

Department of Transportation

SUPPORTING STATEMENT

2133-0522

Seamen's Claims; Administrative Action and Litigation

INTRODUCTION

This is to request the Office of Management and Budget's (OMB) three-year approval clearance for the information collection entitled, Seamen's Claims; Administrative Action and Litigation, OMB Control No. 2133-0522, which is currently due to expire on November 30, 2021. Since the last approval, there have been no program changes.

Part A. Justification.

1. Circumstances that make collection of information necessary.

Applicable statutes are found in the Suits in Admiralty Act, 46 U.S.C. 30901-30918 and the Public Vessels Act, 46 U.S.C. 31101-31113. The combined effect of these statutes is to permit non-jury proceedings in admiralty to be brought against the United States by persons who suffer death, injury or illness while serving as masters or members of a crew on board a vessel owned or operated by the United States. Title 46 Code of Federal Regulations Part 327 establishes a Maritime Administration (MARAD) administrative procedure to respond to claims for damage recovery allowed under these statutes. The administrative process allows claimants to submit information at their own initiative to seek recovery in their own self-interest for alleged damages. In order to accomplish this, the rule instructs the initiator of the claim to provide certain appropriate information so that MARAD can evaluate the issues of agency and vessel liability and the reasonableness of the recovery demand. This information collection enhances DOT's National Security goal.

2. How, by whom, and for what purpose is the information used.

The information about the alleged damage claim is evaluated by MARAD to determine if the claim is fair and reasonable. If MARAD allows the claim, and it is settled, the agency will make appropriate payments to the claimant. This administrative process impacts upon Federal programs of the U.S. Admiralty Courts, U.S. Department of Justice and the U.S. Treasury.

3. Extent of automated information collection.

The Maritime Administration provides a total electronic option for this information collection.

4. Efforts to identify duplication.

Requested information is not available through other means or sources. The claimant must establish the claim.

5. Efforts to minimize the burden on small businesses.

Not applicable. Only individuals may be claimants.

6. Impact of less frequent collection of information.

Claim information is provided only when the claimant decides to submit a claim. Without this information, a claim could not be processed.

7. Special circumstances.

There are no special circumstances that require the collection of information to be conducted in a manner described above.

8. Compliance with 5 CFR 1320.8:

- The Maritime Administration published a 60-day notice and request for comments on this information collection in the Federal Register on May 21, 2021 (FR 27675, Vol. 86, No. 97, copy attached), indicating comments should be submitted on or before July 20, 2021. In addition, a 30-day notice was published in the Federal Register on September 1, 2021, 2021 (FR 49090, Vol. 86, No 167).
- One comment was received from Aarin King in response to the published 60-day Federal Register notice requesting comments on the renewal of information collection. After careful review of the comment by the program office, the comment was determined to be non-germane to the notice.
- Seafarer's obtain legal representation from a maritime attorney. The attorney manages the Administrative Claim for the seafarer as it is processed by MARAD. The attorney helps to collect and organize the information that is needed by the seafarer under the statute listed in number 1.
- The Seafarer's attorney will follow the statute for information collection. The statute provides an outline of all needed information to process the Administrative Claim. MARAD also will provide a checklist that can be used as guidance when submitting an Administrative Claim. The checklist has been provided as part of this approval process.
- There are no circumstances that would preclude consultation.

9. Payments or gifts to respondents.

Payments are made or denied to injured seamen based on the information provided in this collection.

10. The Information collected is fully protected under the Privacy Act:

The information collected is fully protected under the Privacy Act in the system of records known as DOT/MARAD 007, Litigation Claims and Administrative Proceeding Records.

11. Justification for collection of sensitive information.

Not applicable. There are no questions of a sensitive nature.

12. Estimate of burden hours for information requested:

<u>Number of Respondents</u>		<u>Number of Responses Per Respondent</u>	=	<u>Total Number of Annual Responses</u>	x	<u>Number of Hours Per Response</u>	=	<u>Total Number of Annual Burden Hours</u>
15	x	1	=	15	x	12.5	=	188

Cost to Respondent = 12½ hours at \$200 per hour x 1.4 (benefits) = \$3,500.00

*The average cost per hour was based upon consultation/discussions with several respondents, such as the claimant's (seafarer) attorney, who spend the time collecting the information needed to submit the claim, as well as the claimants (seafarer) who have to pay for such services. We have increased the cost per hour rate based on an estimate to adjust for cost of living and inflation.

The 12.5 hours, time burden, is in reference to the amount of time that either the claimant (seafarer) is spending/and or their representative. In order to submit a claim, the seafarer has the option to represent themselves, or to obtain an attorney. In the case that a seafarer represents himself/herself, the 12.5 hours would apply to them, in the case that the seafarer hires a representative, the 12.5 hours applies to the attorney. In the vast majority of the claims we receive the seafarer has obtained an attorney to help him/her submit the claim on their behalf.

Furthermore, the amount of documentation provided varies with the complexity of individual events. It will depend upon the extent of damage occurring and length of recovery period which requires extensive medical reports. Larger claims require extensive investigation and documentation. Merchant mariners would probably spend less time making a claim than would their representative. Therefore, twelve and a half hours are allowed as an average estimate of time it would take the respondent to conclude the administrative claim process, this includes an estimate for typing the claim.

13. Estimate of total annual costs to respondents.

(a) Total Capital and Start-Up Costs Estimate: There are no capital or start-up costs associated with this information collection.

(b) Total Operation and Maintenance and Purchase of Services Estimate: There are no operation and maintenance costs associated with this information collection.

14. Estimate of cost to the Federal government.

The total cost to the Federal Government for processing the collection is estimated as follows:

One-time Costs: None

a) Time of specialists and reviewers (GS-14, Step 5) involved in evaluating claim information:

(Est.) 8 hrs per claim at \$66.54 = 532.32 x 15 claims annually = \$ 7,984.80

b) Clerical Assistance (GS-9 step 10) and miscellaneous

1 hr. per claim x \$37.45/hr. (Average) x 15 est. claims annually = \$ 561.75

Sub Total: \$ 8,546.55

Federal Government Annual Cost \$8,546.55 x 1.4 (benefits) = \$11,965.17

*The hourly wage for the GS-14 step 5 and the GS 9 step 10 were taken from the 2021 GS Salary Table (Incorporating the 1% general schedule increase and a locality payment of 30.48% for the locality pay area of Washington-Baltimore-Arlington, DC-MD-VA-WV-PA total increase: 1%). [salary table 2021-dcb \(opm.gov\)](#)

15. Explanation of program changes or adjustments.

There were no program changes since the last approval. Adjustments were made for the respondents' cost and to the cost for the Federal Government to reflect current hourly wages for both.

16. Publication of results of data collection.

The information collected is intended for internal use only. There are no plans to publish the results of the information collection for statistical purposes.

17. Approval for not displaying the expiration date of OMB approval.

Not applicable. We are not seeking approval not to display the expiration date.

18. Exceptions to certification statement.

Not applicable. There are no exceptions to the certificate statement.