

Supporting Statement - Part A
Information Regarding Apportionment of Beneficiary's Award
– Control #2900-0666

Summary of Changes from Previously Approved Collection

- The respondent burden has decreased due to being associated with final rule RIN#2900-AP67. The burden has decreased from 30 minutes to 15 minutes.
- Approximately two (2) pages of the information collection pertaining to income and net worth data has been removed; the final regulation eliminates the need to collect this data from a claimant/beneficiary.

1. Need for the Information Collection

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 dependents and/or beneficiaries. Information as requested by VA Form 21-0788, *Information Regarding Apportionment of Beneficiary's Award*, under the authority of 38 U.S.C. 5307, which states that a veteran's or beneficiary's compensation and pension benefits may be apportioned for his/her dependents. Regulatory authority is found in 38 C.F.R. 3.450-3.454 and 3.458-3.461.

Under the final rule RIN#2900-AP67, *Apportionment*, VA proposes to amend its regulations to limit the circumstances in which benefits will be apportioned and to stop apportioning certain benefits. Currently, in limited situations, VA may pay a portion of a VA beneficiary's monetary benefits directly to the beneficiary's dependents. This is referred to as an apportionment of benefits. Most claims of apportionment involve complex issues of family law, issues that are best suited to the expertise and authority of state courts. VA claims adjudicators have limited ability to analyze these complex and fact-intensive claims, to include both technical expertise as well as an ability to compel participation in necessary accounting measures. When VA awards apportionments, decisions rendered can disturb state court support awards, requiring a state court to expend additional resources to revisit a prior determination. Finally, due to their intricacy, a significant amount of information is needed to properly adjudicate apportionment claims. While this information is typically already available to state courts, VA must attempt to gather this information from the VA beneficiary and beneficiary's dependent, which is unavoidably a time-consuming process and often cannot result in a comprehensive evidentiary picture. The additional time and effort needed to gather this information increases VA workload and results in the potential for delays in all VA claims processes, including apportionment awards. Because VA apportionment awards often conflict with the awards of better-situated state family courts and because VA lacks the authority and expertise to make fully informed, accurate, and economically appropriate awards, VA is proposing to amend its regulations to discontinue making apportionment awards in most circumstances and to stop apportioning certain benefits.

2. Use of the Information

The respondent population for VA Form 21-0788 is composed of individuals who are requesting an apportionment of a beneficiary's award amount.

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3. Use of Information Technology

VA Form 21-0788 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. Non-Duplication

The information obtained through this collection is unique and is not already available for use or adaptation from another cleared source.

5. Burden on Small Businesses

This information collection does not impose a significant economic impact on a substantial number of small businesses or entities.

6. Less Frequent Collection

VA Form 21-0788, associated with the final rule RIN#2900-AP67, will be used to determine whether benefits may be apportioned and, if so, the amount. A veteran's benefits may be paid to their spouse and children if the veteran is incarcerated or is deemed incompetent and hospitalized at government expense. This form will be completed to obtain the information needed to determine whether benefits may be apportioned and the amount payable. Without this collection of information, VA would be unable to properly authorize apportionments of compensation and pension benefits.

7. Paperwork Reduction Act Guidelines

This collection of information does not require collection to be conducted in a manner inconsistent with the guidelines delineated in 5 CFR 1320.5(d)(2).

8. Consultation and Public Comments

Part A: PUBLIC NOTICE

A 60-Day Federal Register (FRN) for the proposed regulation was published on October 14, 2021, Volume 86, No. 196, pages 57084 to 57094.

One comment was received during the 60-Day comment period. It is included below, as well as our Agency's response to the comment.

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Comment: On December 6, 2021, a Mai-Linh Dean, no affiliate or organization, stated the following: It was almost 3 decades when my husband passed away, I am seeking all the benefits which I am entitled as surviving spouse, beneficiary,

VBA Response: As this comment is not relevant to the proposed revision; VBA will not make any changes to VA Form 21-0788. However, since the commenter is requesting information on benefit entitlement, our response would include information on how to contact the local regional office to request assistance on filing a claim.

A 30-Day Federal Register Notice for the proposed regulation published on Friday, January 9, 2026. The 30-Day FRN citation is 91 FRN 899.

Part B: CONSULTATION

No additional consultation apart from soliciting public comments through the Federal Register was conducted for this submission.

9. Gifts or Payment

No payments or gifts are being offered to respondents as an incentive to participate in the collection.

10. Confidentiality

The records are maintained in the appropriate Privacy Act System of Records identified as "Compensation, Pension, Education, and Veteran Readiness and Employment Records-VA (58VA21/22/28)," published at 74 FR 29275 on June 19, 2009, and last amended at 87 FR 8740 (February 16, 2022).

11. Sensitive Questions

No questions considered sensitive are being asked in this collection.

12. Respondent Burden and its Labor Costs

- a. The Number of Respondents is estimated at 328 per year.
- b. Frequency of Response is one time.
- c. Annual burden hours are 82 hours.
- d. The estimated completion time for this form is 15 minutes.
- e. VA cannot make further assumptions about the population of respondents because of the variability of factors such as the educational background and wage potential

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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 \$32.66 based on the BLS wage code – “00-0000 All Occupations.” This information was taken from the following website: <https://data.bls.gov/oes/#/industry/000000>.

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 \$2,678.12 (82 burden hours x \$32.66 per hour).

13. Respondent Costs Other Than Burden Hour Costs

There are no annualized costs to respondents other than the labor burden costs addressed in Section 12 of this document to complete this collection.

14. Costs to the Federal Government

Grade	Step	Burden Time	Fraction of Hour	Hourly Rate	Cost Per Response	Total Responses	Total
7	3	15	0.25	\$ 22.03	5.508	328	\$ 1,806.46
Overhead at 100% Salary							\$ 1,806.46
9	3	10	0.17	\$ 26.95	4.492	328	\$ 1,473.27
Overhead at 100% Salary							\$ 1,473.27
11	3	5	0.08	\$ 32.61	2.718	328	\$ 891.34
Overhead at 100% Salary							\$ 891.34
Processing / Analyzing Costs							\$ 8,342.13
Printing and Production Cost							\$ 92.69
Total Cost to Government							\$ 8,434.82

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

Printing and production costs approximate 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 2026 General Schedule (Base) Pay (https://www.opm.gov/policy-data-oversight/pay-leave/salaries-wages/salary-tables/pdf/2026/GS_h.pdf). This rate does not include any locality adjustment as applicable.

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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. Reason for Change in Burden

Due to the final rule, the estimated burden has decreased from 30 minutes to 15 minutes.

16. Publication of Results

The results of this information collection will not be published.

17. Non-Display of OMB Expiration Date

We are not seeking approval to omit the display of the expiration date of the OMB approval on the collection instrument.

18. Exceptions to “Certification for Paperwork Reduction Submissions”

We are not requesting any exemptions to the provisions stated in 5 CFR 1320.9.