

Supporting Statement for:

(2900-0747)

VA Form 21-526EZ	Application for Disability Compensation and Related Compensation Benefits
VA Form 21-527EZ	Application for Pension

A. Justification

1. The Department of Veterans Affairs (VA), through its Veterans Benefits Administration (VBA), administers an integrated program of benefits and services, established by law, for veterans, service personnel, and their dependents and/or beneficiaries. Public Law 110-389, Section 221 (a) required that VBA carry out the pilot study “Expedited Treatment of Fully Developed Claims” for a period of one-year. Based on data collected from the pilot, VBA has created a modified version program and expanded it to all 57 regional offices under the title “Fully Developed Claim Program.”

VA proposes to remove VA Form 21-534EZ, *Application for DIC, Death Pension, and/or Accrued Benefits*, information collection (IC) from control number 2900-0747 and have it assigned to OMB control number 2900-0004, since it has been transferred to Pension & Fiduciary Service (21P). VA will retain all other ICs under OMB control number 2900-0747 until pending substantive revisions are complete. At which time, VA will request separate OMB control numbers for each IC.

This change is necessary to provide VA with the flexibility to modify each form on an individual basis instead of limiting the changes to the original control number. VA needs the maximum flexibility because the content of the form is influenced by a multitude of unpredictable forces outside its control. As such, VA needs to maximize its ability to modify the forms consistent with the form contents’ dynamic environment.

2. VA Form 21-526EZ, *Application for Disability Compensation and Related Compensation Benefits* and VA Form 21-527EZ, *Application for Pension*, are the prescribed forms for disability compensation and pension claims, respectively, claimed under the FDC Program. These forms are required as part of the FDC Program Transformation Initiative.
3. VA Forms 21-526EZ and 21-527EZ are available on the One-VA Website in a fillable electronic format. VBA is currently hosting this form on a secure server and does not currently have the technology in place to allow for the complete submission of the form. Validation edits are performed to assure data integrity. Efforts within VA are underway to provide a mechanism to allow the information to be submitted electronically with a recognized signature technology. There currently is no utility process in place that will allow the data submitted on the form to be incorporated with an existing centralized legacy database.

4. Program reviews were conducted to identify potential areas of duplication; however, none were found to exist. There is no known Department or Agency which maintains the necessary information, nor is it available from other sources within our Department.
5. The collection of information does not involve small businesses or entities.
6. This form was redesigned into a “user friendly” form, incorporating plain English, to comply with the President’s Memorandum of June 1, 1998, Plain Language in Government Writing.
7. There is no special circumstance requiring collection in a manner inconsistent with 5 CFR 1320.6 guidelines.
8. The Department notice was published in the Federal Register on (insert date), (Volume XX, No. X), (page/pages). (No or number) comments were received in response to this notice.
9. No payments or gifts to respondents have been made under this collection of information.
10. The records are maintained in the appropriate Privacy Act System of Records identified as “Compensation, Pension, Education, and Vocational Rehabilitation and Employment Records-VA (58VA21/22/28),” published at 74 FR 29275 (June 19, 2009).
11. There are no questions of a sensitive nature.
12. Estimate of Information Collection Burden.
 - a. Number of yearly respondents totals = 69,626 per year:
 - i. 34,813 for VA Form 21-526EZ,
 - ii. 34,813 for VA Form 21-527EZ.
 - b. Frequency of Response is one time.
 - c. Annual burden total = 29,010:
 - i. 14,505 for VA Form 21-526EZ,
 - ii. 14,505 for VA Form 21-527EZ.
 - d. The estimated completion time is:
 - i. 25 minutes for VA Form 21-526EZ.
 - ii. 25 minutes for VA Form 21-527EZ.
 - e. According to the U.S. Bureau of Labor Statistics Average Hourly Earnings, the cost to the respondent is \$24, making the total cost to the respondents an estimated \$696,240 (29,010 burden hours x \$24 per hour).

13. This submission does not involve any recordkeeping costs.

14. Estimated Costs to the Federal Government:

a. Processing/Analyzing costs \$2,334,208

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- (GS-11/5@ \$33.92 x 34,813 x 25/60 minutes = \$492,023)
- (GS-9/5 @ \$28.04 x 34,813 x 25/60 minutes = \$406,731)
- (GS-5/5 @ \$18.50 x 34,813 x 25/60 minutes = \$268,350)

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b. Printing and production cost \$5,490

c. Total cost to government \$2,339,698

15. Supplemental Statement regarding non-substantive changes made to VA Form 21-527EZ.

On June 26, 2013, the Supreme Court held, in *United States v. Windsor*, that section 3 of the Defense of Marriage Act (DOMA) violates the Fifth Amendment by discriminating against same-sex couples who are lawfully married under state law.

VBA administers benefits and programs that depend on the definition of the terms “spouse” and “surviving spouse.” For purposes of VA benefits, 38 U.S.C. § 101(3) and § 101(31) define “surviving spouse” and “spouse” as persons “of the opposite sex.” These definitions (codified separately from DOMA) were not specifically addressed in the Supreme Court’s decision. On September 4, 2013, the United States Attorney General announced that the President had directed the Executive Branch to cease enforcement of 38 U.S.C. §§ 101(3) and 101(31), to the extent they preclude provision of Veterans’ benefits to same-sex married couples. Accordingly, VA will no longer enforce the above-mentioned statutory provisions or VBA’s implementing regulation (38 C.F.R. § 3.50), to the extent that they preclude provision of Veterans’ benefits to same-sex married couples. This announcement allows VA to administer spousal and survivors’ benefits to same-sex married couples, provided their marriages meet the requirements of 38 U.S.C. § 103(c).

Therefore, VA is revising VA Form 21-527EZ, to add the following statute language approved by the White House and Department of Justice, in the instructions section of the form:

IMPORTANT: If you are certifying that you are married for the purpose of VA benefits, your marriage must be recognized by the place where you and/or your spouse resided at the time of marriage, or where you and/or your spouse resided

when you filed your claim (or a later date when you became eligible for benefits) (38 U.S.C. § 103(c)). Additional guidance on when VA recognizes marriages is available at <http://www.va.gov/opa/marriage/>.

We are not seeking approval to omit the expiration date for OMB approval.

The expiration date place holder has been added to the forms.

16. The information collection is not for publication or tabulation use.

17. We are not seeking approval to omit the expiration date for OMB approval.

18. This submission does not contain any exceptions to the certification statement.

B. Collection of Information Employing Statistical Methods

The collection of information does not employ statistical methods.