

**SUPPORTING STATEMENT FOR
Representative Fee Request
OMB CONTROL NO. 1240-0049**

This ICR seeks a revision to this collection.

A. JUSTIFICATION

1. Explain the 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.

Under 5 U.S.C. § 8127(a) and in accordance with 20 C.F.R. §§ 10.700 and 702.131, a claimant may authorize an attorney or other individual to represent his or her interests in any proceeding before the Office of Workers' Compensation Programs (OWCP). Under 5 U.S.C. § 8127(b) and in accordance with 20 C.F.R. §§ 10.702 and 702.132, fees for representatives' services must first be approved by the Secretary. The representative is entitled to request a fee for services under 20 CFR 10.700 -703 (Federal Employees' Compensation Act (FECA)). The fee must be approved by the OWCP before any demand for payment can be made by the representative.

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.

Under the FECA, the representative is required to submit for review any fees resulting from representing the claimant in filing for benefits. The program does not make payment, but it reviews the fee request to ensure that it is consistent with services provided, and with customary local charges for similar services. A representative is not prohibited from submitting a fee request before the claim is resolved, and then requesting approval of additional services rendered. Fee requests received have been used to approve attorney's fees, allowing the attorney to pursue payment of an appropriate amount from the claimant. If the claimant disagrees with the fee, DFEC evaluates the objection, and issues a formal decision to approve, modify, or deny the fee.

If the information were not collected, OWCP would be unable to properly evaluate applications for representatives' fees.

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 to adopt this means of collection. Also, describe any consideration of using information technology to reduce burden.

OWCP claims staff use a CA-143/CA-155, which is initiated by solely by OWCP (not the general public) after receipt of a signed letter from a claimant that he or she has legal representation for a claim. The purpose of the CA-143/CA-155 is to acknowledge receipt of a statement designating the attorney as the legal representative and to advise of the OWCP's procedures relative to representatives' fee applications.

The attorneys then submit fees via their own letterhead in response to our request. Burden has been minimized to the extent possible by allowing the information to be submitted in whatever format is convenient to the respondent.

Attorneys have the option to submit fee requests via mail. However, as a means to reduce attorney mailing costs, they also have the option to submit their fee requests electronically via the Employee Compensation Operations and Management Portal (ECOMP) which is internet based, and allows users the ability to submit documents electronically to a claim. There is no cost to the user. The web portal can be accessed at [ECOMP - U.S. Department of Labor \(dol.gov\)](https://ecomp.dol.gov).

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 A.2 above.

The information requested in this collection is unique to the particular claim in which it is provided, and is not available from any other source

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

To the extent that some law firms are incorporated and have a small number of attorneys practicing within the firm, the collection affects small businesses. Experience has proved that the amount of information requested is the minimal amount necessary to substantiate the representatives' claim. The respondents are not required to use any particular form and may submit their fee on their own letterhead.

6. 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.

The information is provided on as submitted basis. Representatives submit a fee approval request when they have complied with the applicable statute governing the program under which they are applying. If the information were collected less frequently, fees for services could not be claimed and the intent of the law and regulations, which is to pay representatives of eligible claimants, would not be met.

7. 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;**
- * **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;**
- * **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 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 special circumstances required in the collection of this information.

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. Specifically address comments received on cost and hour burden.

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 periods. There may be

circumstances that may preclude consultation in a specific situation. These circumstances should be explained.

A Federal Register notification inviting public comment was published on March 2, 2022 (87 FR 11737). Comments were not received.

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

No payments or gifts are provided to respondents.

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

The information collected by these forms is maintained in FECA claim files, which are fully protected under the Privacy Act. The applicable Privacy Act system of records is DOL/GOV-1. The Privacy Act Statement has been added to the various forms that are associated with this information collection. See [DOL/GOVT-1 | U.S. Department of Labor](#).

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.

There are no questions of a sensitive nature (as described in paragraph 11 above) on this form.

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 conduct special surveys to obtain information on which to base hour burden estimates. Consultation with a sample (fewer than 10) of potential respondents is desirable. If the hour burden on respondents is expected to vary widely because of differences in activity, size, or complexity, show the range of estimated hour burden, and explain the reasons for the variance. Generally, estimates should not include burden hours for customary and usual business practices.¹**
- **If this request for approval covers more than one form, provide separate hour burden estimates for each form.**

¹ The FECA retention period for claims is 15 years as noted in the FECA's record schedule, DAA-0271-2017-0003.

- **Provide estimates of annualized cost to respondents for the hour burdens for collections of information, identifying and using appropriate wage rate categories. The cost of contracting out or paying outside parties for information collection activities should not be included here. Instead, this cost should be included in Item 13.**

Estimated Annualized Respondent Cost and Hour Burden

Activity	No. of Respondents	No. of Responses per Respondent	Total Responses	Average Burden (Hours)	Total Burden (Hours)	Hourly Wage Rate	Monetized Value of Respondent Time
CA-143/155-FECA	4,035	1	4,035	.5	2,018 (rounded)	\$350.00	\$706,300

The number of respondents for FECA is noted as 4,035. This figure is based on information for the CY2019-2021. We have estimated the burden for FECA at approximately 30 minutes to assemble, prepare, and submit the required fee request information. Total burden for FECA is therefore estimated at 2,017.5 hours or 2,018 rounded.

(4,035 x .5/h = 2017.5 or 2,018 rounded).

The monetized value of burden costs for completion of attorney fee requests is calculated using an estimated hourly rate of \$350.00 for representatives who practice under the FECA. This hourly rate is based on reviews of fees approved under the FECA and is considered an average. The computation is therefore as follows: (\$350/h x 4,035 = \$706,300).

13. Provide an estimate 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 Items 12 and 14).

- **The cost estimate 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 service component. The estimates should take into account costs associated with generating, maintaining, and disclosing or providing the information. Include descriptions of methods used to estimate major cost factors including system and technology acquisition, expected useful life of capital equipment, the discount rate(s), and the time period over which costs will be incurred. Capital and start-up costs include, among other items, preparations for collecting information such as purchasing**

computers and software; monitoring, sampling, drilling and testing equipment; and record storage facilities.

- **If cost estimates are expected to vary widely, agencies should present ranges of cost burdens and explain the reasons for the variance. The cost of purchasing or contracting out information collection services should be a part of this cost burden estimate. In developing cost burden estimates, agencies may consult with a sample of respondents (fewer than 10), utilize the 60-day pre-OMB submission public comment process and use existing economic or regulatory impact analysis associated with the rulemaking containing the information collection, as appropriate.**
- **Generally, estimates should not include purchases of equipment or services, or portions thereof, made: (1) prior to October 1, 1995, (2) to achieve regulatory compliance with requirements not associated with the information collection, (3) for reasons other than to provide information or keep records for the government, or (4) as part of customary and usual business or private practices.**

This information collection does not require the use of systems or technology for generating, maintaining or disclosing the data above that which would already be kept as a customary business practice.

The mailing cost of \$1.22 (based on postage of \$.58 plus 3 cents envelope per response) x 2 (based on providing a copy to the FECA Program Office and a copy to the employee). Operation cost and amounts equates to \$4,923.00 ($\$1.22 \times 4,035 = \$4,922.70$ or \$4,923.00 rounded). However, 80% of the fee requests are submitted via ECOMP, which adjusts the total mailing costs to \$985.00

The total cost for mailed responses is \$985.00

\$4,923.00 minus 80% electronically submitted to FECA Program Office = \$985.00
($\$4,923.00 - \$3,938.40$ or \$3,938 rounded)

The total combined costs for FECA respondents are **\$985.00**.

14. Provide estimates of the annualized cost to the Federal Government. Also, provide a description of the method used to estimate cost, which should include quantification of hours, operational expenses (such as equipment, overhead, printing, and support staff), 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 into a single table.

Approximately 4,035 requests are reviewed on an annual basis. The request is reviewed by a Claims Examiner with an average grade of GS-12/Step 8, at an hourly rate of \$46.90. See

<https://www.opm.gov/policy-data-oversight/pay-leave/salaries-wages/salary-tables/pdf/2022/>

[RUS h.pdf](#)

Review of these fee requests averages about a 1/2 hour. In addition, a mailing cost of \$1.22 (based on postage of \$.58 plus 3 cents envelope per response) x 2 (copies to the respondent, claimant) is associated with each approved fee. The computations are as follows:

Review Cost: 4,035 x (.5) x \$46.90 h = \$94,621 (rounded)
 Mailing Cost: 4,035 x \$1.22 + \$ 4,922.70 or \$4,923 (rounded)

Total Federal Costs:

Description	Cost
Review Cost	\$94,621.00
Mailing Costs	\$4,923.00
Annual ECOMP Contract Pricing Hosting	\$8,143.00 ²
TOTAL	= \$107,687 (rounded)

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

The previously approved number of respondents has decreased from 7,697 to 4,035, which is a difference of 3,662. Consequently, burden hours have also decreased, which were previously noted as 3,849, now adjusted to 2,018, a difference of 1,831. We attribute the reduction as a result of the previously approved ICR which included data from the OWCP Longshore Program. However, in 2019, Longshore implemented a new form unique to their Program which has been OMB approved (Reference form LS-4, OMB 1240-0058). There are no planned major changes to this letter at this time.

16. For collections of information whose results will be published, outline plans for tabulations, 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 collected will not be published for statistical 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.

²The ECOMP cost is \$285,000.00 for FY 2019. There are 35 forms which require OMB approval which can be downloaded through ECOMP. These forms are CA-2a, CA-5, CA-5b, CA-7, CA-12, CA-15, CA-16, CA-17, CA-20, CA-40, CA-41, CA-42, CA-155, CA-278, CA-721, CA-722, CA-1027, CA-1031, CA-1032, CA-1074, CA-1087, CA-1090, CA-1108, CA-1122, CA-1143, CA-1305, CA-1331, CA-2231, OWCP-5a, OWCP-5b, OWCP-5c, OWCP-16, OWCP-17, OWCP-20, and OWCP-44. The ECOMP figure used was based on the average cost for each of those collections, or 1/35 of \$285,000.00, which is \$8,142.86, or \$8,143.00 rounded.

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OMB Expiration Date: July 31, 2022

There are no specific forms used to submit fee requests. The parties submit the fee requests on their own letterhead. The OMB number and expiration date appear on the FECA cover letter for the instructions.

18. Explain each exception to the certification statement.

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.