

Notice of Termination, Suspension, Reduction, or Increase in Benefit Payments

1240-0030

August 2018

SUPPORTING STATEMENT

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in Benefit Payments**

1240-0030

A. Justification

1. Explain the circumstances that make the collection of information necessary. Identify any legal or administrative requirements that necessitate the collections. Attach a copy of the appropriate section of each statute and of each regulation mandating or authorizing the collection of information.

Coal mine operators, their representatives, or their insurers who have been identified as responsible for paying benefits under the Black Lung Benefits Act (BLBA), 30 U.S.C. 901 *et seq.*, to an eligible miner or an eligible surviving dependent of the miner are called Responsible Operators (RO's). RO's that pay benefits are required to report any change in the benefit amount to the Department of Labor (DOL). The CM-908, when completed and sent to DOL, notifies DOL of the change in the beneficiary's benefit amount and the reason for the change. This information collection is required under the BLBA and 20 CFR 725.621.

2. Indicate how, by whom, and for what purpose the information is to be used. Except for a new collection, indicate the actual use the agency has made of the information received from the current collection.

Regulations at 20 CFR 725.621 require that this form be completed in full and filed with the office of the District Director within 16 days following the termination of benefits and immediately following suspension, reduction or increase of benefits paid under the BLBA, to insure that the correct benefits are paid.

The RO reports changes in the beneficiary's monthly benefits and explains the reason for that change. Claims staff reviews the information to ensure that the Division of Coal Mine Workers' Compensation (DCMWC) regulations are followed correctly, that the new benefit amount is accurate, and that the date of change in benefits accurately corresponds to the date of the event requiring the change.

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

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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.

Many RO's have automated the information process and have preformatted this report for use in their insurers' computer system so that a change in benefits automatically generates a CM-908 form.

In accordance with the Government Paperwork Elimination Act, the CM-908 is interactive and is available on the Internet for downloading at: <http://www.dol.gov/owcp/regs/compliance/cm-908.pdf>.

The CM-908 may be submitted online through the COAL Mine Portal at <https://eclaimant.dol-esa.gov/bl>.

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.

There is no similar information available.

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

Although some coal mine operators and insurers qualify as small businesses, this information collection does not have a significant economic impact on a substantial number of small entities.

6. Describe the consequence of 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.

If this information were not gathered, there would be no way to insure that Black Lung beneficiaries who receive benefit payments from ROs are receiving the correct amount of benefits.

Since this information is collected only at the time a change occurs, DCMWC would not be notified of a change in benefits if this information were collected less frequently. This might

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create hardships to RO's and beneficiaries because of undiscovered overpayments and underpayments.

7. Explain any special circumstances required in the conduct of this information collections:

Regulations at 20 CFR 725.621 require that this form be filed in the office of the District Director within 16 days of termination of benefits by the responsible coal mine operator or insurer. One purpose of this abbreviated reporting period is to give the District Director the opportunity to ascertain if benefits should continue from another source, such as the Black Lung Disability Trust Fund, if the cause of termination was not the death of the beneficiary but another cause, such as the employer's bankruptcy. A second purpose is to give the District Director the opportunity to verify the beneficiary's death and, if appropriate, initiate benefit payments to eligible survivors without undue delay.

8. If applicable, provide a copy and identify the date and page number of publication in the Federal Register of the agency'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 agency in response to these comments.

A Federal Register Notification inviting public comment was published on June 29, 2018 (83FR30783). OWCP received one comment from the National Council on Compensation Insurance (NCCI). NCCI's comments focus on the importance and usefulness of the data as it relates to workers compensation processes. NCCI supports the collection of this information.

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

No payments or gifts are provided to respondent.

10. Describe any assurance of confidentiality provided to respondents and the basis for the assurance in statute, regulations, or agency policy.

Since the completed form is maintained in the beneficiary's case file, the information collected is covered by the Privacy Act System of Records, DOL/OWCP-2, published at 81 Federal Register 25765, 25858 (April 29, 2016), or as updated and republished.

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11. Provide additional justification for any questions of a sensitive nature, such as sexual behavior and attitudes, religious beliefs, and other matters that are commonly considered private. This justification should include the reasons why the agency considers the questions necessary; the 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.

This collection contains no questions of a sensitive nature.

12. Provide estimates of the hour burden of the collection of information. The statement should:

Indicate the number of respondents, frequency of response, annual hour burden, and an explanation of how the burden was estimated. Unless directed to do so, agencies should not make special surveys to obtain information on which to base burden estimates. Consultation with a sample of potential respondents is desirable. If the burden on respondents is expected to vary widely because of differences in activity, size, or complexity, show the range of estimated burden and explain the reason for the variance. Generally, estimates should not include burden hours for customary and usual business practices.

The public burden estimate of this information collection is approximately 780 hours. This burden is based on the submission of 3,900 forms. About 3,276 beneficiaries currently receive benefits from approximately 325 RO's. RO's complete one CM-908 per beneficiary for cost-of-living increase plus an annual average of approximately 624 forms for reporting changes in dependency, death of the beneficiary, or change in other workers' compensation that affect the benefit amount. Each response takes approximately 12 minutes for retrieving information and completing and mailing the form, for a total of approximately 780 hours.

3,276 forms + 624 forms = 3,900 forms
3,900 forms x 12 minutes/60 = 780 hours

The estimated annualized cost to respondents to provide this information is \$12,760.80 (780 hours x \$16.36 per hour). This median hourly wage is taken from the Occupational Earnings Tables: United States, May 2016, published by the Bureau of Labor Statistics, under the heading of Occupational Employment and

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Wages, Office and Administrative Support Workers,
<http://www.bls.gov/oes/2016/may/oes439199.htm>.

13. Annual Costs to Respondents (capital/start-up & operation and maintenance).

Respondent's cost to mail each response is estimated at 53¢ (50¢ stamp plus 03¢ for the envelope); each beneficiary will receive a mailed response. Responses mailed to beneficiaries will have a respondent cost of \$2,067 (3,900 x 53¢ = \$2,067). Of the remaining 3,900 responses that will be sent to DCMWC, it is estimated that 20% will be submitted electronically through the COAL Mine Portal (3,900 x 20% = 780) and the remaining 3,120 responses will be mailed to DCMWC with a respondent cost of \$1,654 (3,120 x 53¢ = \$1,654). Total respondent cost is \$3,721 (\$2,067 + \$1,654 = \$3,721). There are no other known operating or maintenance costs associated with this collection.

14. Provide estimates of annualized cost to the Federal government.

The estimated total cost to the Federal Government for these 3,900 forms is approximately \$37,703.25. The cost is calculated as follows:

The estimated processing cost: \$37,703.25 figured at one CE (GS-12/04) spending about 15 minutes evaluating one form. (The Salary Table 2018-GS was used for the hourly wages.)
https://www.opm.gov/policy-data-oversight/pay-leave/salaries-wages/salary-tables/pdf/2018/RUS_h.pdf

3,900 x .25 = 975 hours
\$38.67 x 975 hours = \$37,703.25

Total Cost: \$37,703.25

15. Explain the reasons for any program changes or adjustments.

Annual costs to respondents (Item 13) decreased due to fewer claims being paid by RO's. Minor enhancements have been made to the information collection by updating the introduction paragraph, updating Item 2 to request "DOL's Case ID Number", date format of Item 6a-e was changed to mm/dd/yyyy, Public Burden Statement updated the word "average" to "be", Item 2.b. removed,

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and adding an updated Privacy Act Notice. In the distribution of copies block, we described two filing options.

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 information, completion of report, publication dates, and other actions.

There are no plans to publish this collection of information.

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 ICR does not seek a waiver from the requirement to display the expiration date.

18. Explain each exception to the certification statement identified in ROCIS.

There are no exceptions to the certification statement.

B. Collections of Information Employing Statistical Methods

Statistical methods are not used in these collections of information.