

SUPPORTING STATEMENT FOR
EVIDENCE FOR TRANSFER OF ENTITLEMENT OF EDUCATION BENEFITS
(38 CFR 21.7080)
(2900–NEW)

A. Justification.

1. The Department of Veterans Affairs (VA) is authorized to pay MGIB (Montgomery GI Bill Benefits) educational assistance to authorized dependents of veterans or individuals still on active duty who meet the transfer of entitlement option in 38 U.S.C. 3020. Section 3020(a) states that each military service has the option to permit individuals who meet specific enlistment and military skill or specialty criteria to transfer a portion of their educational assistance to one or more of their dependents. VA's regulations that implement 38 U.S.C. 3020 are contained in 38 CFR 21.7080.)

The veteran or individual on active duty may designate in writing his or her spouse, one or more of his children, or a combination of the spouse and children to receive up to a maximum of 18 months of educational assistance entitlement. The veteran or individual on active duty will specify in writing the name of each dependent, the number of months of entitlement transferred to each dependent, and the period (beginning date or ending date) for which the transfer will be effective for each designated dependent.

The Department of Defense Form 2366-1 is used to record an individual's transfer of entitlement. VA regulations (38 CFR 21.7080) provide for the following information collections accomplished by this form:

- Submit an initial transfer of entitlement (38 CFR 21.7080(b))
- Specify the name of each dependent, the number of months of entitlement transferred to each dependent, and the period (beginning date or ending date) for which the transfer will be effective for each designated dependent (38 CFR 21.7080(e))
- Terminate a transfer of entitlement previously submitted (38 CFR 21.7080(g))
- Modify a transfer of entitlement previously submitted (38 CFR 21.7080(h))

VA will generally accept the DOD Form 2366-1 as the supporting evidence to show that the servicemember was approved by the military to transfer entitlement, to whom he or she wants to transfer entitlement and how many months he or she wants to transfer. However, as the law permits the person that transfers entitlement to subsequently modify or revoke that entitlement of transfer, there may be occasions when someone would choose to notify VA of this modification or revocation. If that person chooses to submit that information and chooses not to use DOD Form 2366-1 for that purpose, VA would accept that statement in writing that shows the pertinent information.

2. VA will use the information shown on DOD Form 2366-1 to determine whether the dependent qualifies to receive education benefits under the transfer of entitlement provision of law. Without this information, VA would not be able to determine the dependent's eligibility for the transfer of eligibility program. VA will also use the information shown on this form for modifications, and revocations after receiving an initial DOD Form 2366-1.
3. Information technology currently cannot be used to reduce the burden. VA collects information from DOD Form 2366-1 at the time the claimant applies for education benefits under the transfer of entitlement provision of law. This method of collecting the information is the most efficient and causes the least burden on the public.
4. VA is not aware of any duplication of this information collection.
5. This information collection only involves individuals (veterans, servicepersons and eligible dependents). There is no impact on educational institutions or small businesses.
6. If this information is not collected, eligible dependents may be not paid if entitled or may be paid if not entitled. To collect the information less frequently would prevent VA from making the payments specified by law.
7. The collection of this information does not require any special circumstances.
8. The notice was published in the Federal Register on July 30, 2007, volume 72, number 145, pages 41586 – 41587. No comments were received.

Consultations pertaining to this information collection have not been held outside VA.

9. VA does not provide any payment or gifts to respondents.
10. This information will be scanned and retained permanently in the claimant's electronic education folder. The paper documents will be destroyed one year following receipt of that paper document. Education records are destroyed periodically. If the claimant's electronic folder is destroyed, the document image on which the information is collected will also be destroyed. The confidentiality of the information entered on this form is required by our System of Records, Compensation, Pension, Education and Rehabilitation Records – VA (58VA21/22), that are contained in the Privacy Act Issuances, 2001 Compilation.
11. None of the information collected is considered to be of a sensitive nature.

12. The estimated annual burden for the collection of this information is 2 hours, submitted by 24 respondents. This figure represents the number of annual responses (24) multiplied by 5 minutes, the time required to gather the information and complete the form and divided by 60 equals 2 hours.

The cost to the public is \$30.00 based on 2 hours times \$15.

13. This submission does not involve any record keeping costs.

14. The estimated cost to the Federal government is \$135.38. VA calculated this amount as follows:

A GS 9, step 5 claims examiner (\$20.73 hourly) needs 15 minutes to process the information (24 responses x 15 minutes/60 = \$124.38). The cost of mailing the form is \$11.00 based on 24 responses at \$.44 each (41 cent stamp and 3 cents for envelope).

15. This is the initial submission for this information collection. When VA prepared the final rule (which was published in the Federal Register on December 18, 2006), transferability had been an option for several years. We had less than six persons who had submitted transferability claims. However, in early 2007, we learned that the Army has begun offering this program. Because of the Army beginning this option, we estimate that we could receive a total of 9 claims during FY 2007. We are therefore submitting this request for approval of this information collection as we estimate we could receive more than 10 claims during FY 2008.

16. VA will not publish this information or make it available for publication.

17. VA generally will use DOD Form 2366-1 as the collection instrument. The Department of Defense has to option to revise this form as necessary. VA would use any revised DOD Form 2366-1 submitted.

18. This information collection fully complies with all the requirements of 5 CFR 1320.8(b)(3).

B. Collection of Information Employing Statistical Methods.

This collection of information by the Veterans Benefits Administration does not employ statistical methods.