

SUPPORTING STATEMENT A
Verification of Eligibility for Burial in a National Cemetery
OMB Control Number: 2900-0232
VA Form 40-4962

Summary of Changes from Previously Approved Collection

- Revisions to the instrument, VA Form 40-4962: 1) added a category of “Other” in Section II to identify the decedents’ eligibility category and 2) in Section VII, the form was revised to allow verification of eligibility requirements and indicate the type of evidence of qualifying service submitted for verification.
- Change in burden: NCA has updated the total number of respondents who provide information under all sections of the instrument based on the average of the past two years. NCA would like to clarify that this does not change the estimated time required to provide the information requested from respondents, nor does it change the estimated workload for federal employees.
- Public Comments: VA received six comments from the public in response to the proposed rule, all supportive; and no changes were made to the rule or the info collection based on the comments.

1. Need for the Information Collection.

Eligibility for burial in a VA national cemetery is established in 38 USC §2402. VA requires certain information to verify eligibility for burial in a national cemetery, to schedule interment and to provide services requested by the decedent’s family or personal representative. This information is also needed for planning and scheduling cemetery burial services and to provide for specific requests from family members or the personal representative, such as contacts for funeral honors to be performed during committal or memorial services.

VA is revising its regulations regarding persons eligible for interment in a national cemetery and the documentation required as evidence of eligibility to implement new authorities provided in the National Defense Authorization Act for Fiscal Year 2022 (NDAA FY22). Section 6601 of NDAA FY22 expanded eligibility for interment in national cemeteries to include certain individuals who served with a special guerrilla unit or irregular forces operating from a base in Laos in support of the Armed Forces during a specified time period. VA proposes to revise subsection 38.619(a) by adding regulatory guidance on the types of documentation that will be accepted as evidence of such service.

VA typically uses the DD214 to verify service in the U.S. Armed Forces; however, since these individuals did not serve in the U.S. Armed Forces, there is no official U.S. Government documentation of military service.

Much of the information required for burial requests is already approved under OMB 2900-0232, such as the name and address of the funeral home, the name, date of birth, date of death and home of record of the decedent, and name and address of the next of kin. VA collects this information for all burial requests. The revised collection of information pertains only to the evidence required to verify eligibility of this unique group of persons.

2. Use of the Information.

The respondents are Veterans, their families and funeral service providers assisting families at time of need for burial arrangements. VA must determine a deceased person’s eligibility for burial in a national cemetery when burial is requested. There is one collection instrument

which is a form; however, since the request for interment is a time sensitive matter, the collection is typically handled over the phone and the information entered into VA's system of record. The information is used by VA to solicit eligibility information, to make burial arrangements, facilitate interment scheduling and to provide specific services associated with burial requested by a decedents' family or personal representative.

3. Use of Information Technology.

In 1996, NCA began using a computer-based system of records called Burial Operations Support (BOSS) to collect decedent and family or personal representative information and provide delivery of the burial benefit. In 2006 NCA went to a centralized call center to take burial applications for all VA national cemeteries. BOSS automation was also extended to support National and State Veteran Cemeteries. BOSS/AMAS operates under System of Record Notice (SORN) 41VA411, 42VA41, and 48VA40B. BOSS is used to collect and maintain information to verify the identity and eligibility of the Veteran or decedent for burial and monument services. BOSS is also an automated program used to assist in verification and eligibility. In 2019, NCA began using the Memorial Benefits Management System (MBMS) in conjunction with BOSS. MBMS functionality continues to expand and mature; it is intended to eventually replace BOSS/AMAS.

This burial request tool will also provide an alternative means to assist those charged with burial planning to provide information to VA. The information can be collected utilizing an online form request. Information such as personal identifying information, military service records, and other supporting documentation will be entered into an electronic database where a caseworker will review the information for accuracy and completeness.

4. Nonduplication.

The information obtained through this collection is unique and is not already available for use or adaptation from another cleared source.

5. Burden on Small Businesses

This information collection does not impose a significant economic impact on a substantial number of small businesses or entities.

6. Less Frequent Collection

This collection occurs once in the life of a Veteran or family member when requesting burial in a VA national cemetery. VA would be unable to properly administer cemetery services, perform interment scheduling or verification of eligibility for burial in a national cemetery without this collection of information. The information is collected on an ad hoc basis, related to the death of a person who is eligible for burial in a national cemetery and, therefore cannot be collected less frequently.

7. Paperwork Reduction Act Guidelines.

This collection of information does not require collection to be conducted in a manner inconsistent with the guidelines delineated in 5 FR 1320.5(d)(2).

8. Consultation and Public Comments

Part A: PUBLIC NOTICE

A proposed rule including the revised collection of information was published on Thursday, February 16, 2023. The proposed rule citation is 88 FR 10065. Six comments were received during the 60-day comment period. All comments were supportive of the proposed rule and only one commenter mentioned the information collection, providing support for VA's approach. No changes were made to the rule or the information collection based on the comments. Comments were summarized and addressed in the final rule, but also provided here for reference:

- Two commenters provided very brief remarks stating their support for expanding eligibility for burial in a VA national cemetery but made no specific mention of the proposed rule itself, the regulatory language, or the IC. VA notes that eligibility for burial was expanded to this special group of persons by Congress and was not a result of the rulemaking.
- Another commenter provided a brief statement of support for expanding burial eligibility and noted the criteria for eligibility and documentary evidence outlined in the rulemaking was clear. The commenter raised no questions or concerns and suggested no changes to the proposed regulatory implementation.
- One commenter provided a statement of support for the rule, but also questioned why non-citizens should be excluded from the rule. At the outset, we note that this rule includes not just individuals who became United States citizens, but also non-citizens lawfully admitted for permanent residence in the United States at the time of their death. In any event, this decision to focus on citizenship and permanent residency was Congress's, not VA's
- Two commenters stated support for the proposed rule but expressed concern that the rule does not specify how the documentation provided as evidence of service in support of a request for burial will be verified. The commenter suggested that VA should set a low standard for this matter so that claimants should get the benefit of the doubt. VA included § 38.619(a)(2)(ii)(D) in the proposed (and the final) rule which constitutes confirmation that VA will accept other appropriate evidence as proof of service for these individuals. Moreover, in considering the issue, VA will provide assistance and give claimants the benefit of the doubt, in accord with its statutory duties.

Part B: CONSULTATION

No additional consultation apart from soliciting public comments through the Federal Register was conducted for this submission.

9. Gifts or Payment.

No payment or gift is being offered to respondents as an incentive to participate in the collection.

10. Describe any assurance of privacy, to the extent permitted by law, provided to respondents and the basis for the assurance in statute, regulation, or agency policy.

A user's personal information will be kept private, in strict accordance with VA privacy policies. Social Security numbers and military service numbers are requested solely to ensure proper identification of records. All respondents will be informed that all submitted material and information falls within the purview of the Privacy Act of 1974 and will be safeguarded in accordance with the applicable System of Records Notice (SORN). The information collection conforms to the Privacy Act of 1974 and is subject to the conditions of disclosure contained therein which provides assurance of privacy to the extent permitted by law. The records are maintained in the system identified as (42VA41), "Veterans and

Dependents National Cemetery Interment Records-VA,” for use in connection with verification of eligibility for burial in a national cemetery and for statistical data gathering, targeted outreach and utilization trend analysis. Other systems are (41VA41) “Veterans and Dependents National Cemetery Gravesite Reservation Records”, for use in connection with verification of eligibility for burial in a national cemetery when making gravesite reservations and for statistical data gathering, targeted outreach and utilization trend analysis. Also included is (48VA40B) “Veterans (Deceased) Headstone or Marker Records”, For use in connection with verification of eligibility for burial in a national cemetery and for statistical data gathering, targeted outreach and utilization trend analysis.

11. Sensitive Questions

There are no questions of a sensitive nature. VA may ask demographic information and religious or faith-based beliefs.

The personal information asked on these forms is necessary for statistical data gathering, targeted outreach and utilization trend analysis and to better serve the Veteran and for the effective delivery of burial and memorial benefits. The form collects the applicant’s race, ethnicity, date of birth and death, and gender identity information to assist with obtaining demographics information in order to better serve Veterans who may not be aware of our benefits and services. The applicant is informed that the information will be used for statistical purposes only. SORN 40VA40B is being updated for routine uses of records maintained in the system.

12. Respondent Burden and its Labor Costs:

Part A: ESTIMATION OF RESPONDENT BURDEN

We estimate that it will take each of the 150,000 respondents approximately fifteen (15) minutes to submit the information and submit it along with supporting documents. The burden will be $(150,000 \text{ respondents} \times 15 \text{ minutes} / 60 \text{ minutes} = 37,500 \text{ hours})$. Estimate of Information Collection Burden

- 1) Collection Instrument: Verification of Eligibility for Burial in a National Cemetery, VA Form 40-4962
 - a. Number of Respondents: 150,000
 - b. Number of Responses per Respondent: 1
 - c. Number of Total Annual Responses: 150,000
 - d. Response Time: 15 minutes
 - e. Respondent Burden Hours: 37,500

- 2) Total Submission Burden
 - a. Total Number of Respondents: 150,000
 - b. Total Number of Annual Responses: 150,000
 - c. Total Respondent Burden Hours: 37,500

Part B: LABOR COST OF RESPONDENT BURDEN

- 1) Collection Instrument: Verification of Eligibility for Burial in a National Cemetery, VA Form 40-4962
 - a. Number of Total Annual Responses: 150,000
 - b. Response Time: 15 minutes

- c. Respondent Hourly Wage: \$28.01
- d. Labor Burden per Response: \$7.00
- e. Total Labor Burden: \$1,050,375.00

2) Overall Labor Burden

- a. Total Number of Annual Responses: 150,000
- b. Total Labor Burden: \$1,050,375.00

The respondent hourly wage was determined using the Department of Labor Wage Website (https://www.bls.gov/oes/2021/may/oes_nat.htm#00-0000) using BLS wage code – “00-0000 All Occupations.”

13. Respondent Costs Other Than Burden Hour Costs

There are no annualized costs to respondents other than the labor burden costs addressed in Section 12 of this document to complete this collection.

14. Cost to the Federal Government

Part A: LABOR COST TO THE FEDERAL GOVERNMENT

- 1) Collection Instrument: Verification of Eligibility for Burial in a National Cemetery, VA Form 40-4962
 - a. Number of Total Annual Responses: 150,000
 - b. Processing Time per Response: 0.75 hours
 - c. Hourly Wage of Worker(s) Processing Responses: \$25.28
 - d. Cost to Process Each Response: \$18.96
 - e. Total Cost to Process Responses: \$2,844,000
- 2) Overall Labor Burden to the Federal Government
 - a. Total Number of Total Annual Responses: 150,000
 - b. Total Labor Burden: \$2,844,000

Part B: OPERATIONAL AND MAINTENANCE COSTS

- 1) Cost Categories
 - a) Equipment: \$0
 - b) Printing: \$0
 - c) Postage: \$0
 - d) Software Purchases: \$0
 - e) Licensing Costs: \$0
 - f) Other: \$0
- 2) Total Operational and Maintenance Cost: \$0

Part C: TOTAL COST TO THE FEDERAL GOVERNMENT

- 1) Total Labor Cost to the Federal Government: \$2,844,000.00
- 2) Total Operational and Maintenance Costs: \$0.00
- 3) Total Cost to the Federal Government: \$2,844,000.00

15. Reason for Change in Burden

VA updated the annual cost to respondents and to the Federal Government based on more recent data regarding the total number of respondents per year. The revision to information collection described in both the proposed and final rules is based on the need to collect additional types of information, noted in changes to section VII of VA form 40-4962, from a small group of respondents (approximately 85 respondents). However, there is still a population of respondents who provide information required in the other sections, and VA has updated the total number of respondents based on the average of the past two years. VA would like to clarify that this does not change the estimated time required to provide the information requested from respondents, nor does it change the estimated workload for federal employees. It is just a different type of documentary evidence that needs to be provided.

16. Publication of Results

The results of this information collection will not be published.

17. Non-Display of OMB Expiration Date.

We are not seeking approval to omit the display of the expiration date of the OMB approval on the collection instrument.

18. Exceptions to “Certification for Paperwork Reduction Act Submissions”

We are not requesting any exemptions to the provisions stated in 5 CFR 1320.9.