

SUPPORTING STATEMENT - PART A for

OMB Control Number 0584-0034:

FNS-245: SNAP Negative Case Action Review Schedule

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A1. Circumstances that make the collection of information necessary.

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

This is a revision of a currently approved collection; we are documenting the renewal of the collection and the reduction in negative cases and FNS is changing the title from *Quality Control for SNAP: Case and Procedural Case Action Review Schedule* to *SNAP: Negative Case Action Review Schedule*, from this point forward. State agencies are required to perform Quality Control (QC) reviews for the Supplemental Nutrition Assistance Program (SNAP). The FNS-245 (Negative Case Action Review Schedule) in Appendix D [located in appendix B of this package) of the Food and Nutrition Service (FNS) 310 Handbook, is for State use to collect QC data and information on the status of negative case reviews. There are instructions for completing form FNS-245 that are included with the form and are located in the FNS 310 Handbook.

The legislative basis for the QC system is Section 16 of the Food and Nutrition Act of 2008, as amended, hereafter referred to as “the Act”. Part 275, Subpart C, of SNAP regulations implements the legislative mandates found in the Act. The regulatory basis for the QC reporting requirements is provided by 7 CFR 275.14(d) and 7 CFR 275.21 (see appendix E1).

The legislative basis for the recordkeeping requirements is – Section 11(a) of the Act. SNAP regulations, in Section 272.1(f), specify that program records are to be retained for a period of three years from the date of fiscal or administrative closure.

A2. Purpose and Use of the Information.

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

The FNS-245 form serves as the data collection form for negative case reviews. Case and Procedural cases include the name, address and telephone number of applicants who were a part of the denial, termination or suspension process of benefits. The form consists of four sections and is used to record data in Case and Procedural case action reviews only. The first section, Case Management Information, is designed for State-related management tool use. The second section, Identifying Information, provides space for information about the household. The third section, Analysis of Review Activity, is for coding compliance with notice requirements. The fourth section, Description of Variances, provides for the detailed coding of each distinct variance identified in the review and the recorded reasons for the agency's action. All information will be previously provided by the household through a SNAP application or through the interview process with a State eligibility worker. The State agency will use the extant collected data to input into the worksheet.

A3. Use of information technology and burden reduction.

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.

In compliance with the E-Government Act, 2002 (E-Gov), FNS has reviewed the QC review and sampling process. We have made every effort to streamline and automate the process.

The FNS-245 serves as both the data summary entry form that the QC reviewer completes during each case and procedural case action review and, subsequently as the data input document for

direct data entry into the SNAP Quality Control System (SNAPQCS). Therefore, while data is manually collected by State Agencies, it is 100% electronically submitted via www.fns.usda.gov a virtual network connection to a web-based database for tabulation and analysis.

A4. Efforts to identify duplication.

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 Question 2.

There is no duplication of effort since there is no similar data available. FNS solely monitors the Quality Control reviews for SNAP to ensure program integrity.

A5. Impacts on small businesses or other small entities.

If the collection of information impacts small businesses or other small entities (Item 5 of OMB Form 83-I), describe any methods used to minimize burden.

FNS has determined that the requirements for this information collection do not adversely impact small businesses or other small entities. There are smaller State agencies; however they provide the same data as larger State agencies for this collection.

A6. Consequences of collecting the information less frequently.

Describe the consequence 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.

This is a mandatory on-going data collection. FNS would not be able to effectively monitor invalid denials, terminations or suspensions; nor would we be able to identify related policy improvements without information obtained through the negative case review.

Legal obstacles to reducing the frequency of this collection are contained in SNAP regulations at 7

CFR 275.14(d) and 7 CFR 275.21 (see appendix E1).

A7. Special circumstances relating to the Guidelines of 5 CFR 1320.5.

Explain any special circumstances that would cause an information collection to be conducted in a manner:

- **Requiring respondents to report information to the agency more often than quarterly;**

State agencies are required to select, conduct, and report on QC reviews on a monthly, ongoing basis. This information is discussed in 7 CFR 275 rules (see appendix E1).

Requiring respondents to prepare a written response to a collection of information in fewer than 30 days after receipt of it;

- **Requiring respondents to submit more than an original and two copies of any document;**
- **Requiring respondents to retain records, other than health, medical, government contract, grant-in-aid, or tax records for more than three years;**

SNAP regulations in 7 CFR 272.1(f) specify that program records are to be retained for a period of three years from the date of fiscal or administrative closure. The date of administrative closure for negative cases will always begin on the date of the announcement for annual case and procedural error rates- the rates that result from negative case reviews.
- **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;**
- **Requiring the use of a statistical data classification that has not been reviewed and approved by OMB;**
- **That includes a pledge of confidentiality that is not supported by authority established in statute or regulation, that is not supported by disclosure and data security policies that are consistent with the pledge, or which unnecessarily impedes sharing of data with other agencies for compatible confidential use; or**

- **Requiring respondents to submit proprietary trade secret, or other confidential information unless the agency can demonstrate that it has instituted procedures to protect the information's confidentiality to the extent permitted by law.**

There are no other special circumstances.

A8. Comments to the Federal Register Notice and efforts for consultation.

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. Specifically address comments received on cost and hour burden.

Notice of this collection was published in the Federal Register on January 4, 2021 (Volume 86, Number 1, Page 51). We received one comment from the State of Iowa (Appendix I). The commenter provided four different comments about the collection, three of which were suggestions on coding, which FNS clarified proper existing coding in our response. The final comment had to do with our breakdown of the burden associated with the different components of the Negative review, which was very helpful in our reevaluating the burden that was presented and updating the hours associated with the correct regulatory requirements, which FNS further sought consultation with persons outside the agency to request feedback.

Describe efforts to consult with persons outside the agency to obtain their views on the availability of data, frequency of collection, the clarity of instructions and recordkeeping, disclosure, or reporting format (if any), and on the data elements to be recorded, disclosed, or reported.

Consultation with representatives of those from whom information is to be obtained or those who must compile records should occur at least once every 3 years even if the collection of information activity is the same as in prior years. There may be circumstances that may preclude consultation in a specific situation. These circumstances should be explained.

FNS sought feedback, through email on February 8, 2021, from the Quality Control Technical

Advisory Group (QC TAG), a group made up of at least five SNAP QC directors, about their views on burden updates to the FNS 245 collection, frequency of collection, and the clarity of instructions and recordkeeping, disclosure, or reporting format. Unfortunately, FNS did not receive feedback from any members of the QC TAG by the time this supporting statement was submitted for approval.

A9. Explain any decisions to provide any payment or gift to respondents.

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

No payments or gifts are made to respondents.

A10. Assurances of confidentiality provided to respondents.

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

Information gathered from State agency records and information gathered in interviews during negative case action reviews (recorded on the FNS-245) are subject to the same privacy safeguards as information obtained from households applying for SNAP benefits. Section 11(e)(8) of the Act mandates that each State agency shall provide "safeguards which limit the use or disclosure of information obtained from applicant households to persons directly connected with the administration or enforcement of the provisions of this Act, regulations issued pursuant to this Act, Federal Assistance programs, or federally assisted State programs...". Section 272.1(c) of SNAP regulations implements this legislative mandate (see appendix E3). The findings of negative case reviews, when compiled, do not identify the recipient by name. Please see: Attachment F: USDA/FNS-5 System of Record Notice (SORNs) "Information on Persons Disqualified from the Supplemental Nutrition Assistance Program." published in the Federal

Register Volume 75, Number 237, Page 81205 on December 27, 2010, Vol.

Per Miguel Marling, on October 2, 2020, FNS replaced the existing privacy statement with the following statement on the FNS 245 form for compliance with the Privacy Act: *This information is being collected under the authority of provisions of The Supplemental Nutrition Assistance Program, at 7 CFR § 275.14 - Review processing. The primary use of this information is by U.S. Department of Agriculture Supplemental Nutrition Assistance Program staff to review State performance in determining the eligibility of applicants and recipients. The information will be used to determine State compliance with eligibility determination requirements. Additional disclosures of the information may be: to a Federal, State, or local law enforcement agency when an agency becomes aware of a violation or possible violation of civil or criminal law; to a Federal agency when conducting an investigation for employment or security reasons; or the General Services Administration in connection with its responsibilities for records management. Per the Privacy Act of 1974, 5 U.S. Code § 552a - Records maintained on individuals, at (e)(3), disclosing the information is mandatory in order to comply with USDA/FNS audit and reporting procedures. Failure to do may result in a delay or finding of non-compliance. Providing this form is a required component for State agencies to conduct Quality Control under the Food and Nutrition Act, as amended.*

A11. Justification for any questions of a sensitive nature.

Provide additional justification for any questions of a sensitive nature, such as sexual behavior or 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.

There are no questions of a sensitive nature on the FNS 245.

A12. Estimates of the hour burden of the collection of information.

Provide estimates of the hour burden of the collection of information. Indicate the number of respondents, frequency of response, annual hour burden, and an explanation of how the burden was estimated.

A. Indicate the number of respondents, frequency of response, annual hour burden, and an explanation of how the burden was estimated. If this request for approval covers more than one form, provide separate hour burden estimates for each form and aggregate the hour burdens in Item 13 of OMB Form 83-I.

There are 53 state agencies required to conduct QC reviews of the negative cases as part of the Performance Reporting System. State agencies complete the FNS-245 for each negative case in their QC sample. The overall reporting and recordkeeping burden associated with the completion of the FNS-245 has decreased from approximately 115,514.39 hours to 112,491.43 hours. The 3,022.97 hour decrease in the total burden is largely a result of the decrease in total SNAP negative case selections from 38,970 cases in FY 2015 to 35,446 cases in FY 2019.

In addition, each of the 53 state agencies are required to maintain records of the Form FNS-245 for the recordkeeping requirement. FNS estimates 668.79 total annual records will be maintained by each state agency for a combined total annual records of 35,446.00. We estimate the burden is 0.0236 hours per record. This record keeping burden totals approximately 836.5256 hours per year to maintain the records.

We estimate the total annual reporting and recordkeeping burden for the FNS-245 to be 115,514.39 hours. The above burdens were arrived at by adding together the estimated reporting burden and the estimated recordkeeping burden.

Reporting and Recordkeeping Burden for State Agencies FNS 245, OMB 0584-0034									
Regulation	Description of Activity	Number of Respondents	Estimated Frequency Number of Negative Sample Cases Per Respondent	Estimated Total Annual Number of Negative Sample Cases Per Annum	Estimated Annual Reporting Hours Per Respondents	Estimated Total Annual Burden Hours	Previous Submission Total Hours	Difference Due to Program Changes	Difference Due to Adjustments
Reporting Burden									
275.13 (b)	Household Case Record Review	53	668.79	35,446.00	1.50	53,169.00			
275.13 (c)	Error analysis	53	668.79	35,446.00	1.15	40,762.90			
275.13 (d)	Reporting of review findings	53	668.79	35,446.00	0.25	8,861.50			
275.13 (e)	Disposition of case review	53	668.79	35,446.00	0.25	8,861.50			
Total Reporting Burden					3.15	111,654.90	114,594.71		-2,939.81
Recordkeeping Burden									
275.4	Record Retention	53	668.7924528	35,446.00	0.0236	836.5256	919.688		-83.1624
Total Recordkeeping Burden									
Total Reporting and Recordkeeping Burden		53	3343.962264	177,230.00	0.63472	112,491.43	115,514.40		-3,022.97

B. Provide estimates of annualized cost to respondents for the hour burdens for collections of information, identifying and using appropriate wage rate categories.

The cost to the public is based on \$26.90 per hour, representing an average social worker’s salary. The average salary rate, with loaded wages is \$35.78 per hour. The rate to State agencies after 50 percent reimbursement by FNS is \$13.45 per hour without loaded wages and \$17.89.

Based on these figures the estimated total cost to respondents for the reporting and recordkeeping burdens after FNS reimbursement is \$1,513,009.67 without loaded wages and \$2,012,302.87 with loaded wages.

To estimate public cost, FNS consulted with the U.S. Department of Labor, Bureau of Labor

Statistics' May 2020 data. Please see https://www.bls.gov/oes/2020/may/oes_nat.htm.

Estimates of Annualized Cost to Respondents FNS 245, OMB 0584-0034								
Regulation	Description of Activity	Number of Negative Sample Cases Per Annum	Reporting Hours	Burden Hours	Hourly Wage Rate (50% for State Agency Staff – not Households)	Total cost not loaded	Hourly with Loaded Wages	Total Respondent Cost with loaded wages
Reporting Burden					-	-	-	-
275.13 (b)	Household Case Record Review	35,446.00	1.50	53,169.00	\$13.45	\$715,123.05	\$17.89	\$951,113.66
275.13 (c)	Error analysis	35,446.00	1.15	40,762.90	\$13.45	\$548,261.01	\$17.89	\$729,187.14
275.13 (d)	Reporting of review findings	35,446.00	0.25	8,861.50	\$13.45	\$119,187.18	\$17.89	\$158,518.94
275.13 (e)	Disposition of case review	35,446.00	0.25	8,861.50	\$13.45	\$119,187.18	\$17.89	\$158,518.94
Total Reporting Burden			3.15	111,654.90		\$1,501,758.41		\$1,997,338.68
Recordkeeping Burden					-	-	-	-
275.4	Record Retention	35,446.00	0.0236	836.5256	\$13.45	\$11,251.27	\$17.89	\$14,964.19
Total Reporting and Recordkeeping Burden and Costs				112,491.43		\$1,513,009.67		\$2,012,302.87

A13. Estimates of other total annual cost burden.

Provide estimates 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 questions 12 and 14). The cost estimates should be split into two components: (a) a total capital and start-up cost component annualized over its expected useful life; and (b) a total operation and maintenance and purchase of services component.

There are no capital/start-up costs for this collection by respondents or recordkeepers.

A14. Provide estimates of annualized cost to the Federal government.

Provide estimates of annualized cost to the Federal government. Provide a description of the method used to estimate cost and any other expense that would not have been incurred without this collection of information.

The annual cost to the Federal Government to collect and use the data for the FNS-245 is estimated at \$5,275,083.60 (including fringe benefits). This cost includes (1) the cost of printing reporting forms; (2) the Federal government's share of State Agency's reimbursable operating

costs for SNAP; (3) using 2021 Federal General Schedule the cost for 105 Federal regional staff to spend 33 percent of their annual time reviewing and approving the data submitted by the State agency for negative reviews; (4) the cost for national office program staff and supervisors to draft, review & approve this ICR; and (5) automated system costs associated with the FNS 245 form[includes system monitoring and salaries].

Estimates of Annualized Cost to Federal Government for FNS 245, OMB 0584-0034					
Activities	Hours Spent on Collection	Costs or Hourly Wage Rate	Total Cost	Fringe Benefits Cost for Staff (0.33)	Overall Base Cost w/ Fringe Benefits for Staff
1. Printing Cost	N/A		\$2,000.00	N/A	\$2,000.00
2. 50% Reimbursement Cost to States for reporting & recordkeeping administrative cost	N/A		\$1,513,009.67	\$499,293.19	\$2,012,302.87
3. 33% of annual salary for 105 Regional Federal Staff (GS 12/1 base) annual	N/A		\$2,315,624.85	\$764,156.20	\$3,079,781.05
4a .Program Analyst GS 13 step 1 base Estimates of Annualized Cost to Federal Government for drafting, reviewing & approving ICR	80	\$32.02	\$36.99	\$12.21	\$49.20
4b. Program Branch Chief Estimates of Annualized Cost to Federal Government for drafting, reviewing & approving ICR	10	\$45.00	\$450.00	\$148.50	\$598.50
4c. Program Division Director Estimates of Annualized Cost to Federal Government for drafting, reviewing & approving ICR	5	\$52.93	\$264.65	\$87.33	\$351.98
5. Automated System Cost (includes fringe benefits in fixed rate Contractor Monitoring)	N/A	\$180,000.00	\$180,000.00	N/A	\$180,000.00
Grand Total Cost to Government			\$4,011,386.16	\$1,263,697.43	\$5,275,083.60

A15. Explanation of program changes or adjustments.

Explain the reasons for any program changes or adjustments reported in Items 13 or 14 of the OMB Form 83-I.

This is a revision of a currently approved information collection. The total negative case selection decreased from 38,970 cases in FY 2015 to 35,446 cases in FY 2019. This caused an adjustment in the overall burden from 115,514.87 hours in FY 2015 to 112,491.43 hours in FY 2019; a 3,022.97 hour decrease in overall burden. In addition, the number of responses increased from 77,940 to 177, 230. This change is primarily due to the correction of 1) which regulations must be included in the collection and 2) how to calculate the number of responses accurately based on the updated regulatory references.

A16. Plans for tabulation, and publication and project time schedule.

For collections of information whose results are planned to be published, outline plans for tabulation and publication.

Data tabulation is achieved through established computer programs. Data included in this collection of information is gathered throughout each annual (fiscal year) review period. The data is then published in the SNAP QC Annual Report. This report presents official QC error rates, and related data for the United States, individual states, Guam, the Virgin Islands and the District of Columbia. The SNAP QC Annual Report will be published approximately one year after the end of each annual review period and is sent to each region and state electronically through FNS' PartnerWeb application.

A17. Displaying the OMB Approval Expiration Date.

If seeking approval to not display the expiration date for OMB approval of the information collection, explain the reasons that display would be inappropriate.

FNS will be displaying the expiration date on the form.

A18. Exceptions to the certification statement identified in Item 19.

Explain each exception to the certification statement identified in Item 19 of the OMB 83-I" Certification for Paperwork Reduction Act."

This information collection conforms to the requirements of 5 CFR 1320.9. There are no exceptions to the certification statement.