

SUPPORTING STATEMENT

**OVERPAYMENT RECOVERY QUESTIONNAIRE
(FORM OWCP-20)
OMB NO. 1240-0051**

This ICR seeks to extend 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 collections. Attach a copy of the appropriate section of each statute and of each 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.

See: <https://www.dol.gov/owcp/dfec/regs/statutes/feca.htm>

[eCFR: 20 CFR Part 10 -- Claims for Compensation Under the Federal Employees' Compensation Act, as Amended](#)

<https://www.ecfr.gov/current/title-20/chapter-VI/subchapter-B/part-725/subpart-H/subject-group-ECFR4c58c0e31eeac68/section-725.544>

<https://www.dol.gov/sites/dolgov/files/owcp/energy/regs/compliance/law/EEOICPAALL.pdf>

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

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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 for adopting 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://coalmine.dol.gov/>. Alternatively, the OWCP-20 may be submitted to the contract Central Mailroom.

Under EEOICPA, the OWCP-20, along with the initial notification, is mailed to the claimant. The claimant may submit the signed Form OWCP-20 and supporting documents back to DEEOIC in the mail or through the Energy Document Portal (EDP) https://eclaimant.dol.gov/portal/?program_name=EN.

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 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.

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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 circumstance 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 required in 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.

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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.

OWCP has been evaluating the Overpayment Recovery Questionnaire for years and has had sufficient experience to maximize its utility. OWCP has not received any complaints about the manner in which the form has been used. To comply with M-22-10, the individuals/organizations consulted about the information collection are listed in the table below. We have redacted their names and contact information.

Table 1: List of Internal and External Representatives

Contact	Organization	Email	Phone
Coby XXXX	NALC	XXX	XXX
Dan XXXX	ATTORNEY	XXX	XXX
Ed XXXX	APWU	XXX	XXX

We have received one comment from the APWU who stated that the form is lengthy and can be overwhelming to complete. However, the APWU did not provide any recommendations or specific changes.

DCMWC consulted with two internal and one external representative regarding this information collection request. DCMWC asked these contacts for feedback on burden estimates. None of the three representatives had any changes or comments on the estimated burden, so DCMWC is proceeding with the initial estimates published in the 60-day notice. The individuals/organizations consulted about the information collection are listed in the table below.

Table 1: List of Internal and External Representatives

Contact	Organization	Email	Phone
Tyler XXX	Acting Assistant Branch Chief, Branch of Fiscal Operations and Technical Support.	XXX	XXX
Edward	Black Lung Claimant	XXX	XXX
Jana XXX	Claims Policy Analyst, Branch of Policy Analysis and Program Standards	XXX	XXX

A Federal Register Notice (90 FR 21349) inviting public comment was published on May 19, 2025.

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A comment was received stating: “The proposed agency collection should be considered, but the questionnaire may not have the most practical effect for cost saving measures. The important piece of information is confirmation that an overpayment was made and to issue the appropriate amount to the individual upon conclusion of the findings. This process would essentially be like a tax refund credited to your bank account or mail a notice with the data/information available. OWCP has the available data to streamline this process for effectiveness.”

The collection does not confirm whether an overpayment exists. The questionnaire provides a means for the beneficiary to provide information about their income and current assets. 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.

9. Explain any decision to provide any payment or gift 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, regulations, 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](#) 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

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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.

- **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. General, 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.**

Estimated Annualized Respondent Cost and Hour Burden

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

Activity	No. of Respondents	No. of Responses per Respondent	Total Responses	Average Burden (Hours)	Total Burden (Hours)	Hourly Wage Rate	Monetized Value of Time
FECA	2,920	1	2,920	1	2,920	\$30.89	\$90,199.00
DCMWC	165	1	165	1	165	\$7.25	\$1,196.00
EEOICPA	150	1	150	1	150	\$30.89	\$4,634.00

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TOTAL	3,235		3,235		3,235		\$96,029.00
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FECA:

Approximately 2920 respondents per year will be requested to respond to the questionnaire. Filling out the questionnaire requires one hour. Each respondent will complete one questionnaire. This figure is based on information for CY2022-2024. Thus, the total public burden will be 2920 hours.

Because the wage category of most of the FECA respondents is not known, the FECA Program 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 (<https://www.bls.gov/news.release/empsit.t24.htm>) for February 2025, or \$30.89.

The computation is therefore as follows:

$\$30.89/h \times 2,920 h = \$90,198.80$ or $\$90,199.00$ rounded.

DCMWC:

The estimated total time for a respondent to complete the form is one hour. The form will be completed once by 165 respondents for a total public burden of 165 hours.

The cost burden for Black Lung beneficiaries is based on the average minimum wage, \$7.25 per hour, times 1 hour for completion, times 165 responses, for a total cost of \$1,196.25 rounded to \$1,196.00.

DEEOIC:

Approximately 150 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 150 hours.

Because the wage category of most of the EEOICPA respondents is not known, the EEOICPA Program has 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 (<https://www.bls.gov/news.release/empsit.t24.htm>) for February 2025, or \$30.89.

The computation is therefore as follows:

$\$30.89/h \times 150 = \4633.50 or $\$4,634.00$ rounded

13. Provide an estimate of the total annual cost burden or record keepers 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**

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and startup 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.**

FECA:

The mailing cost of \$0.78 (\$0.73 postage + \$0.05 envelope) covers the mailing of a copy to the FECA Program Office. Operation costs and amounts equates to \$2,277.60 ($\$0.78 \times 2,920 = \$2,277.60$ or \$2,278.00 rounded). However, some of the forms are submitted via ECOMP, which adjusts the total mailing costs.

$2,920 \text{ responses} \times \$0.78 = \$2,277.60$ or \$2,278.00

$\$2,278.00$ minus 80% electronically submitted to FECA Program Office ($\$1,822.00$) = \$456 rounded

The total combined costs for FECA respondents are \$456.00

DCMWC:

Respondents cost to mail each response is estimated at \$0.78 (\$0.73 stamp plus \$0.05 for the envelope). For 165 responses the mailing cost would be \$129.00 rounded ($165 \times \$0.78 = \128.70).

Of the 165 responses that will be sent to DCMWC, it is estimated that 50% will be submitted electronically through the COAL Mine Portal ($165 \times 50\% = 82.5$ rounded to 83). The estimated savings of the forms submitted through the COAL mine portal is \$64.74 ($83 \times \$0.78 = \64.74).

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The remaining 82 responses will be mailed to DCMWC with a respondent cost of \$63.96 ($82 \times \$0.78 = \63.96).

Therefore, the total respondent cost is \$64.00 ($\$128.70 - \$64.74 = \63.96 rounded up to \$64.00).

DEEOIC:

The mailing cost of \$1.66 ($\0.78 postage + $\$0.05$ envelope $\times 2 = \$1.66$) covers the mailing of a copy to the EEOICPA Program Office. Operation costs and amounts equate to \$249.00 ($\$1.66 \times 150 = \249).

TOTAL:

Total mailing costs to respondents for the operation and maintenance consisting of the price of postage to return the request for all three programs are **\$769.00** ($\$456.00 + \$64.00 + \249.00).

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.

Annualized cost to the Federal Government (The FY 25 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/2025/RUS_h.pdf

FECA

GS-12/8; \$52.37/hour x 2,920 forms	\$76,460.20
Mailing (\$1.52 postage and envelope)	\$4,438.40
ECOMP Contract Pricing Hosting	<u>\$8,143.00</u>
	\$89,041.60 or \$89,042.00 (rounded)

Black Lung:

GS-12/4; \$46.71/hour x 165 forms	\$7,707.15
Mailing (0.78 postage and envelope)	<u>\$128.70</u>
	\$7,835.85 or \$7,836.00 (rounded)

DEEOIC:

GS-12/8; \$52.37/hour x 150 forms	\$7,855.50
Mailing (\$0.83 postage and envelope)	<u>\$249.00</u>
	\$8,104.50 or \$8,105.00 (rounded)

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Estimated mailing cost is \$5,046.60 (includes cost of envelope and stamp and returned envelope at 0.78 cents per stamped envelope) (\$0.73 per stamp + \$0.05 per envelope): $(\$1.56 \times 3235) = \$5,046.60$.

FECA	\$89,042.00
Black Lung	\$7,836.00
DEEOIC	\$8,105.00
TOTAL COST TO THE FEDERAL GOVERNMENT	\$104,983

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

The number of respondents, responses and burden hours increased from 1,878 to 3,235 and costs have decreased to \$769 from \$1,089.00. We attribute this increase as a result of an increase in the number of FECA claimants opting to have an authorized representative on their claims and the decrease in cost to respondents to recalculating a larger estimate of forms being submitted electronically via ECOMP therefore not needing postage.

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 information, completion of report, publication dates, and other actions.

This information 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.

The expiration date will be displayed on the form.

18. Explain each exception to the certification statement identified in ROCIS.

There are no exceptions to the certification.

B. Collections of Information Employing Statistical Methods:

Statistical methods are not used in these collections of information.