

respondents, including through the use of automated collection techniques or the use of other forms of information technology.

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. Appeal to Board of Veterans' Appeals, VA Form 9, may be used by appellants to complete their appeal to the Board of Veterans' Appeals (BVA) from a denial of VA benefits. The information is used by BVA to identify the issues in dispute and prepare a decision responsive to the appellant's contentions and the legal and factual issues raised.
- b. Withdrawal of Services by a Representative: When the appellant's representative withdraws from a case, both the appellant and the BVA must be informed so that the appellant's rights may be adequately protected and so that the BVA may meet its statutory obligations to provide notice to the current representative.
- c. Filing of Representative's Fee Agreements and Motions for Review of Such Agreements: 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 determine whether such fees are excessive or unreasonable.
- d. Motion for Review of Representative's Charges for Expenses: 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 review changes by claimants' representatives for expenses to afford protection to such claimants from overreaching by unscrupulous representatives and is useful in monitoring fees charged by representatives and to ensure that fee limitations are not avoided by mischaracterizing fees as expenses.
- e. Request for Changes in Hearing Date: 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 From time to time, hearing dates and/or times are changed, hearing requests withdrawn and new hearings requested after failure to appear at a scheduled hearing.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. Motion for Reconsideration: Decisions by BVA are final unless the Chairman orders reconsideration of the decision either on the Chairman's initiative, or upon motion of a claimant. The Board Chairman, or his designee, uses the information provided in deciding whether reconsideration of a Board decision should be granted.

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

Estimated Total Annual Burden: 39,782 hours.

- a. Appeal to Board of Veterans' Appeals, VA Form 9—32,500 hours.
- b. Withdrawal of Services by a Representative—183 hours.
- c. Filing of Representative's Fee Agreements and Motions for Review of Such Agreements—283 hours.
- d. Motion for Review of Representative's Charges for Expenses—4 hours.
- e. Request for Changes in Hearing Date—1,761 hours.
- f. Motion for Reconsideration—877 hours.

Estimated Average Burden Per Respondent

- a. Appeal to Board of Veterans' Appeals, VA Form 9—1 hour.
- b. Withdrawal of Services by a Representative—20 minutes.
- c. Filing of Representative's Fee Agreements and Motions for Review of Such Agreements—1 hour (contract modifications), 10 minutes (basic filing)—2 hours (filing motion or response).
- d. Motion for Review of Representative's Charges for Expenses—4 hours (2 hours for motion and 2 hours for 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: 39,782.

- a. Appeal to Board of Veterans' Appeals, VA Form 9—32,500.
- b. Withdrawal of Services by a Representative—550.

c. Filing of Representative's Fee Agreements and Motions for Review of Such Agreements—1,279.

d. Motion for Review of Representative's Charges for Expenses—2.

e. Request for Changes in Hearing Date—4,574.

f. Motion for Reconsideration—877.

Dated: January 15, 2002.

By direction of the Secretary:

Donald L. Neilson,

Director, Information Management Service.

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DEPARTMENT OF VETERANS AFFAIRS

Enhanced-Use Lease Development of Property at the Spark M. Matsunaga Department of Veterans Affairs Medical and Regional Office Center, Honolulu, Hawaii

AGENCY: Department of Veterans Affairs.

ACTION: Notice of Designation and Intent to Award.

SUMMARY: The Secretary of the Department of Veterans Affairs (VA) is designating the Spark M. Matsunaga VA Medical and Regional Office Center, Honolulu, HI, for an enhanced-use leasing development. The Department intends to enter into a 5-year lease of real property with a competitively selected lessee/developer who will finance, design, develop, maintain and manage a transitional housing and homeless services facility, all at no cost to VA.

FOR FURTHER INFORMATION CONTACT: Jake Gallun, Office of Asset Enterprise Management (004B), Department of Veterans Affairs, 810 Vermont Avenue, NW, Washington, DC 20420, (202) 273-8862.

SUPPLEMENTARY INFORMATION: 38 U.S.C. 8161 *et seq.*, specifically provides that the Secretary may enter into an enhanced-use lease if he determines that at least part of the use of the property under the lease will be to provide appropriate space for an activity contributing to the mission of the Department; the lease will not be inconsistent with and will not adversely affect the mission of the Department; and the lease will enhance the property or result in improved services to veterans. This project meets these requirements.

Approved: January 25, 2002.

Anthony J. Principi,

Secretary of Veterans Affairs.

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