

## **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.**

The Department of Veterans Affairs (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 may not lawfully represent claimants without completing and maintaining accreditation requirements. See 38 C.F.R. §§ 14.629(a) and 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.**

The following form and collections of information are used to determine eligibility for accreditation:

a. **VA Form 21**, Application for Accreditation as Service Organization Representative, is used to obtain basic information necessary to determine whether an individual may be accredited as a service organization representative 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 allow appropriate organization officials to certify the character and qualifications of applicants. See 38 U.S.C. § 5902; 38 C.F.R. § 14.629(a). VA Form 21 is designed to ensure that regulatory standards for accreditation have been met so that VA claimants have a pool of qualified claims representatives to assist them in the preparation, presentation, and prosecution of their claims.

To recommend an individual for accreditation or periodically recertify the individual's qualifications to remain accredited, the veterans' service organization's certifying officer files the form with OGC where the form is evaluated manually by an OGC employee to determine whether the individual meets qualification standards for accreditation and whether the individual should be cautioned about potential conflicts of interest. Applicants meeting the regulatory standards are issued an identification card allowing them access to VA files of claimants who have designated the service organization with which they are affiliated as a claims representative and are issued a letter setting forth their responsibilities. Those denied accreditation, and their organizations, are informed of the reasons for their denial. Without this form, VA would have no standardized formal means of documenting applicant qualifications and recertification. The revised VA Form 21 requires the same information as prior versions of the forms, the two minor differences

being the addition of a space for the service organization's certifying officer to indicate "recertification" of the individual representative, and the fact that the representative's signature is not required for recertification.

b. **Accreditation Cancellation Information**, the collection of information associated with 38 C.F.R. § 14.633(a) is not linked to a specific VA form. Under the regulation, organizations requesting cancellation of a representative's accreditation based on misconduct or incompetence or resignation to avoid cancellation of accreditation based upon misconduct or incompetence is required to inform VA of the specific reason for the cancellation request. An OGC employee records the information and takes the appropriate action according to 38 C.F.R. § 14.633. The information is particularly useful in situations of cross-accreditation where an individual is accredited based on their status as an accredited and functioning representative of another organization. This information ensures VA has the ability to cancel the individual's accreditation not only through the organization in which the misconduct or malfeasance occurred, but in every organization through which the individual is accredited. If the representative was not accredited through other service organizations, the information gathered is filed and used to prevent VA from later accrediting the same individual through other organizations. Without this collection of information, VA would have no way to record and document incidents of misconduct or incompetence among the current pool of over 11,500 accreditations through recognized service organizations.

**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 21 (after approval) 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 OGC. 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's Veterans Benefits Administration (VBA) are underway to provide a mechanism to allow the electronic submission of 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 21 until VBA 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.**

a. Absent the information provided on VA Form 21, VA would have no way of determining whether applicants for accreditation as service organization representatives meet the requirements of 38 U.S.C. § 5902 and 38 C.F.R. § 14.629(a).

b. Absent the collection of accreditation cancellation information under 38 C.F.R. § 14.633(a), VA would have no way of determining whether service organization representatives should be barred from further practice before the Department for misconduct or lack of competence.

**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**

Notice of a proposed information collection for public comments was published in the Federal Register on April 23, 2012 on page 24269. VA received two comments regarding the information collection during the sixty-day comment period. One commenter stated that the form "is very straight forward and easy to understand" and that "the time burden is accurate." We are thankful for the comment. Another commenter stated that the VA form was not clear as to whether it concerned a certification of an individual or recognition of a veterans service organization. We note that the form is properly titled "Application for Accreditation as Service Organization Representative," which refers specifically to an individual, as opposed to referring to the recognition of a veterans service organization. Section 14.627(n) of title 38, Code of Federal Regulations, defines "[r]epresentative" as "a person who has been recommended by a recognized organization and accredited by VA." Section 14.627(a) also defines "[a]ccreditation as "the authority granted by VA to

representatives, agents, and attorneys to assist claimants” and defines “[r]ecognition” as “certification by VA of organizations to assist claimants.” The form itself also requires the applicant to list his or her relationship to the organization on behalf of which he or she will provide representation. The commenter also noted that the form does not include “a place to list qualifications” of the service organization representative. Box 6 of the form, titled “Method of Qualification,” requires the applicant to indicate whether he or she is qualified to provide representation based on either “complet[ion of] appropriate training” or “experience representing claimants.” We do not require more detailed information regarding an individual’s qualifications on the application but rely on the service organization to certify that the applicant is of good character and reputation and has demonstrated an ability to represent claimants before VA.

**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.**

The General Counsel is in frequent contact with representatives of the various veterans’ service organizations, and, to our knowledge, the current and revised forms are acceptable to all parties concerned.

**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.**

There are no questions of a sensitive nature.

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

The total burden hours are estimated at 1003 hours

VA Form 21 number of responses = 4,760

2400 new applicants x 15 minutes divided by 60 = 600 burden hours

2360 recertification x 10 minutes divided by 60 = 393 burden hours

Accreditation Cancellation Information responses = 20

20 x 30 minutes divided by 60 = 10 burden hours

**Provide estimates of annual cost to respondents for the hour burdens for collections of information.** The annual cost to the respondents is \$15,050 (1003 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).**

- a. There is no capital, start-up, operation or maintenance costs.
- b. Cost estimates are not expected to vary widely. The only cost is that for the time of the respondent.
- c. There are no anticipated capital start-up cost components or requests to provide 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.**

The total cost to the Federal Government is \$30,831.76.

(a) Cost for VA Form 21.

2400 new applications	x	\$22.92 (GS 7) x 10 minute/form	=	\$9,168
	x	\$59.30 (GS 15) x 5 minute/form	=	\$11,860
2360 recertification	x	\$22.92 (GS 7) x 10 minute/form	=	\$9,015.20
20 recertification (Most will not require Attorney review)	x	\$59.30 (GS 15) x 5 minute/form	=	\$98.83
Printing Cost	x	4760 x .05625	=	\$268
Total Cost Form 21			=	\$30,410.03

(b) Cost for 38 C.F.R. § 14.633.

20 misconduct cases	x	\$22.92 (GS 7) x 10 minute/case	=	\$76.40
	x	\$59.30 (GS 15) x 20 minute/case	=	\$395.33
Total Cost § 14.633			=	\$471.73

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

There is no change in burden.

**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.