

## **SUPPORTING STATEMENT FOR: OMB 2900-0605, VA Form 21a**

### **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.**

VA, through its Office of the General Counsel (OGC), accredits the recognized service organization representatives, claims agents, and attorneys who represent claimants in the preparation, presentation, and prosecution of claims for benefits under laws administered by VA. See 38 U.S.C. §§ 5901-5904. Through the recognition and accreditation process, the Secretary ensures that claimants for VA benefits have responsible, qualified and competent representation. See 38 U.S.C. §§ 5902 and 5904(a); 38 C.F.R. § 14.626. Representatives, agents, attorneys may not lawfully represent claimants without completing and maintaining accreditation requirements. See 38 C.F.R. §§ 14.629(a)-(b); 14.633(b).

**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.**

**VA Form 21a**, Application for Accreditation as a Claims Agent or Attorney, is used to obtain basic information necessary to determine whether an individual may be accredited as an agent or attorney for purposes of representation of claimants before VA. The information requested includes basic identifying information, as well as certain information concerning training and experience, military service, and employment. The information is used to evaluate qualifications, ensure against conflicts of interest, and to establish that statutory and regulatory eligibility requirements, e.g., good character and reputation, are met. 38 U.S.C. § 5904(a); 38 C.F.R. § 14.629(b)(1).

Once completed, VA Form 21a is forwarded by the applicant to VA and evaluated manually by an OGC employee to determine whether initial eligibility requirements are met. Applicants who meet these requirements are then notified that they are eligible to take the VA accreditation examination. VA also contacts character references listed on the form. Applicants are advised to contact their local VA Regional Counsel to make arrangements to take the examination. All completed examinations are forwarded by the Regional Counsel to OGC for grading. Applicants who pass the examination, whose character references are satisfactory, and who otherwise meet the good character and reputation requirement are issued a letter notifying them that they are authorized to represent claimants. Applicants who do not qualify for accreditation are informed of the reasons for the denial. Applicants who are denied accreditation because they did not achieve a passing score on the examination may retake the examination. Without this form, VA would have no standardized formal means of documenting applicant qualifications. The information collected under VA Form 21a will be expanded under the proposed rule to account for additional accreditation requirements imposed by Congress in Public Law No. 109-461.

**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.**

VA Form 21a is available on the VA website in a fillable electronic format. Respondents can fill in the blanks, print the form, and fax or mail the form to the VA agency of original jurisdiction or OGC as appropriate. VA is currently hosting this form on a secure server and does not currently have the technology in place to allow for the complete electronic submission of the form. Efforts within VA are underway to provide a mechanism to allow the electronic submission of certain benefit claims using signature technology. However, the accreditation program, which is separately administered by OGC, involves a comparatively small number of respondents making infrequent submissions. Accordingly, OGC may not be able to acquire electronic submission capability for VA Form 21a until VA has fully developed and implemented the technology.

**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 2 above.**

Procedures were reviewed to identify potential areas of duplication; however, none were found to exist. There is no known department or agency that maintains the necessary information, nor is it available from other sources within this Department.

**5. If the collection of information impacts small businesses or other small entities (Item 5 of OMB Form 83-I), describe any methods used to minimize burden**

The collection of information will not have a significant impact on a substantial number of small businesses or entities. The information collected from applicants is minimized inasmuch as the amount and frequency of information collected are the minimum required to accomplish the purposes of the forms.

**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.**

Absent the information provided on VA Form 21a, VA would have no way of determining whether applicants for accreditation as claims agents or attorneys meet the requirements of 38 U.S.C. § 5904(a) and 38 C.F.R. § 14.629(b).

**7. Explain any special circumstances that would cause an information collection to be conducted in a manner inconsistent with guidelines in 5 C.F.R. 1320.6.**

There are no special circumstances that require the collection to be conducted in a manner inconsistent with 5 C.F.R. § 1320.6 guidelines.

**8. a. 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**

The Department notice for comments was published in the Federal Register on May 7, 2007, Volume 72, Number 87.

**b. 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.**

VA is in frequent contact with the claims agents who currently use the VA Form 21a to apply for accreditation. To our knowledge, the current form has proven acceptable to applicants.

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

No payment has been authorized for respondents.

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

VA notifies respondents through a notice at the top of each form that information provided may be disclosed outside VA for certain routine uses, which have been published in the Federal Register. A summary of the pertinent routine uses is provided on each form under VA system of records 01VA0122.

**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.**

VA Form 21a includes questions designed to enable the Office of the General Counsel to determine whether the applicant is of good moral character and reputation, qualified to render claimants valuable service, and is otherwise competent to assist claimants in presenting claims before VA. See 38 U.S.C. § 5904. To that end, VA Form

21a collects information that may be considered sensitive and includes questions regarding an applicant's criminal history, health, and record of admission to practice before State or Federal agencies. These questions are similar in nature to those asked by other State or Federal licensing entities and are necessary to determine whether an applicant is capable of providing competent representation to claimants seeking VA benefits.

**12. Estimate of the hour burden of the collection of information.**

Number of responses = 137  
137 x 45 minutes divided by 60 = 102.75 total burden hours

The annual cost to the respondents is \$1,541.25 (102.75 x \$15)

**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).**

There are no anticipated capital and start-up cost components resulting from this collection of information.

**14. Provide estimates of annual cost to the Federal Government. Also, provide a description of the method used to estimate cost, which should include quantification of hours, operation expenses (such as equipment, overhead, printing, and support staff), and 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 in a single table.**

Total cost to the Federal Government is \$14,909.00.

137 new applications	x	\$22.91 (GS 7) x 40 minute/form	=	\$2,092
	x	\$51.69 (GS 15) x 80 minute/form	=	\$9,442
123.3 recertifications	x	\$22.91 (GS 7) x 15 minute/form	=	\$706
	x	\$51.69 (GS 15) x 25 minute/form	=	\$2,655
Printing Cost	x	250 x .05625	=	\$13

**15. Explain the reason for any burden hour changes since the last submission.**

The adjustment is a result of a program requirement reflecting expanded accreditation requirements for agents and attorneys mandated by Congress in Public Law No. 109-461.

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

There are no plans to publish the information collected on any of the forms.

**17. If seeking approval to omit the expiration date for OMB approval of the information collection, explain the reasons that display would be inappropriate.**

These forms do not display an expiration date, and if required to do so would result in unnecessary waste of existing stocks. VA is seeking an exemption that waives the display of the expiration date on the forms.

**18. Explain each exception to the certification statement identified in Item 19, "Certification for Paperwork Reduction Act Submissions," of OMB 83-I.**

There are no such exceptions.

**Collections of Information Employing Statistical Methods**

Not applicable as no statistical methods are employed.