

DEPARTMENT OF VETERANS AFFAIRS

[OMB Control No. 2900-0085]

Agency Information Collection Activities Under OMB Review**AGENCY:** Board of Veterans' Appeals, Department of Veterans Affairs.**ACTION:** Notice.

SUMMARY: In compliance with the Paperwork Reduction Act (PRA) of 1995 (44 U.S.C., 3501 *et seq.*), this notice announces that the Board of Veterans' Appeals (BVA), Department of Veterans Affairs, has submitted the collection of information abstracted below to the Office of Management and Budget (OMB) for review and comment. The PRA submission describes the nature of the information collection and its expected cost and burden; it includes the actual data collection instrument.

DATES: Comments must be submitted on or before June 10, 1999.

FOR FURTHER INFORMATION OR A COPY OF THE SUBMISSION CONTACT: Denise McLamb, Information Management Service (045A4), Department of Veterans Affairs, 810 Vermont Avenue, NW, Washington, DC 20420, (202) 273-8030 or FAX (202) 273-5981. Please refer to "OMB Control No. 2900-0085."

SUPPLEMENTARY INFORMATION:**Titles:**

- a. Appeal to Board of Veterans' Appeals, VA Form 9.
- b. Withdrawal of Services by a Representative.
- c. Filing of Representative's Fee Agreements and Motions for Review of Such Agreements.
- d. Motion for Review of Representative's Charges for Expenses.
- e. Request for Changes in Hearing Date.
- f. Motion for Reconsideration.
OMB Control Number: 2900-0085.
Type of Review: Extension of a currently approved collection.

Abstract

- a. VA Form 9 is furnished to an appellant so that he or she has the information necessary to perfect an appeal from a denial of VA benefits.
- b. When the appellant's representative withdraws from a case, information must be obtained in order to afford protection to the appellant and in order for BVA to be able to know who is providing representational services in each individual case.
- c. Agreements for fees charged by individuals or organizations for representing claimants and appellants

before VA are filed with, and reviewed by, the Board of Veterans' Appeals. The information is used to afford protection to VA claimants by ensuring that the VA benefits are not diverted from their intended purpose through overreaching by unscrupulous representatives and in processing payment of fees from VA benefits when provided by the agreement.

d. Expense reimbursements claimed by individuals and organizations for representing claimants and appellants before VA have been monitored for fairness for many years. The information is used to monitor representatives' fees for reasonableness and ensure that unreasonable fees are not charged by claiming such fees under the guise of "expenses."

e. VA provides hearings to appellants and their representatives, as required by basic Constitutional due-process and by Title 38 U.S.C. 7107(b). From time to time, hearing dates and/or times are changed, hearing requests withdrawn and new hearings requested after failure to appear at a scheduled hearing. The information is used to comply with the appellants' or their representatives' requests.

f. Decisions by BVA are final unless the Chairman orders reconsideration of the decision. The information provided is unique in each case and must be provided in order for BVA to be aware that reconsideration is being sought and to inform BVA of the basis of the request. Failure to obtain the information would result in depriving appellants of this potential form of relief.

An agency may not conduct or sponsor, and a person is not required to respond to a collection of information unless it displays a currently valid OMB control number. The **Federal Register** Notice with a 60-day comment period soliciting comments on this collection of information was published on July 21, 1998 at page 39119.

Affected Public: Individuals or households, Business or other for-profit, and Not-for-profit institutions.

Estimated Total Annual Burden: 36,837 hours.

- a. Appeal to Board of Veterans' Appeals " 32,500 hours.
- b. Withdrawal of Services by a Representative—183 hours.
- c. Filing and Motions for Review of fee Agreements—225 hours.
- d. Motion for Review of Expenses—4 hours.
- e. Request for Changes in Hearing Date—2,374 hours.
- f. Motion for Reconsideration—1,550 hours.

Estimated Average Burden Per Respondent

- a. Appeal to Board of Veterans' Appeals—1 hour.
- b. Withdrawal of Services by a Representative—20 minutes.
- c. Fee Agreement—30 minutes (contract modifications), 10 minutes (basic filing)—2 hours (filing motion or response).

d. Motion for Review of Expenses—2 hours (motion or response to motion).

e. Request for Changes in Hearing Date—15 minutes (basic request)—1 hour (requests requiring preparation of a motion).

f. Motion for Reconsideration—1 hour.

Frequency of Response: On occasion.

Estimated Total Number of

Respondents: 41,644.

- a. Appeal to Board of Veterans' Appeals—32,500.
- b. Withdrawal of Services by a Representative—550.
- c. Fee Agreement—875.
- d. Motion for Review of Expenses—2.
- e. Request for Changes in Hearing Date—6,167.
- f. Motion for Reconsideration—1,550.

Send comments and recommendations concerning any aspect of the information collection to VA's OMB Desk Officer, Allison Eydt, OMB Human Resources and Housing Branch, New Executive Office Building, Room 10235, Washington, DC 20503 (202) 395-4650. Please refer to "OMB Control No. 2900-0390" in any correspondence.

Dated: April 29, 1999.

By direction of the Secretary.

Donald L. Neilson,

Director, Information Management Service.

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DEPARTMENT OF VETERANS AFFAIRS

[OMB Control No. 2900-0390]

Agency Information Collection Activities Under OMB Review

AGENCY: Veterans Benefits Administration, Department of Veterans Affairs.

ACTION: Notice.

SUMMARY: In compliance with the Paperwork Reduction Act (PRA) of 1995 (44 U.S.C., 3501 *et seq.*), this notice announces that the Veterans Benefits Administration (VBA), Department of Veterans Affairs, has submitted the collection of information abstracted below to the Office of Management and