

**SUPPORTING STATEMENT FOR  
OVERPAYMENT RECOVERY QUESTIONNAIRE, OWCP-20**

**OMB CONTROL NO. 1240-0051**

This ICR seeks a three year extension of expiration date.

**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.**

This information collection is necessary to determine whether or not the recovery of any Black Lung, Energy Employees Occupational Illness Compensation Program Act (EEOICPA) or Federal Employees' Compensation (FECA) overpayment may be waived, compromised, terminated, or collected in full. Standards for Federal agency collection of government debts are regulated under the Federal Claims Collection Acts of 1966 and 1982 and the Debt Collection Improvement Act of 1996. In the Office of Workers' Compensation Programs, collection information pertaining to the collection of accounts receivable is authorized under the Black Lung Benefits Act (30 U.S.C. 901, et. Seq.) and its implementing regulations necessitate this information collection, 30 USC 923(b) and 20 CFR 725.544(c), the EEOICPA, 42 USC 7385j-2 and 20 CFR 30.510 – 30.520, and the Federal Employees' Compensation Act, 5 USC 8129 and 20 CFR 10.430 - 10.441.

**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.**

The information is used by OWCP examiners to ascertain the financial condition of the beneficiary to see if the overpayment or any part can be recovered; to identify the possible concealment or improper transfer of assets; and to identify and consider present and potential income and current assets for enforced collection proceedings. The questionnaire provides a means for the beneficiary to explain why he/she is without fault in an overpayment matter. If this information were not collected Black Lung, EEOICPA and FECA would have little basis to decide on collection proceedings.

**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.**

The OWCP-20 can be completed on-line, downloaded and printed for mailing to OWCP at the following DOL website

<http://www.dol.gov/owcp/dfec/regs/compliance/forms.htm>

The OWCP-20 is mailed to the overpaid person along with other correspondence at the time of the initial notification of the overpayment.

Alternatively, the Division of Federal Employees' Compensation (DFEC) has an electronic feature that is Internet based, and allows a user to submit non-medical and medical documents electronically to a claim. There is no cost to the user. See <https://www.ecomp.dol.gov/#>

Under the Black Lung Program, the OWCP-20 may be submitted online through the COAL Mine Portal at [https://eclaimant.dol.gov/portal/?program\\_name=BL](https://eclaimant.dol.gov/portal/?program_name=BL). Alternatively, the OWCP-20 may be submitted to the contract Central Mailroom.

**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.**

There are no similar or like requirements known within the agency. Each OWCP program solicits information from its own overpaid beneficiaries. This information is only collected for this specific purpose, and is not available otherwise. There is no duplication of information collection between Black Lung, EEOICPA and FECA.

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

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

**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 collection of this information only occurs when an overpayment is discovered. If the information were not collected, there would be no mechanism to verify the circumstance and the beneficiary's ability to repay the overpayment.

**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 applicable special circumstances for conducting this information collection.

**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 Notice inviting public comment was published on March 6, 2022 (87 FR 19978). No comments were received.

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

There are no payments or gifts made to respondents.

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

All information collected as a result of the use of this questionnaire is fully protected by the Privacy Act of 1974 and OMB Circular A-108.

FECA's System of Records Notice is DOL/Govt-1: <http://www.dol.gov/sol/privacy/dol-govt-1.htm>. Moreover, FECA case files are exempted from disclosure under the Freedom of Information Act (See U.S.D.C., D.C. Civil Action No. 78-1647, Plain Dealer Publishing Company, et. al. vs. U.S. Department of Labor).

Black Lung System of Records Notices are DOL/OWCP-2 [DOL/OWCP-2, Office of Workers' Compensation, Black Lung Benefits Claim File](https://www.dol.gov/sol/privacy/dol-owcp-2.htm) and DOL/OWCP-9, <https://www.dol.gov/sol/privacy/dol-owcp-9.htm> protects Black Lung recovery questionnaires.

EEOICPA System of Records Notice is DOL/OWCP-11 <https://www.dol.gov/sol/privacy/dol-owcp-11.htm> protects EEOICPA questionnaires.

**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.**

No questions of a sensitive nature concerning sexual preference, religion, etc. are requested. Questions concerning personal finances and benefits from other sources may be considered sensitive, but these are the very matters that permit a determination concerning waiver of the overpayments of compensation.

**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.<sup>1</sup>**

- **If this request for approval covers more than one form, provide separate hour burden estimates for each form.**
- **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.**

Information collection from the public is conducted by OWCP on an as-needed basis. The estimated public burden per year of the form is 2,078 hours. We estimate that it will take 1 hour to complete this form. Each respondent should only have to complete the form once, and we estimate 2,078 respondents per year.

#### **EEOICPA:**

Approximately 200 individuals will be requested to submit information using the form for EEOICPA. Filling out the form is estimated to take 1 hour per individual. Thus, the public burden for the EEOICPA will be 200 hours.

#### **FECA:**

Approximately 1,378 respondents per year will be requested to respond to the questionnaire. Filling out the questionnaire requires one hour. Each respondent will complete one questionnaire. Thus, the total public burden will be 1,378 hours.

#### **Black Lung:**

The estimated total time for a respondent to complete the form is one hour. The form will be completed once by 300 respondents in each year for a total public burden of 300 hours.

The information being requested is kept in the respondents' personal records, most likely at home, and its retrieval requires only minimal cost. The burden hour monetary cost to

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<sup>1</sup> Indicate the retention period for any recordkeeping requirements that pertain to the ICR.

respondents is calculated using the average rate of compensation for an individual in each of the three OWCP programs.

The cost burden for Black Lung beneficiaries is based on the minimum wage, \$7.25 per hour, times 1 hour for completion times 300 respondents, for a total cost of \$2,175.

Because the wage category of most of the FECA and EEOICPA respondents is not known, the FECA and EEOICPA Programs have estimated the cost of the burden hours using the National Average Weekly Wage for non-supervisory workers on private non-agriculture payrolls as computed by BLS (<http://www.bls.gov/news.release/empsit.htm>) for October 2021, or \$26.31 per hour.

**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
EEOICPA	200	1	200	1	200	\$26.31	\$5,262
FECA	1,378	1	1,378	1	1,378	\$26.31	\$36,255.18
Black Lung	300	1	300	1	300	\$7.25	\$2,175
TOTAL	1,878		1,878		1,878		\$43,692.18

**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, 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.**

The cost to respondents for operation and maintenance consists of the price of postage to return the request, or a total \$1,089.24 for 1,878 respondents at \$.58 cents each (postage and envelope.)

**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), 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 into a single table.**

Annualized Cost to the Federal Government (The FY 21 Salary Table for the RUS was used to determine the hourly wages.

[https://www.opm.gov/policy-data-oversight/pay-leave/salaries-wages/salary-tables/pdf/2021/RUS\\_h.pdf](https://www.opm.gov/policy-data-oversight/pay-leave/salaries-wages/salary-tables/pdf/2021/RUS_h.pdf)

**EEOICPA:**

1. GS-12/4; \$40.84/hour x 200 forms	\$8,168	
2. Mailing (\$.58 postage and envelope)	<u>\$116</u>	
		\$8,284

**FECA:**

1. GS-12/4; \$40.84 /hour x 1,378 forms	\$56,278	
2. Mailing (\$.58 postage and envelope)	<u>\$799</u>	
		\$57,076.52

**Black Lung:**

1. GS-12/4, \$40.84/hour x 500 forms	\$20,420	
2. Mailing (\$.58 postage and envelope)	<u>\$290</u>	
		\$20,710.00

Estimated mailing cost is \$2,178.48 (includes cost of envelope and stamp, and return stamped envelope, at .58 cents per stamped envelope) (.55 cents per stamp plus .03 cents per envelope.)  
(1.16 x 1,878) = \$2,178.48

\$8,284  
\$57,076.52  
\$20,710.00  
+\$2,178.48

**TOTAL COST TO GOVERNMENT = \$88,249**

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

The following have all decreased due to 200 less Black Lung respondents:

Respondents: 2,878 to 1,878

Responses: 2,878 to 1,878

Hours: 2,878 to 1,878

Costs: \$1,205 to \$1,089

**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.**

No plans exist to publish the data obtained by the use of this questionnaire.

**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.**

The expiration date will be displayed on the form.

**18. Explain each exception to the certification statement.**

There are no exceptions to the certification.

**B. COLLECTIONS OF INFORMATION EMPLOYING STATISTICAL METHODS.**



Overpayment Recovery Questionnaire, OWCP-20  
OMB Control Number: 1240-0051  
OMB Expiration Date: 07/31/2022

Statistical methods are not used in these collections of information.