

SUPPORTING STATEMENT FOR BENEFIT APPEALS REPORT

OMBCONTROL NO. 1205-0172

This Information Collection Request (ICR) request an extension for Benefit Appeals Report.

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.

The ETA 5130, Benefit Appeals Report, contains information on the number of appeals and the resultant decisions classified by program, appeal level, cases filed and disposed of (workload flow), and decisions by level, appellant and issue. The data on this form are used to monitor the benefit appeals process in the state workforce agencies (SWAs). The authority to collect this information is covered under the Social Security Act 42 U.S.C. 503(a)(6).

Section A. Single Claimant and Multi-Claimant Appeals Case Decisions by Program and Other Dispositions. This is basic workload count by level of decision and program. These are the figures used to determine administrative funding. It also shows how many cases were disposed of other than by decision. Sudden fluctuations in this figure alert the Office of Unemployment Insurance (OUI) to possible administrative problems.

Section B. Claimants Involved in State Unemployment Insurance (UI) Appeals Cases by Status of Appeals. This shows the flow of the workload. By watching the relationship among "filed during," "disposed of during," the potential for a backlog problem can be identified in time to provide technical assistance. This is why monthly data are crucial. A quarterly report would not allow a pattern to be identified for at least two quarters. By then the backlog could require even more remedial action, take longer to undo and have more of a potential for lawsuits, which charge that appeals decisions are untimely. Two to three monthly reports would identify any change in performance.

Section C. State UI Appeals Decisions by Type of Appellant. This shows if there are high rates of reversals that could indicate problems in the way decisions are made at the lower level. This could mean higher workload levels and, therefore, higher administrative costs. This section also indicates which party is the appellant and would show patterns in the types of decisions made.

Section D. Number of Lower Authority State UI Appeals Decisions by Issue. This shows which issue was involved in the cases appealed. The data indicate patterns of decisions that can result in higher workload and therefore higher costs to the Federal government.

This collection is authorized under the Social Security Act, Section 303(a)(6).

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.

These data are used by both the Regional and National Office OUI staff to monitor state appeals processes and to develop plans for remedial action. The report is also needed for workload budgeting figures.

If this information were not available, problems that arise might not be discovered in a timely manner, leaving the only solutions available to be those efforts that are very time-consuming and costly. The inability to discover problems in a timely manner might also increase the chances of the state being open to lawsuits concerning due process and prompt payment of benefits.

Again, monthly data allow OUI to identify changes in performance early and to offer assistance, if necessary, before a problem gets out-of-hand.

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.

Most states have automated their appeals record keeping, data collection, and tracking processes. As with most UI reports, this report is part of an electronic reporting system through which states enter and transmit data to the National Office. States have the option of creating a file on their own computer system and uploading it to the UI system to eliminate manual data entry and the potential for errors.

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 is no similar information reported elsewhere.

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

There is no impact on small businesses or other 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.

Without this information, the National Office would have no way of monitoring the appeals process. If the data were collected less frequently, the National Office could not quickly step in to help a SWA as a problem develops. If this report were moved to a quarterly report, at least several quarters would elapse before the National Office would be aware of the development of a pattern of performance indicating a problem. Consequently, remedial action would be delayed, be less efficient, less effective, more expensive and both the state and possibly the Department would be more open to potential litigation.

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.**

Collection is inconsistent with 5 CFR 1320.5.

See item 6 for discussion of need for monthly collection. This information collection is otherwise consistent with the guidelines in 5 CFR 1320.5.

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.

In accordance with the Paperwork Reduction Act of 1995, the public was allowed 60 days to comment through the Federal Register Notice posted on February 9, 2023 (88 FR 8475). No public 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 to respondents.

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

There is no assurance of confidentiality.

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 in this report.

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.**
- **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 14.**

The information is collected from the same respondents under the same obligation. The primary difference between regular and Extended Benefits (EB) is when there is a period of EB, there may be additional disqualification provisions, and that information must still be collected on the ETA 5130 for adjudication activities related to that program.

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	Total Burden Cost
ETA 5130 REG	53	12	636	1	636	\$54	\$34,344
ETA 5130 EB	53	12	636	1	636	\$54	\$34,344
Unduplicated Totals	53		1,272		1,272	\$54	\$68,688

*Source: The hourly rate is computed by dividing the FY 2023 national average PS/PB annual salary for state staff as provided for through the distribution of state UI administrative grants (<https://www.dol.gov/agencies/eta/advisories/uipl-no18-22>) by the average number of hours worked in a year (1,711). For FY 2023, this calculation is: $\$91,210 / 1,711 = \54 .

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.**

All reports are collected and then electronically transmitted. There are no operational costs other than those associated with burden hours shown in item 12. Additional costs incurred by States choosing to create a file on their own computer system and uploading it to the UI system would not be considered an additional burden under the PRA, as those costs would be incurred only if the State chose not to use the submission system provided free of charge by ETA. ETA accounts for the effort to respond to the information collection under burden hours; consequently, in order to avoid a double counting of the burden the Department has determined that any additional effort would most appropriately be considered a usual or customary business practice that a respondent engages in for its own purposes. See 5 C.F.R. § 1320.3(b)(2).

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.

Although no staff is required to process this report, during 2023 ETA has budgeted \$1,141,509.22 to operate and maintain the Unemployment Insurance Required Reports system. Including the subject ICR, this reporting system supports 30 information collections. For administrative purposes, each information collection is assumed to contribute an equal share of the cost for supporting the entire system; therefore, the cost allocated to this ICR is estimated to be \$38,050.30 ($\$1,141,509.22$ system cost/30 information collections).

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

There are no program changes or adjustments.

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.

Data is not published.

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 for OMB approval is displayed.

18. Explain each exception to the certification statement.

There are no exceptions to the certification statement.

B. COLLECTIONS OF INFORMATION EMPLOYING STATISTICAL METHODS.

This collection of information does not employ statistical methods.