

OMB SUPPORTING STATEMENT

Court Orders Affecting Retirement Benefits

5 Code of Federal Regulations Sections 838.221, 838.421, and 838.721

A. Justification

1. Sections 8341(h), 8345(j), and 8467 of title 5, United States Code, require OPM to comply with provisions of State court orders awarding former spouses of Federal employees covered by the Civil Service Retirement System (CSRS) and the Federal Employees Retirement System (FERS) certain benefits under those retirement systems. The regulations describe how former spouses give OPM written notice of a court order and provide the additional information and documentation OPM needs to make payments to the former spouses. Sections 8341(h)(3)(A)(ii), 8345(j)(2), 8445(c)(1)(B), and 8467(b) of title 5, United States Code, authorize collection of this information.

The regulations require the former spouse (personally or through a representative) to apply in writing to be eligible for a court-awarded benefit. The letter must be accompanied by –

- (1) A certified copy of the court order;
 - (2) A certification from the former spouse or the former spouse's representative that the court order is currently in force and has not been amended, superseded, or set aside;
 - (3) Information sufficient for OPM to identify the employee or retiree, such as his or her full name, CSRS or FERS claim number, date of birth, and social security number.
 - (4) The current mailing address of the former spouse; and
 - (5) If the employee has not retired under CSRS or FERS or died, the mailing address of the employee.
2. OPM will use the information to determine individual eligibility for court-ordered benefits. Without the information, OPM would not be able to fulfill its statutory obligation to honor State court orders.
 3. Use of improved information technology to reduce the burden is not possible because former spouses must contact OPM individually and provide the information indicated above. These regulations are posted on the OPM website.
 4. There is no duplication because the respondents initiate the collection.
 5. Information is not collected from small businesses.
 6. The information collection is initiated by the former spouses. Less frequent collection would delay or deny benefits conferred by statute.
 7. This information collection is consistent with the guidelines in 5 CFR 1320.6.

8. A notice of proposed information collection was published in the *Federal Register* on March 4, 2008, giving persons outside the agency an opportunity to comment. No comments were received.
9. No payment or gift is provided to respondents, except any court-ordered benefits that are payable.
10. This information collection is protected by the Privacy Act of 1974 and OPM regulations (5 CFR 831.106). The routine uses for disclosure appear in the *Federal Register* for OPM/Central-1 (73 FR 15013, *et seq.*, March 20, 2008).
11. This information collection does not include questions of a sensitive nature, such as sexual behavior and attitudes, religious beliefs, and other matters that are commonly considered private.
12. There are estimated to be 19,000 respondents each year. We estimate that it takes 30 minutes to assemble the needed documents and information. The annual burden is 9,500 hours.
13. There is no cost to the respondent other than the variable cost of obtaining a copy of the order from the court and the postage.
14. Government expenditures are associated with the costs of running a benefits program mandated by statute. No expenses directly result from collecting this information.
15. There are no changes to the respondent burden.
16. The results of this information collection are not published.
17. Not applicable.
18. There are no exceptions to the certification statement.