

ICR Number 1845-0065 – Discharge Application: Total and Permanent Disability  
 60D Comment Response Table

Comment #	Commenter Name	Comment	FSA Response	Change to ICR or Form
1.	National Consumer Law Center	<p><b>A.</b> To simplify the TPD application, the Department should consider creating separate application forms tailored to the three bases for obtaining a TPD discharge.</p>	<p>Creating three separate TPD discharge applications for each means by which a borrower may qualify for discharge would require significant operational changes and is therefore not something that can be considered at this time. However, in response to this comment we have proposed a reorganization of the form that we believe will help to address some of the concerns raised by the commenter.</p> <p>The reorganized form includes a new “Applying for Discharge” section (Section 5) with basic information about the discharge application process that is applicable to all individuals, regardless of how they intend to qualify for discharge. This section is followed by two additional new sections.</p> <p>New Section 6 describes the discharge eligibility requirements, discharge process, and eligibility requirements to receive new loans for individuals who qualify based on a VA disability determination. New Section 7 provides comparable information for individuals who qualify based on disability determination by the SSA or a medical professional’s certification. Each new section begins with a prominent statement explaining that the information in the section applies only to applicants in the specified category (VA determination or SSA determination/medical</p>	Yes (form)

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			<p>professional's certification).</p> <p>The current Definitions, Discharge Process/Eligibility Requirements/Terms and Conditions for Discharge, and Eligibility Requirements to Receive Future Loans or TEACH Grants sections have been eliminated, and all content from those sections has been incorporated in the new sections described above, or in the General Information section on the first page of the form. The creation of separate comprehensive sections for those who apply based on VA determinations vs. those who apply based on SSA determinations or a medical professional's certification reduces the need for applicants to look for information in multiple sections of the form.</p>	
2.	National Consumer Law Center	<p><b>B.</b> The Department should revise the medical professional certification form to remove questions regarding the disclosure of the borrower's medical diagnosis and disabling condition because disclosure of such information is not required under the TPD regulations.</p>	<p>We believe that requiring the medical professional who completes Section 4 to answer these questions helps to ensure that the professional provides a certification only for applicants who meet our TPD discharge eligibility criteria. Further, the TPD discharge regulations provide that as part of the Department's review of a TPD discharge application, the Department may require the applicant to undergo an additional review by an independent medical professional. Any determination as to whether an additional medical review is warranted may be based on part on the responses to the questions in Section 4. For these reasons, we have retained all of the current questions in Section 4.</p>	No
3.	National Consumer	<p><b>C.</b> The Department should revise the medical certification form to include instructions for medical</p>	<p>We have revised Section 4 to include the suggested</p>	Yes

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	Law Center	professionals and allow them to send the completed form directly to the TPD servicer via fax or other secured electronic delivery.	instructions.	(form)
4.	National Consumer Law Center	<b>D.</b> The Department should clarify that TPD applicants can engage in minimal employment activity and still qualify for a discharge.	We have added language to Section 4 clarifying for the medical professional that applicants for TPD discharge are not precluded from working in any capacity, but rather must be unable to perform work for pay or profit that involves doing <i>significant</i> physical or mental activities.	Yes (form)
5.	National Consumer Law Center	<b>E.</b> The Department should remove the “monitor your status” language from the TPD form to ensure that it is not interpreted to mean the Department will monitor the disability status of a borrower after a discharge is granted.	We have removed language that referred to monitoring the applicant’s “status.” The revised form states that during the post-discharge monitoring period we will check to see if the discharge recipient receives any new loans or TEACH Grants, without using the word “status.”	Yes (form)
6.	National Consumer Law Center	<b>F.</b> The TPD application form should conspicuously notify disabled borrowers that they may contact the TPD servicer prior to completing the form to promptly stop all collection activity.	We have added this information to new Section 5 (Applying for Discharge) under the heading “Telling Us That You Plan to Apply.”	Yes (form)
7.	National Consumer Law Center	<b>G.</b> The Department should enlist the assistance of plain language experts to ensure that the language of the TPD form meets applicable readability and accessibility standards.	We have made minor changes to wording throughout the form in an effort to explain the discharge eligibility requirements and discharge process as clearly and simply as possible. We have also slightly increased the font size. If there is certain language in the form that many applicants find particularly confusing or unclear, we would welcome specific suggestions for how that language could be improved.	Yes (form)
8.	National Association	First, regarding the Department’s DISCHARGE APPLICATION: TOTAL AND PERMANENT DISABILITY	We have slightly increased the font size, but believe it is important to strike a balance between using a larger	Yes

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	of Student Loan Lawyers	<p>OMB No. 185-0065 [attached as Exhibit 1], we believe the form is hard to use and is difficult for those with disabilities to use as: 1) the typeface is smaller than the previous form – making it hard to read for many users; 2) the spaces to fill in for Section 1: Applicant Information and Section 2: Total and Permanent Disability Information are <b>tiny</b> on a form to be used by people with a whole range of disabilities; and 3) Section4: Authorized Medical Professional Certification is also tiny. It seems ironic that a form for disabled users of many types has made itself hard to use for users with sight limitations, difficulty writing, or reading. Shouldn't a form for the disabled be easier to use over fitting into a certain amount of space or pages? And while the old form could be found as a fill-in-able pdf so people could type answers, this form is not yet available in a pdf-fill-in-able option. The online version at <a href="https://secure.disabilitydischarge.com/Static/ApplicationOnlinePreview.html">https://secure.disabilitydischarge.com/Static/ApplicationOnlinePreview.html</a> cannot be filled in either.</p>	<p>font and having a form that is excessively long (as would result from increasing the font size any further). In many cases, the applicant's information in Section 1 is pre-printed, so nothing needs to be filled in. The information that must be completed by the applicant in Section 2 is minimal, consisting of boxes that must be checked and signature/date lines.</p> <p>We recognize that the existing online version of the form is not a fillable PDF and does not meet Section 508 accessibility standards. A non-fillable and non-compliant version of the form was posted as a temporary measure in order to make the revised form available as quickly as possible. Making the form fillable and compliant would have delayed availability by several weeks. After the final version of the form has been approved by the Office of Management and Budget, a fillable PDF that is fully compliant with Section 508 accessibility standards will be created and posted.</p>	(form)
9.	National Association of Student Loan Lawyers	<p>Second, currently the link to the form off of <a href="http://www.disabilitydischarge.com">www.disabilitydischarge.com</a> takes a borrower to <a href="https://studentaid.gov/forms-library/">https://studentaid.gov/forms-library/</a> without instructions as to where to go next. Assuming a borrower figures out the TPD Application is buried under "Loan Forgiveness and Discharge." There it says "Note for users who fill out the PDF form: The Department of Education strives to make all content accessible to everyone. While we work to ensure this document meets the standards of Section 508 of the</p>	See the response to #8 above.	N/A

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		Rehabilitation Act of 1973, as amended, Federal Student Aid is working to create an accessible version. If you need access to this document before the accessible version is available, please contact the Information Technology Accessibility Program Help Desk at <a href="mailto:ITAPSupport@ed.gov">ITAPSupport@ed.gov</a> to help facilitate. This requires borrowers to email an unknown entity and wait for assistance. A borrower may Apply Online at <a href="https://secure.disabilitydischarge.com/registration">https://secure.disabilitydischarge.com/registration</a> through the “Application Wizard.”		
10.	National Association of Student Loan Lawyers	Applicants are told: “After you print your partially completed TPD discharge application, you’ll need to complete Section 3 of the application. Next, you’ll either attach your supporting documentation to your application or have a licensed medical professional complete Section 4 of your application.  Finally, you’ll mail your discharge application and, if required, your supporting documentation to us.” This will work for some more sophisticated users, but will not serve those without computers, or computer familiarity.	We understand this comment to be about applicants who are unable to download and print a PDF of the form. The language cited in the comment is from the website of the Department’s TPD servicer; it is part of the instructions for downloading and printing a PDF. Immediately below these instructions is a separate paragraph explaining that applicants can also ask the TPD servicer to mail them a paper copy of the form.	No
11.	National Association of Student Loan Lawyers	NASLL also requests that the form and disability Application more thoroughly define "certified psychologist at the independent practice level licensed to practice in the United States." For those NASLL members who have used this form with clients, we find the definition confusing to our clients and their psychologists. Whose certification matters? What is an “independent practice level”?	There is no regulatory definition of this term that can be added to the discharge application. However, in the preamble to the November 1, 2022 Final Rule that established the revised TPD discharge regulations (87 FR 66055) the Department stated the following regarding certified psychologists at the independent practice level:	No

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			<p>“Psychologists licensed at the independent practice level by a State are generally required to have Ph.D.s. They identify psychological, emotional, and behavioral issues and diagnose disorders. They provided evidence-based clinical services, including psychotherapy, evaluation and assessment, consultation, and training. Psychologists who provide health care services are primarily independent practitioners. The Department believes psychologists licensed at the independent practice level are well qualified to diagnose patients, and to make TPD determinations.”</p>	
12.	National Association of Student Loan Lawyers	NASLL also urges the Department to take steps to ensure that the availability of a TPD Discharge does not act as an excuse for the Department of Education and Department of Justice or the Bankruptcy Courts to decline to agree to a finding of undue hardship in bankruptcy.	This comment does not appear to be relevant to the Discharge Application: Total and Permanent Disability.	N/A
13.	National Association of Student Loan Lawyers	NASLL also urges the Department to take steps to effectuate the provisions of the STOP Act and ensure that its Servicers will comply with the directions from borrowers to correspond with their duly recognized attorneys.	This comment does not appear to be relevant to the Discharge Application: Total and Permanent Disability. We note, however, that there is a separate form (Applicant Representative Designation: Total and Permanent Disability) that can be used by TPD discharge applicants to designate a representative, and we are unaware of any issues with our TPD servicer not cooperating with an applicant’s designated representative.	N/A
14.	National Association of Student	In addition, we have reviewed the FR Doc #2023-14504 comment submitted by National Consumer Law Center. See Exhibit 2. In particular, we support their points B, D	See the responses to the comments from the National Consumer Law Center.	N/A

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