

SUPPORTING STATEMENT - PART A

Application for Review by the Physical Disability Board of Review (DD294) – 0704-0453

Summary of Changes from Previously Approved Collection

- Decrease in burden due to a decrease in the number of respondents

1. Need for the Information Collection

The Fiscal Year 2008 National Defense Authorization Act amended Title 10, United States Code by adding Section 1554a. This provision of law directs the Secretary of Defense to establish a panel to review the disability determinations of individuals who were separated from the armed forces during the period beginning September 11, 2001 and ending on December 31, 2009 due to unfitness for duty due to a medical condition with a disability rating of 20 percent disabled or less; and were found to be not eligible for retirement. On June 27, 2008, the Department of Defense published DODI 6040.44, which provides the guidance for this process.

The DD Form 294, "Application for Review by the Physical Disability Board of Review (PDBR) of the Rating Awarded Accompanying a Medical Separation from the Armed Forces of the United States" is designed to appropriately collect the information necessary to retrieve the medical separation and the Department of Veterans Affairs records and correct military personnel and pay records.

2. Use of the Information

The DD Form 294 is the means by which former Service members that were medically separated due to a medical condition with a disability rating of 20 percent or less can request a review of their combined disability rating. Service members are responding to the information collection to ensure they receive an accurate and fair review of their disability rating. Once the Service members fill out the information on the DD Form 294, they return it in the mail to the PDBR. Service member service treatment records will allow the board to review evidence that will determine their disability rating. Once a review is complete, the PDBR forwards a recommendation to the secretary of the respective branch of the armed services. It is up to the individual service branch to make the final determination on whether to change the original disability determination.

3. Use of Information Technology

The form will be publically accessible on the World Wide Web, but since there is a request to make a change which will provide significant legal entitlements the form must be signed. Therefore, all applications will be signed and submitted through the mail.

4. Non-duplication

The information obtained through this collection is unique and is not already available for use or adaptation from another cleared source.

5. Burden on Small Businesses

This information collection does not impose a significant economic impact on a substantial number of small businesses or entities.

6. Less Frequent Collection

This information collection is one time only. It is the most infrequent collection interval possible without compromising the integrity of collection results and purpose. If there is no method for former service members to request or consent to the review described above, the agency will not be in compliance with a statutory mandate. There are no invitations or other communications sent to the respondent associated with the information collection.

7. Paperwork Reduction Act Guidelines

This collection of information does not require collection to be conducted in a manner inconsistent with the guidelines delineated in 5 CFR 1320.5(d)(2).

8. Consultation and Public Comments

Part A: PUBLIC NOTICE

A 60-Day Federal Register Notice (FRN) for the collection published on Friday, May 20, 2020. The 60-Day FRN citation is 85 FR 32373 FRN 32373-32374.

No comments were received during the 60-Day Comment Period.

A 30-Day Federal Register Notice for the collection published on Wednesday, July 14, 2021. The 30-Day FRN citation is 86 FR 37139 FRN 37139-37140.

Part B: CONSULTATION

Consultations were conducted with designated representatives from each of the Services.

9. Gifts or Payment

No payments or gifts are being offered to respondents as an incentive to participate in the collection.

10. Confidentiality

Although there is no specific promise of confidentiality, all medical and personal information submitted will be safeguarded and only given to those with a need to know it to perform their agency duties. The information will be subject to the Privacy Act (5 USC 552(a) as well as the Health Insurance Portability and Accountability Act (HIPAA) (Public Law 104-19).

The existing SORN is numbered as F001 MRB A DoD, Physical Disability Board of Review Records and is accessed: <http://edocket.access.gpo.gov/2011/pdf/2011-4930.pdf>.

A Privacy Impact Assessment (PIA) is not required for this collection because PII is not being collected electronically.

Paper records are destroyed after electronic recordkeeping copy has been created and filed or when no longer needed for revision, dissemination, or reference, whichever is later, by pulping, shredding or burning.

Electronic systems that replace temporary hardcopy records are destroyed on expiration of the retention period previously approved for the corresponding hardcopy records.

Electronic systems that supplement temporary hardcopy records where the hardcopy records are retained to meet recordkeeping requirements are destroyed when the agency determines that electronic records are superseded, obsolete, or no longer needed for administrative, legal, audit, or other operational purposes.

Electronic records are destroyed by erasing, deleting, or overwriting.

11. Sensitive Questions

The SSN is required on the DD Form 294 to ensure the proper medical records from DoD Medal Treatment Facilities and the Department of Veterans Affairs are retrieved as well as the proper personnel records. It is used in conjunction with the information on the DD Form 294 to ensure the appropriate records are being reviewed to minimize fraudulent claims. If there is a change in the rating, Defense Finance and Accounting Services (DFAS) is notified to effect the pay change and currently the only mechanism to do so is the SSN. The SSN cannot be truncated without the risk of misidentifying the former Service member, nor can it be masked since the form is used in a paper format. The DFAS and various military pay legacy systems whose disbursing systems interface with DFAS make payments to applicants who have their separation ratings changed. A SSN Justification Memo is included as part of this package.

12. Respondent Burden and its Labor Costs

Part A: ESTIMATION OF RESPONDENT BURDEN

- 1) Collection Instrument
[DD 294]
 - a) Number of Respondents: 240
 - b) Number of Responses Per Respondent: 1
 - c) Number of Total Annual Responses: 240
 - d) Response Time: 45 minutes
 - e) Respondent Burden Hours: 180 hours
- 2) Total Submission Burden
 - a) Total Number of Respondents: 240
 - b) Total Number of Annual Responses: 240
 - c) Total Respondent Burden Hours: 180 hours

Part B: LABOR COST OF RESPONDENT BURDEN

- 1) Collection Instrument
[DD 294]
 - a) Number of Total Annual Responses: 240
 - b) Response Time: 45 minutes
 - c) Respondent Hourly Wage: \$27.00/hour
 - d) Labor Burden per Response: \$20.25
 - e) Total Labor Burden: \$4860
- 2) Overall Labor Burden
 - a) Total Number of Annual Responses: 240
 - b) Total Labor Burden: \$4860

The Respondent hourly wage was determined by using the [Department of Labor Wage Website] (<http://www.dol.gov/dol/topic/wages/index.htm>)

13. Respondent Costs Other Than Burden Hour Costs

There are no annualized costs to respondents other than the labor burden costs addressed in Section 12 of this document to complete this collection.

14. Cost to the Federal Government

Part A: LABOR COST TO THE FEDERAL GOVERNMENT

- 1) Collection Instrument
[DD 294 review by 1 administrative personnel]

- a) Number of Total Annual Responses: 240
- b) Processing Time per Response: 0.5 hours
- c) Hourly Wage of Worker Processing Responses : \$27.00
- d) Cost to Process Each Response: \$13.50
- e) Total Cost to Process Responses: \$3240

Collection Instrument

[DD 294 review by 1 medical doctor]

- a) Number of Total Annual Responses: 240
- b) Processing Time per Response: 8 hours
- c) Hourly Wage of Worker Processing Responses : \$67.00
- d) Cost to Process Each Response: \$536.00
- e) Total Cost to Process Responses: \$128,640.00

Collection Instrument

[DD 294 review by 1 executive personnel]

- a) Number of Total Annual Responses: 240
- b) Processing Time per Response: 4 hours
- c) Hourly Wage of Worker Processing Responses : \$67.00
- d) Cost to Process Each Response: \$268.00
- e) Total Cost to Process Responses: \$64,320.00

Collection Instrument

[DD 294 review by 1 executive personnel]

- a) Number of Total Annual Responses: 240
- b) Processing Time per Response: 4 hours
- c) Hourly Wage of Worker Processing Responses : \$67.00
- d) Cost to Process Each Response: \$268.00
- e) Total Cost to Process Responses: \$64,320.00

2) Overall Labor Burden to the Federal Government

- a) Total Number of Annual Responses: 240
- b) Total Labor Burden: \$260,520.00

Part B: OPERATIONAL AND MAINTENANCE COSTS

1) Cost Categories

- a) Equipment: \$0
- b) Printing: \$0
- c) Postage: \$0
- d) Software Purchases: \$0
- e) Licensing Costs: \$0
- f) Other: \$0

2) Total Operational and Maintenance Cost: \$0

Part C: TOTAL COST TO THE FEDERAL GOVERNMENT

- 1) Total Labor Cost to the Federal Government: \$260,520.00
- 2) Total Operational and Maintenance Costs: \$0
- 3) Total Cost to the Federal Government: \$260,520.00

15. Reasons for Change in Burden

The burden has decreased since the previous approval due to a decrease in the number of respondents.

16. Publication of Results

The results of this information collection will not be published.

17. Non-Display of OMB Expiration Date

We are requesting approval to omit the display of the expiration date of the OMB approval on the collection instrument. The OMB expiration date should not be displayed because this could lead to potential applicants to reasonably, but erroneously, conclude that their applications will not be accepted after a three-year period whereas the law does not support such a cutoff date.

18. Exceptions to "Certification for Paperwork Reduction Submissions"

We are not requesting any exemptions to the provisions stated in 5 CFR 1320.9.