

SUPPORTING STATEMENT  
OMB #2900-0862

**A.JUSTIFICATION:**

**1. Explain the circumstances that make the collection of information necessary. Identify legal or administrative requirements that necessitate the collection of information.**

The Department of Veterans Affairs (VA), through its Veterans Benefits Administration (VBA), administers an integrated program of benefits and services, established by law, for Veterans, service personnel, and their survivors. As a part of the implementation of the Appeals Modernization Act, VA created the new Higher-Level Review process, along with the appropriate form for requesting a Higher-Level Review; VA Form 20-0996, *Decision Review Request: Higher-Level Review*. Information is requested by this form to formalize a request for Higher-Level Review on a decision rendered by VA. Authority is found in P. L. 115-55, and 38 C.F.R. § 3.2601.

VA Form 21-0996 has been revised to include:

- Significant changes to the instructions section
- Added Claimant's Identification Information section
- Removed option allowing claimants to elect to have a Higher-Level Review conducted at the same office
- Separated Benefit Type into its own section
- Significant changes to the section for requesting informal conferences
- Separated opt-in from legacy system into its own section with clearer instructions
- Added examples to the specific issues section
- Separated signature sections for Veteran/Claimant from the authorized representative by creating new Authorized Representative Signature section
- Removed alternate signer certification section
- Non-substantial changes include changing "Part" to "Section; reduction in capitalization, italics, and underlining to simplify the form; and moving the Privacy Act and Respondent Burden from the instructions page to the end of the form
- Additional non-substantial changes made to include optical character recognition boxes, circular selection shapes, email and phone number formatting used across VBA forms, and date formatting
- The burden has been decreased from 30 to 15 minutes due to requesting a new control number for VA Form 20-0995.

Originally under this control number, we had two forms. At this time, we are separating these two forms into two control numbers and will request a new control number for VA Form 20-0995, *Decision Review Request: Supplemental Claim*. This control number will only control VA Form 20-0996, *Decision Review Request: Higher-Level Review*.

**2. Indicate how, by whom, and for what purposes the information is to be used; indicate actual use the agency has made of the information received from current collection.**

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VA Form 20-0996, *Decision Review Request: Higher-Level Review*, is used by a claimant and/or beneficiary to formally request a Higher-Level Review of an initial VA decision, in accordance with the Appeals Modernization Act.

The information collected is used by VA to identify the issues in dispute which the claimant seeks review of in the Higher-Level Review Lane. Additionally, the information collected is used to schedule a telephonic informal conference, when requested.

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 for adopting this means of collection. Also describe any consideration of using information technology to reduce burden.**

VA Form 20-0996 is available on the One-VA Website in a fillable electronic format. VBA is currently hosting this form on a secure server and does not currently have the technology in place to allow for the complete submission of the form. Validation edits are performed to assure data integrity. There currently is no utility process in place that will allow the data submitted on the form to be incorporated with an existing centralized legacy database.

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 2 above.**

Program reviews were conducted to identify potential areas of duplication; however, none were found to exist. There is no known Department or Agency which maintains the necessary information, nor is it available from other sources within our Department.

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

The collection of information does not involve small businesses or entities.

6. **Describe the consequences 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.**

VA Form 20-0996 is used by the claimant to request a Higher-Level Review of an initial decision made by VA. Without the information solicited by this form, VA would be unable to initiate the Higher-Level Review on behalf of the claimant or determine the issues for which the claimant seeks review.

The frequency of collection depends solely upon the desire of VA claimants to seek a Higher-Level Review of an initial VA decision. In that sense, VA does not control the frequency of collection.

7. **Explain any special circumstances that would cause an information collection to be conducted more often than quarterly or require respondents to prepare written**

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**responses to a collection of information in fewer than 30 days after receipt of it; submit more than an original and two copies of any document; 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 and require the use of a statistical data classification that has not been reviewed and approved by OMB.**

There is no special circumstance requiring collection in a manner inconsistent with 5 CFR 1320.6 guidelines.

- 8. If applicable, provide a copy and identify the date and page number of publication in the Federal Register of the sponsor's notice, required by 5 C.F.R. § 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 sponsor in responses to these comments. Specifically address comments received on cost and hour burden.**

The Department notice was published in the Federal Register on December 15, 2020, Volume 85, No. 241, pages 81287-81288. No comments were received in response to this notice.

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

No payments or gifts to respondents have been made under this collection of information.

- 10. Describe any assurance of privacy to the extent permitted by law provided to respondents and the basis for the assurance in statute, regulation, or agency policy.**

The records are maintained in the appropriate Privacy Act System of Records identified as "Compensation, Pension, Education, and Vocational Rehabilitation and Employment Records-VA (58VA21/22/28)," published at 74 FR 29275 on June 19, 2009, and last amended at 84 FR 4138 (February 14, 2019).

- 11. Provide additional justification for any questions of a sensitive nature (Information that, with a reasonable degree of medical certainty, is likely to have a serious adverse effect on an individual's mental or physical health if revealed to him or her), such as sexual behavior and attitudes, religious beliefs, and other matters that are commonly considered private; include 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.

- 12. Estimate of the hour burden of the collection of information:**

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- a. Number of Respondents is estimated at 85,500 per year.
- b. Frequency of Response is one time.
- c. Annual burden hours are 21,375 hours. (85,500 x 15/60)
- d. The estimated completion time for each form is 15 minutes.
- e. The respondent population for VA Form 20-0996 is composed of individuals who are requesting Higher-Level Review of a claim for which VA has issued a decision and notification. VA cannot make further assumptions about the population of respondents because of the variability of factors such as the educational background and wage potential of respondents. Therefore, VBA used general wage data to estimate the respondents' costs associated with completing the information collection.

The Bureau of Labor Statistics (BLS) gathers information on full-time wage and salary workers. According to the latest available BLS data, the mean hourly wage is \$25.72 based on the BLS wage code – “00-0000 All Occupations.” This information was taken from the following website: [https://www.bls.gov/oes/current/oes\\_nat.htm](https://www.bls.gov/oes/current/oes_nat.htm).

Legally, respondents may not pay a person or business for assistance in completing the information collection. Therefore, there are no expected overhead costs for completing the information collection. VBA estimates the total cost to all respondents to be \$2,199,060 (85,500 burden hours x \$25.72 per hour).

**13. Provide an estimate of the total annual cost burden to respondents or record-keepers resulting from the collection of information. (Do not include the cost of any hour burden shown in Items 12 and 14).**

This submission does not involve any recordkeeping costs.

**14. Provide estimates of annual cost to the Federal Government. Also, provide a description of the method used to estimate cost, which should include quantification of hours, operation 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 in a single table.**

Estimated Costs to the Federal Government:

Grade	Step	Burden Time	Fraction of Hour	Hourly Rate	Cost Per Response	Total Responses	Total
7	3	30	0.50	\$19.26	9.630	85,500	\$ 823,365.00
Overhead at 100% Salary							\$ 823,365.00
9	3	30	0.50	\$23.55	11.775	85,500	\$ 1,006,762.50
Overhead at 100% Salary							\$ 1,006,762.50

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11	3	15	0.25	\$28.50	7.125	85,500	\$ 609,187.50
Overhead at 100% Salary							\$ 609,187.50
Processing / Analyzing Costs							\$ 4,878,630.00
Printing and Production Cost							\$ 54,207.00
Total Cost to Government							\$ 4,932,837.00

Overhead costs are 100% of salary and are same as the wage listed above and the amounts are included in the total.

Printing and production costs approximates the cost of printing this information collection per year. (Processing/Analyzing Cost total divided by \$90).

Note: The hourly wage information above is based on the hourly 2021 General Schedule (Base) Pay ([https://www.opm.gov/policy-data-oversight/pay-leave/salaries-wages/salary-tables/pdf/2021/GS\\_h.pdf](https://www.opm.gov/policy-data-oversight/pay-leave/salaries-wages/salary-tables/pdf/2021/GS_h.pdf)). This rate does not include any locality adjustment as applicable.

The processing time estimates above are based on the actual amount of time employees of each grade level spend to process to completion a claim received on this form. The within-grade step (3) of each employee represents the average experience of employees within each grade.

**15. Explain the reason for any burden hour changes since the last submission.**

The burden has been decreased from 30 to 15 minutes due to requesting a new control number for VA Form 20-0995.

**16. For collections of information whose results will be published, outline plans for tabulation 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 collection is not for publication or tabulation use.

**17. If seeking approval to omit the expiration date for OMB approval of the information collection, explain the reasons that display would be inappropriate.**

We are not seeking approval to omit the expiration date for OMB approval.

**18. Explain each exception to the certification statement identified in Item 19, “Certification for Paperwork Reduction Act Submissions,” of OMB 83-I.**

This submission does not contain any exceptions to the certification statement.

**B. Collection of Information Employing Statistical Methods**

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No statistical methods are used in this data collection.