

SUPPORTING STATEMENT
VA Form 22-0989
Request for Restoration of Educational Assistance
OMB-2900-0859

A. Justification

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

On August 16, 2017, the President signed into law the Harry W. Colmery Veterans Educational Assistance Act of 2017 (“Forever GI Bill”), Public Law 115-48, which amends Title 38, United States Code to make certain improvements in the laws administered by the Secretary of Veterans, and for other purposes. The bill expands the success our Veterans have had with the GI Bill providing opportunities that otherwise would not be possible. In particular, it restores benefits to Veterans who were impacted by school closures since 2015 and has special benefits for reservists, surviving dependents, and Purple Heart recipients. Section 109 adds a new section, 3699, to chapter 36 of title 38, United States Code that would allow for the restoration of entitlement to educational assistance and other relief for Veterans affected by school closure or disapproval. More specifically, no payment of educational assistance would be charged against an individual’s entitlement to educational assistance under chapters 30, 32, 33, or 35 of title 38, or chapter 1606 of title 10, or counted against the aggregate period for which an individual may receive educational assistance under two or more programs, if VA finds that the individual was unable to complete such course or program of study as a result of:

- the closure of an educational institution; or
- the disapproval of the course or a course that is a necessary part of that program by reason of a provision of law enacted after the date individual enrolls at such institution affecting the approval or disapproval of courses, or after the date the individual enrolls, VA prescribes or modifies regulations or policies that affect the approval or disapproval; and—
- did not receive credit, or lost training time, toward completion of the program being pursued.

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 22-0989 allows students to apply for restoration of entitlement for VA education benefits used at a school that closed, suspended, or had its approval to receive VA benefits withdrawn.

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.

Information technology will help to reduce the burden. In the future, the online electronic collection will be available via the va.gov portal. This form is currently being implemented using algorithms to help guide the beneficiary toward completing the application based on their responses to questions. The implementation and use of va.gov will help reduce the burden while continuing to enable the beneficiary to submit the application directly to the Regional Processing Office (RPO) with jurisdiction over the claim, thus reducing potential errors and providing greater efficiencies.

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.

Program reviews were conducted to identify potential areas of duplication; however, none were found to exist. There is no known Department or agency which maintains the necessary information, nor is it available from other sources within our Department.

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.

VA would not be able to pay benefits for training if this information were not collected.

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 Department notice was published in the Federal Register on October 16, 2020, Volume 85, No. 201 page 65902.

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 have been 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 information provided is retained permanently in the student's education folder. Our assurance of confidentiality is covered by 38 U.S.C. 5701 and our System of Records, Compensation, Pension, Education, and Veteran Readiness and Employment Records – VA (58VA21/22/28) which is contained in the Privacy Act Issuances, 2012 Compilation.

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.

None of the information collected is of a sensitive nature.

12. Estimate of the hour burden of the collection of information. Please show mathematical calculations:

The estimated burden to the public for this information collection is 955 burden hours. The initial estimated submissions from respondents is 3,821.

- a. **Number of Respondents: 3,821**
- b. **Frequency of Response: Once**
- c. **Annual Burden Hours: 955 hours**
- d. **Estimated Completion Time for Respondent: 15 minutes**
- e. The respondent population for this VA Form consists of beneficiaries who are pursuing approved programs of education. VBA cannot make further assumptions about the population of respondents because of the variability of factors such as educational background and wage potential of respondents. Therefore, VBA used general wage data for "All Occupations" to estimate the respondents' costs associated with completing the information collection.

The Bureau of Labor Statistics gathers information on full-time wage and salary workers. According to the latest available BLS data, the median weekly earnings of full-time wage and salary workers is \$1,028.80. Assuming a forty (40) hour work week, the median hourly wage is \$25.72 based on the BLS wage code of "00-000-0000 for "All Occupations." This information was taken from the following website (http://www.bls.gov/oes/current/oes_nat.htm#00-0000 May 2020).

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 to all respondents to be \$24,562.60 (955 burden hours X \$25.72 per hour).

13. Provide an estimate of the total annual cost burden to respondents or recordkeeping 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 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.

Estimated Costs to the Federal Government:

Grade	Step	Burden Time Employee	Hourly Rate	Cost Per Response	Total Responses	Total
09	05	15 min	\$28.73	--	3821	\$27,444.33
--	--	--	--	--	--	--
Overhead at 100% Salary						\$27,444.33
Overhead costs are 100% of salary and are the same as the wage listed above; and the amount is included in the total.						
Processing / Analyzing Costs						\$27,444.33
Printing and Production Cost						\$0
<u>Total Cost to Government</u>						\$27,444.33

Note: The hourly wage information above is based on the hourly 2020 General Schedule (Base) pay at https://www.opm.gov/policy-data-oversight/pay-leave/salaries-wages/salary-tables/pdf/2020/RUS_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 the grade level spend to process to completion a claim received on this form.

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

As expected, and as is pointed out in the Justification Section of ROCIS for the previously submitted emergency request, there was a significant decrease in the number of burden hours from 3,511 to 955.

At the time of the first submission, the number of students included all affected from the effective date of the Public Law.

The form (VA Form 22-0989) was not prepared and released for collection purposes until mid-2018. This ICR reflects the number of forms received since its availability only and is not a true 3 year reflection.

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.

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.

18. Explain each exception to the certification statement identified in Item 19, "Certification for Paperwork Reduction Act Submissions," of OMB83-1.

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.