

**SUPPORTING STATEMENT TO ELECT THE BEGINNING ELIGIBILITY DATE  
FOR DEPENDENT'S EDUCATIONAL ASSISTANCE (DEA)  
CHAPTER 35, VA Form Letter 22-909**

**A. Justification.**

1. Pursuant to 38 U.S.C. 3512(a) and 3512(b), the Department of Veteran's Affairs (VA) is required to provide eligible dependent children and in some cases a dependent spouse the opportunity to elect the begin date of their eligibility period under the Survivors' and Dependents Educational Assistance (DEA) program.
2. VA will use the information collected to determine when to begin their payment. It is mandatory VA notify the dependent child under 38 U.S.C. 3512(a) the opportunity to make an election. Under 38 U.S.C. 3512(b) it is not mandatory VA provide spouses the opportunity to make an election, but they may also elect a begin date.
3. Currently there is no means to collect the election electronically. The dependent is sent a letter of eligibility along with a notice to inform them to choose their begin date. While it is mandatory for VA to request an election date from certain dependents, it is not mandatory for the dependent to provide an election date; however, if the dependent chooses to elect a begin date, he/she will provide the date on the form (sent with eligibility letter) and return the form to VA. Dependents may also provide election information to a customer service representative at the Education Call Center by dialing toll-free 1-888-442-4551.
4. VA is not aware of any duplication of this information collection. The election is specific to the DEA benefit provided under 38 U.S.C. chapter 35 and only applies in certain cases. This collection is required to notify certain dependents they have the right to elect the begin date of their DEA eligibility period.
5. The information collection does not have a significant impact on a substantial number of small entities. Only specific individuals seeking DEA benefits will be requested to supply this information.
6. If this information is not collected, VA would be in violation of 38 U.S.C. 3512(a) which provides that certain eligible dependents must be given the opportunity to elect the begin date of their eligibility period. The statute also requires VA to notify eligible children of their right to elect the begin date. Under 38 U.S.C. 3512(b), eligible spouses are given the opportunity to make an election. An election is the only way for VA to obtain the dependent's choice of the begin date of his or her eligibility period.

7. The collection of this information does not require any special circumstances.
8. The public was informed of the right to submit comments on this information collection. The notice is contained on page 396201 of the Federal Register dated July 9, 2010. There were no comments received in response to this notice.
9. VA does not provide any payment or gift to respondents.
10. If the dependent responds, VA will file and retain a confidential scanned image of the election document in an electronic education folder to comply with the System of Records, Compensation, Pension, Education and Vocational Rehabilitation and Employment Records – VA (58VA21/22/28) which is contained in the Privacy Act Issuances, 2007 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 188 hours.

VA projects that for FY 2010-2012 an average of 753 individuals will apply for DEA benefits each year.

This figure represents the number of annual responses 753 multiplied by 15 minutes which is the time required by the dependent to determine his/her desired begin date for DEA benefits and to complete the request. We project that a respondent will only submit this information once during their benefit period. We based the estimate of 15 minutes on our experience. We did not conduct a special survey to determine this estimate.

The public cost of information collection activity is estimated to be \$2,820 (188 hours x \$15.00)

13. This submission does not involve any record keeping costs for the individual costs.
14. The annual cost to the government to administer these requests is estimated at \$3,572 based on 753 annual responses.

This cost is composed of the following:

- a. A processing cost of \$3,230 based on the salary of a claims examiner (GS-9 step 5 with an hourly salary of \$25.77) and a processing time of 10 minutes per response.

- b. Administrative and printing costs totaling \$342.
15. The public burden in hours has decreased due to the projected reduction of Chapter 35 trainees requested to supply this information.
16. VA does not publish this information or make it available for publication.
17. The collection instrument is produced by regional offices requesting the information. This request does not display an expiration date, and if required to do so, would result in unnecessary changes. As this request will be submitted to OMB for approval every three years, this date requirement would result in added costs to the agency and would delay VA action on the benefit being sought. VA seeks to minimize the cost to itself of collecting, processing, and using the information, by not displaying the expiration date. For these reasons, VA seeks an exception that waives displaying of the expiration date.
18. This information collection fully complies with 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.