

Supporting Statement for VA Form 40-1330, Claim for Standard Headstone or Marker for Installation in a Private or State Veterans' Cemetery and VA Form 40-1330M, Claim for Government Medallion for Installation in a Private Cemetery

A. JUSTIFICATION:

1. VA Form 40-1330 is used by the public to apply for Government-provided headstones or markers for unmarked graves of eligible veterans in accordance with 38 USC 2306. It is the source of information used to evaluate the applicant's claim for the benefit. The information is requested under 38 CFR 1.632 and represents the minimum requirement by VA to properly determine the veteran's eligibility for, and entitlement to, this benefit.

VA Form 40-1330M is used by the public to apply for Government-provided medallions to be affixed to privately purchased headstones or markers of veterans that died on or after November 1, 1990. It is the source of information used to evaluate the applicant's claim for the benefit. The information is requested under 38 CFR 38.632 and represents the minimum requirement by VA to properly determine the veteran's eligibility for, and entitlement to, this benefit.

The Dignified Burial and Other Veterans' Benefits Improvement Act of 2012, enacted on January 10, 2013 amends Title 38 U.S.C. section 2411, to prohibit VA from providing interment or memorialization benefits to Tier III sex-offenders who were sentenced to a minimum of life imprisonment and whose conviction is final. Title 38 U.S.C Section 2411 also prohibits VA from providing interment or memorialization benefits to individuals who committed a State of Federal Capital Crime.

In order for VA to appropriately administer the requirements of this law, we have revised the two forms to require the applicant to certify that "to the best of your knowledge, that the decedent has never committed a Capital Crime or was never convicted of a sexual offense for which he or she was sentenced to a minimum of life imprisonment. By using and signing these forms, it will ensure that the request complies with the requirements of the new law.

2. Currently, information on the forms is transcribed by a case manager to an ADP database and processed through a specially designed Automated Monument Application System by our Caseworkers. The application is evaluated for accuracy and validity, and a case master record is established. The application will result in the provision of a headstone or marker or medallion, or be cancelled.
3. The forms will be available via the VA website; however, it is not feasible to submit them electronically at this time. NCA is working on a solution to accept headstone, marker and medallion applications electronically in the future.
4. No duplication is involved. The information is not available from an alternate source.
5. The collection of information does not affect small businesses or other small entities.
6. Since this information is on a "one time" basis it is not possible to reduce the frequency of this request.

7. There are no special circumstances that require the collection to be conducted in a manner inconsistent with the guidelines in 5 CFR 1320.6.
8. Collection of data is consistent with guidelines in 5 CFR 1320.8(d). The only public contact made is with the next of kin, or person making final arrangements. Other public contact is unnecessary. Data collected is done solely by NCA to ensure that eligibility requirements are met. The Department notice was published in the Federal register on June 07, 2013. No comments were received in response to this notice.
9. There are no payments made or gifts given to respondents.
10. The information collection conforms to the Privacy Act of 1974 and is subject to the conditions of disclosure contained therein. The records are maintained in the system identified as 48VA40B, Veterans (Deceased) Headstone or Marker Records – VA, as published on August 26, 1975, as Federal Register citation 40FR38095.
11. The Dignified Burial and Other Veterans' Benefits Improvement Act of 2012, enacted on January 10, 2013 amends Title 38 U.S.C. section 2411, to prohibit VA from providing interment or memorialization benefits to Tier III sex-offenders who were sentenced to a minimum of life imprisonment and whose conviction is final. Title 38 U.S.C Section 2411 also prohibits VA from providing interment or memorialization benefits to individuals who committed a State of Federal Capital Crime.

As a result of this law, we are now required to ask the applicant to certify that "to the best of your knowledge, that the decedent has never committed a serious crime, such as murder or other offense that could have resulted in imprisonment for life, has never been convicted of a serious crime, and has never been convicted of a sexual offense for which he or she was sentenced to a minimum of life imprisonment. This is considered a question of sensitive nature.

12. Approximately $347,103 + 7,470 = 354,573$ respondents requested headstones, markers or medallions for an annual burden of 88,643 hours. Routine requests for headstone, marker or medallion average 15 minutes each unless there are complications. Estimating \$24.00 per hour for the time the respondents use to complete both VA Forms 40-1330 and 40-1330, the estimated cost to the respondent is \$2,038,789. ($88,643 \text{ HOURS} \times \$24.00 = \$2,127,432$)

13. There are no capital or start-up costs. There are no operational or maintenance costs and no cost associated with the purchase of service or equipment.
14. The estimated annual cost to collect and review information on the VA Form 40-1330 is \$ 403,300

Methodology used to determine cost:

A. Workload and Employee cost ratio

1. Number of MPS Case Managers performing this function = 28
2. Total annual salary of 28 Case Managers = \$1,265,014
3. Percent of work day spent reviewing form = 87%
4. Adjusted salary based on 87% = \$1,100,562

5. Number of VA Forms 40-1330 received annually = 190,000

B. Contract Support Functions (Tessada, mailroom receipt & scanning processes)

1. Total annual contract cost \$395,000
2. Number of VA Form 40-1330 received by mail (40% by mail, 60% by toll free fax) = 76,000
3. Other mail processed by Tessada = 65,000
4. Percent of VA Form 40-1330 processed by contractor = 54%
5. Total annual contract cost = \$ 213,300

B. Total = \$403,300

15. No program changes reported in Items 13 or 14.

16. The results of the information collection are not for publication or used as a statistical report.

17. The date currently shown on the VA 40-1330 & 40-1330M is the date each form was last updated. We make minor edits to the forms on an occasional basis. This question does not apply to these forms as we are not seeking approval to not display an expiration date.

B. COLLECTIONS OF INFORMATION EMPLOYING STATISTICAL METHODS

Statistical methods will not be employed.