_nat.htm

Accreditation Cancellation responses

- f. Number of Respondents: 13
- g. Frequency of Response: One time
- h. Estimated Completion Time: 60 minutes/response. OGC estimates that it might take 60 minutes per response to request cancellation of a representative’s accreditation based on misconduct or incompetence or resignation to avoid cancellation of accreditation based upon misconduct or incompetence.
- i. Annual Burden Hours: 13 hours
- j. Estimates of annualized cost to respondents for the hour burdens for collections of information, identifying and using appropriate wage rate categories.: \$324.74= 13 hours x \$24.98.

OGC estimates that \$24.98 would be a reasonable cost per hour for these responses. VA cannot make further assumptions about the population of respondents because of the variability of factors such as the educational background and wage potential of respondents. Therefore, this figure is equal to the most recent United States average hourly wage for “All Occupations” published by the U.S. Department of Labor Bureau of Labor Statistics, in this case data for May 2018. This is based on occupational code: 00-0000. https://www.bls.gov/oes/current/oes_nat.htm

Totals from a. through j.

- k. Total Number of Respondents: 4,713
- l. Frequency of Response: One time.
- m. Estimated Completion Time: Varies as specified above.
- n. Total Annual Burden Hours: 1,013
- o. Total estimates of annualized cost to respondents for the hour burdens for collections of information, identifying and using appropriate wage rate categories.: \$25,304.74. Details above.

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).

There are no anticipated capital and start-up cost components resulting from this collection of information. No ongoing accumulation of information or special purchase of services, supplies or equipment, is required.

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: \$41,383.22

VA Form 21:

2,600 new applications for paralegal review	X	\$35.56 (GS 11/3) x 15 minutes/form	= \$23,114.00
50 new applications for supervisory review	X	\$63.64 (GS 14/5) x 90 minutes/response	= \$4,773.00
2,100 recertifications for paralegal review	X	\$35.56 (GS/11/3) x 10 minutes/response	= \$12,446.00
	X		
15 recertifications for supervisory review		\$63.64 (GS 14/5) x 90 minutes/response	= \$1,431.90
		Sub-total VA Form 21	= \$40,333.00

Accreditation Cancellations:

13 Requests for cancellation of accreditation for Admin. Review	X	\$35.56 (GS11/3) x 10 minutes/request	= \$77.04
13 Requests for cancellation of accreditation for Supv. Atty. Review	X	\$74.86 (GS15/5) x 60 minutes/request	= \$973.18
		Sub-total Accreditation Cancellations	\$1,050.22

Note: The hourly wage information above is based on the hourly 2019 General Schedule (Base) Pay that includes the applicable locality adjustment for the locality pay area of Washington-Baltimore-Arlington, DC-MD-VA-WV-PA (https://www.opm.gov/policy-data-oversight/pay-leave/salaries-wages/salary-tables/pdf/2019/DCB_h.pdf).

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

The adjustment is a program adjustment due to change in estimate number of filings.

- 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.**

There are no plans to publish the information collected on any of the forms.

- 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.**

This form will display an expiration date placeholder. Additionally, this collection is governed by a regulation, 38 C.F.R. § 14.629, that will display the appropriate OMB control number.

- 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.

B. Collection of Information Employing Statistical Methods

This collection of information does not employ statistical methods.