

**SUPPORTING STATEMENT FOR  
NOTICE OF RECURRENCE**

**OMB CONTROL NO. 1240-0009**

This ICR seeks to revise this information 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.**

The Office of Workers' Compensation Programs administers the Federal Employees' Compensation Act, (5 USC 8101, *et seq.*), which provides for continuation of pay or compensation for work related injuries or disease that result from Federal Employment. Regulation 20 CFR 10.104 designates form CA-2a as the form to be used to request information from claimants with previously accepted injuries who claim a recurrence of disability, and from their employer, if applicable. The form requests information relating to the specific circumstances leading up to the recurrence as well as information about their employment and earnings.

Reference: <https://www.dol.gov/agencies/owcp/FECA/regs/statutes/feca>

Reference: <https://www.ecfr.gov/current/title-20/chapter-I/subchapter-B/part-10>

**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.**

OWCP claims examiners use the information provided on the Form CA-2a to determine whether a claimant has suffered a recurrence of a previously accepted injury and, if so, the appropriate benefits payable for medical treatment and/or disability.

**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.**

A claimant may upload a completed form CA-2a (typed or printed) into an application known as the Employee Compensation Operations and Management Portal (ECOMP). This application eliminates mailing cost to the respondent and there is no cost to the general public.

Reference: <https://www.ecomp.dol.gov/#>

Alternatively, a claimant may access, download and complete the Form CA-2a (typed or printed) for mailing or faxing to OWCP.

Reference: <https://www.dol.gov/sites/dolgov/files/owcp/regs/compliance/ca-2a.pdf>

Reference: <https://www.dol.gov/agencies/owcp/FECA/regs/compliance/forms>

**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 on the Form CA-2a is not duplicative of any information available elsewhere. The claimant is the only source of this information.

While DFEC maintains a searchable database of prior FECA claims, prior claims that have been retired, are no longer active, or that have been destroyed are not retrievable by running a search on the claimant's name, date of birth and/or social security number (1, 2, 4 of the CA-2a). Additionally, some claimants may have multiple prior claims. Hence, a claimant must identify the prior claim to which they attribute a recurrence (item 3 of the CA-2a).

**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 an effect on small businesses.

**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.**

This form is only required one time for each recurrence that an individual claims. All of the information that the form requests is necessary for OWCP to determine what benefits are payable for a claimed recurrence. Without the requested information, an eligible beneficiary could be denied benefits, or benefits could be authorized at an incorrect rate, resulting in an underpayment or overpayment of compensation.

**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 for 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 Notice inviting comment was published on August 7, 2023 [88 FR 52214]. Public comments were received from the National Association of Letter Carriers (NALC) concerning the location on the form of OWCP's definition of a recurrence and proposed that the

definition be on page 1 of the form to add clarity of when the form should be filed. OWCP has considered their proposal. We are unable to move the definitions of a Recurrence to page 1 of the form because of the constraints of the form format. However, to address the NALC's concern about the inappropriate form used to file a claim, with this ICR submission, we have updated the first box of the CA-2a form on the first page to include a reference for the employee to refer to the OWCP definitions of a recurrence on page 4. OWCP has not consulted with the public for this specific ICR. We are in the process of reviewing all our ICR requirements and implementing procedures to comply with M-22-10. We anticipate this process to be implemented by FY2024.

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

No payment or gift is 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 this form is maintained in FECA claims files, which are fully protected under the Privacy Act, and Form CA-2a contains a Privacy Act statement detailing the uses of the information a respondent provides and when information might be disclosed to others. The applicable Privacy Act system of records is:

<http://www.dol.gov/sol/privacy/dol-govt-1.htm>.

**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 on the 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.<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.**

**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-2a	149	1	149	0.5	75	\$29.00	\$2,175.00

In the majority of cases, recurrences of disability are claimed while a claimant continues to be employed by the Federal Government. However, OWCP estimates that 5% of recurrence claims are completed by former federal employees which is addressed in Part A, item 10 of the CA-2a. For the three-year period 2019 to 2021, an average of 2,973 recurrence claims were filed with OWCP. Based on OWCP’s 5% estimate, an average of 149 claims each year is filed by a former federal employee ( $2,973 \times .05 = 148.65$  or 149 rounded).

**Burden Hours:** The CA-2a requires the claimant to provide the information on events leading to a recurrence of disability, medical condition, employment and earnings. Since the claimant should have the requested information readily available, it simply would be a matter of filling out the form. Past experience with this form indicates that it takes approximately 30 minutes (0.5 burden hour) for the completion of the form, including reading instructions and providing all requested information.

Burden hour estimates are calculated at 149 (number of respondents) x 0.5 (average burden hour) 74.5 or 75 rounded.

**Monetized Value of Respondent Time:** The burden hours (75) are multiplied by \$29.00<sup>2</sup>, which

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

<sup>2</sup> As the wage category of the respondents is unknown, the hourly wage rate is based on the National Average Weekly Wage for non-supervisory workers on private non-agriculture payrolls as computed by BLS as of August 2023).

calculates a monetized value of respondent time of \$2,171.00.

\$29.00 x 75 hrs. = \$2,175.00.

Reference: <https://www.bls.gov/web/empsit/ceseeb8a.htm>

**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.**

There are no start-up costs. Where the option to mail the form to OWCP is exercised, the only operation and maintenance cost is for postage and envelopes, which is based on \$0.69 (\$0.66 postage and \$0.03 envelope). During the period the year period 2019 to 2021, 61% (91) of the 149 claimants, mailed the form to OWCP. Thirty-nine percent (58 claimants) submitted the form via ECOMP, and there was no cost for using this option.

Total responses = 149 (91 mailed responses, 58 electronic responses)

Percentage -- mailed responses (61%) :  $91/149 \times 100 = 61.0738255033557$  or 61% rounded

Percentage -- electronic responses (39%):  $58/149 \times 100 = 38.9261744966443$  or 39% rounded

Respondent Cost using mail option for submission of the CA-2a

Total cost for mailed response = [ $\$0.66$  (postage) +  $\$0.03$  (envelopes)] x 91 (forms) =  $\$62.79$  or  $\$63.00$  rounded.

**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.**

An average of 149 forms are reviewed on an annual basis. The request is reviewed by a Claims Examiner with an average grade GS-12/Step 6, at an hourly rate of  $\$46.30$ . Review of this form averages approximately thirty minutes (.50) of an hour, which amounts to  $\$3,499.00$ .

Reference: [RUS\\_h.pdf \(opm.gov\)](#)

Where a claimant is unable to download the CA-2a and/or requests a form via written or telephonic means, OWCP will mail the CA-2a form to the claimant. OWCP, on average, mails out 8 forms a year and incurs a mailing cost of  $\$5.52$  or  $\$6.00$  rounded (based on postage of  $\$0.66$  plus  $\$0.03$  cents per envelope).

Review cost and mailing cost are computed as follows:

**Review Cost:**  $149 (.50) \times \$46.30 \text{ hr.} = \$3,449.35$  or  $\$3,449.00$  rounded  
**Mailing Cost:**  $8 \times \$0.69 = \$5.52$  or  $\$6.00$  rounded

Description	Cost (\$)
Review Cost	\$3449.00
Mailing Costs	\$ 6.00
Annual ECOMP Contract Pricing Hosting	\$8,143.00 <sup>3</sup>
<b>TOTAL</b>	<b>\$11,598.00</b>

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

<sup>3</sup>The ECOMP cost is  $\$285,000.00$  for FY 2021. 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.

The estimated number of annual respondents (149) is an increase of (16) from the previous request of (133). The estimate in burden hours (75) is an increase of (8) from the previously approved (67) due to an increase in respondents. There were revisions to the Privacy Act and Public Burden Statements and the removal of the Post Office Box address requirement in the instructions. These changes did not impact burden hours.

Based on a public comment as noted in item 8 a reference to the definitions of recurrence was added to Part A of the form. A change was also made to remove the sentence that “A Post Office Box (PO) Box or attorney/representative address does not suffice for this purpose” from the Instructions to the Employee as a physical address is not required. This change did not impact the burden hours.

**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 with this form will not be 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.**

No exception to display of the expiration date is sought.

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

There are no exceptions to certification.

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

This information collection does not employ statistical methods.