

OMB.Control.No.3124-0015 Paperwork Reduction Act

Paperwork Reduction Act (PRA) OMB Control No 3124-0015: Comments from Pere Jarboe

OMB 3124-0015

AGENCY:

Merit Systems Protection Board.

ACTION:

60 day notice and request for comments.

SUMMARY:

The Merit Systems Protection Board (MSPB), as part of its continuing effort to reduce paperwork and respondent burden, is seeking a three-year renewal, without change, from the Office of Management and Budget (OMB), of a currently approved Information Collection Request (ICR) entitled: “**Generic Clearance for the Collection of Qualitative Feedback on Agency Service Delivery**” and identified by **OMB Control No. 3124-0015**, as required by the **Paperwork Reduction Act of 1995 (PRA)**. This collection was developed as part of a **Federal**

Government-wide effort to streamline the process for seeking feedback from the public on service delivery. MSPB is soliciting comments on this renewal, without change, of a previously approved collection set to expire on August 31, 2026. The purpose of this notice is to allow 60 days for public comment preceding submission of the collection to the OMB.

DATES:

Consideration will be given to all comments received by **June 8, 2026.**

ADDRESSES:

Submit comments by using only one of the following methods:

- (1) *Email.* Submit comments to ***privacy@mspb.gov***.
- (2) *Mail.* Submit comments to Gina K. Grippando, Clerk of the Board and Senior Agency Official for Privacy, Office of the Clerk of the Board, Merit Systems Protection Board, 1615 M Street NW, Washington, DC 20419.
- (3) *Fax.* Submit comments to (202) 254-7130.

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All comments must reference OMB Control No. 3124-0015. Regardless of the method used for submitting comments or material, all submissions will be posted, without change, to

MSPB's website (www.mspb.gov) and will include any personal information you provide. Therefore, submitting this information makes it public.

FOR FURTHER INFORMATION CONTACT:

Gina K. Grippando, Clerk of the Board and Senior Agency Official for Privacy, at privacy@mspb.gov. You may submit written questions to the Office of the Clerk of the Board by any of the following methods: by email to privacy@mspb.gov, or by mail to Clerk of the Board, U.S. Merit Systems Protection Board, 1615 M Street NW, Washington, DC 20419. Please include OMB Control No. 3124-0015 with your questions.

SUPPLEMENTARY INFORMATION:

MSPB intends to seek a **three-year renewal, without change, of a currently approved** information collection “**Generic Clearance for the Collection of Qualitative Feedback on Agency Service Delivery,**” OMB Control No. 3124-0015.

The proposed information collection activity provides a means to obtain qualitative customer and stakeholder feedback in an efficient, timely manner, in accordance with **MSPB's commitment to improving service delivery**. Qualitative feedback is information that provides useful insights on perceptions and opinions but are not statistical surveys that can

be generalized to the population of study. This feedback will provide insights into customer or stakeholder perceptions, experiences and expectations, provide an early warning of issues with service, or focus attention on areas where communication, training or changes in operations might improve delivery of products or services. These collections will allow for ongoing, collaborative and actionable communications between MSPB and its customers and stakeholders. It will also allow feedback to contribute directly to the improvement of program management.

The solicitation of feedback will target areas such as: timeliness, appropriateness, accuracy of information, courtesy, efficiency of service delivery, and resolution of issues with service delivery. Responses will be assessed to plan and inform efforts to improve or maintain the quality of service offered to the public. If this information is not collected, vital feedback from customers and stakeholders on MSPB's services will be unavailable.

The MSPB will only submit a collection for approval under this generic clearance if it meets the following conditions:

- The collections are voluntary;
- The collections are low-burden for respondents (based on considerations of total burden hours, total number of respondents, or burden-hours per respondent)

and are low-cost for both the respondents and the Federal Government;

- The collections are non-controversial and do not raise issues of concern to other Federal agencies;
- Any collection is targeted to the solicitation of opinions from respondents who have experience with the program or may have experience with the program in the near future;
- Personally identifiable information (PII) is collected only to the extent necessary and is not retained;
- Information gathered will be used only internally for general service improvement and program management purposes and is not intended for release outside of MSPB;
- Information gathered will not be used for the purpose of substantially informing influential policy decisions; and
- Information gathered will yield qualitative information; the collections will not be designed or expected to yield statistically reliable results or used as though the results are generalizable to the population of study.

Feedback collected under this generic clearance provides useful information, but it does not yield data that can be generalized to

the overall population. This type of generic clearance for qualitative information will not be used for quantitative information collections that are designed to yield reliably actionable results, such as monitoring trends over time or documenting program performance. Such data uses require more rigorous designs that address: the target population to which generalizations will be made, the sampling frame, the sample design (including stratification and clustering), the precision requirements or power calculations that justify the proposed sample size, the expected response rate, methods for assessing potential non-response bias, the protocols for data collection, and any testing procedures that were or will be undertaken prior to fielding the study. Depending on the degree of influence the results are likely to have, such collections may still be eligible for submission for other generic mechanisms that are designed to yield quantitative results.

As a general matter, information collections will not result in any new system of records containing privacy information and will not ask questions of a sensitive nature, such as sexual behavior and attitudes, religious beliefs, and other matters that are commonly considered private.

Title: Generic Clearance for the Collection of Qualitative Feedback on Agency Service Delivery.

OMB Number: 3124-0015.

Type of Information Collection: Renewal, without change, of a currently approved information collection.

ICR Status: This ICR is currently scheduled to expire on August 31, 2026. 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.

Abstract of Proposed Collection: This collection is **part of a Federal Government-wide effort** to streamline the process for seeking feedback from the public on service delivery and provides a means to obtain qualitative customer and stakeholder feedback in an efficient, timely manner, in accordance with MSPB's commitment to improving service delivery. Responses to any collection of information under this ICR are voluntary.

Affected Public: Individuals and Households; Businesses and Organizations.

Estimated Total Number of Respondents: 600.

Estimated Frequency of Responses: Once per year.

Estimated Total Average Number of Responses for Each Respondent: Once per year.

Estimated Total Annual Burden Hours: 49.8.

Estimated Total Cost: \$1,887.42.

Comments: Comments should be submitted as indicated in the **ADDRESSES** caption above. Comments are solicited to: (a) evaluate whether the collection of information is necessary for the proper performance of the functions of MSPB, including whether the information shall have practical utility; (b) evaluate the accuracy of MSPB's estimate of the burden of the collection of information; (c) enhance the quality, utility, and clarity of the information to be collected; (d) minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology; and (e) evaluate the estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide information. Burden means the total time, effort, or financial resources expended by persons to generate, maintain, retain, disclose or provide information to or for a Federal agency. This includes the time needed to review instructions; to develop, acquire, install and utilize technology and systems for the purpose of collecting, validating and verifying information, processing and maintaining information, and disclosing and providing information; to train personnel and to be able to respond to a collection of information, to search data sources, to complete and review the collection of information; and to transmit or otherwise disclose the information.

Gina K. Grippando,

Clerk of the Board.

[FR Doc. 2026-06858 Filed 4-8-26; 8:45 am]

BILLING CODE 7400-01-P

Commenter notes that thus June 8, 2026, President Trump and the White House describe the great value to his Administration that Office of Management (OMB) accordingly:

The Office of Management and Budget (OMB) serves the President of the United States in the implementation of his vision across the Executive Branch. Specifically, OMB's mission is to assist the President in meeting his policy, budget, management and regulatory objectives to fulfill the agency's statutory responsibilities."

Commenter observes the Board is at "quorum" As of this writing, Presidentially Appointed-Senate Confirmed (PAS) Board membership to adjudicate decisions. I have 'considerable reservations of the 3 year extension without change" and for grounds state as follows. What may seemingly be mundane - this and similar '3 year extensions" 'without' or even 'with' change, has the result of tying the hands of a yet-to-be-elected President and indeed Great Magistrate President Donald J. Trump, and our glorious present administration, but also not to mention a yet-to-be Elected President (Election '2028) and our

Administration. This document (though it has been renewed pretty much without change since going back to 2014 (when body commented on), one would think that It - It seems, at first glance, to cabin the constitutional role of the President. However, it demonstrates the extent to which the President and his Office of Management (OMB) have greater in terms of Constitutional duties, and authorities specifically delegated by Congress.

All due respect, Commenter observes that the words “A Government Wide Effort” is better the to be the determination of the President with ample assistance of Office of Management and Budget vis-a-vis Director OMB, rather than that of an independent Agency, though regulatory or even ‘quasi-judicial.’ Commenter observes that, this is not unique to the MSPB, similar wording appears to be cropping into kindred Agencies’ Requests for Comments for 3 year renewals-extensions without change. In terms of the MSPB, my exploration, leads me to conclude that there has been change. The MSPB Collection at bar commenced in 2014. It did not receive much in terms of attention or comments. Then it referenced to the effect, as above: “as a part of a government wide effort” In its first stages (Before Obama’s OMB gave it a number which trails to this date above). Clerk of the Board, William D. Spenser, represented in the Federal Register that he, was submitting it to OMB,- ‘Title:

Generic Clearance for the Collection of Qualitative Feedback on Agency Service Delivery .

Abstract: The proposed information collection activity provides a means to garner qualitative customer and stakeholder feedback in an efficient, timely manner, in accordance with **the Administration's commitment to improving service delivery.**

By qualitative feedback we mean Information that provides useful insights on perceptions and opinions, but are not statistical surveys that can be generalized to the population of study.' (Thereafter President Obama's Office of Management and Budget provided the Collection and Number). On that basis alone, the conclusion might be suggested that this document - and for it to continue 3 more years violates the limited Constitutional Terms of any President. Certainly, it warrants review by President Trump's OMB as we citizens and President Trump recognizes is President Trump's OMB Director's assisting in meeting President Trump's policy, President Trump's budget, President Trump's management, President Trump's regulatory objectives, and all of the OMB Director's fulfillment of statutory responsibilities to President Trump. If any "Government-wide effort" the Executive President Trump with assistance of his Office of Management and Budget, would best judge that - not a 2014 OMB.

A somewhat silent tool to advance the OMB mission and hence that of President Trump is the Paperwork Reduction Act. Not a card-trick; it may be of use in routing out worn-out regulations by scrutinizing forms; this inures to the Public use and benefit. It also routes out ‘rogue’ forms and those who make agency thereof. President Trump’s Director OMB has much to serve President Trump via the PRA than rubber-stamping a form from an 2014 ‘Administration’s commitment.’ We American citizenry can count on the OMB Director’s meeting mission for the President.

Here, Commenter observes the extent to which the existence of the present ‘currently approved information request (ICR)’ and highlight the import of the Paperwork Reduction Act (PRA). Commenter notes that it may be commonplace for the PRA to be referred to as the Paperwork Reduction Act of 1995, the Act reaches previous to 1995.

The PRA is of is significant to the effect a Federal Regulatory Agency other than the Merit Systems Protection Board recognized in 61446 Federal Register / Vol. 67, No. 189 / Monday, September 30, 2002 / Rules and Regulations 4 U.S.C. Chapter 35 ‘Under the Paperwork Reduction Act, a person may not be penalized for failing to comply with an information collection that does not display a currently valid OMB control number.’ Federal Emergency Management Agency (FEMA)

was the non-Merit Systems Protection Board Federal Regulatory Agency.

The FEMA import becomes clear and demonstrates the extent to which not only the MSPB, but FEMA indeed short of a specified exemptions - President Donald J. Trump oversees such collections as the PRA has long been implemented by regulation.: 5 CFR Part 1320 -- Controlling Paperwork Burdens on the Public § 1320.16 Delegation of approval authority. (c) OMB may limit, condition, or rescind, in whole or in part, at any time, such delegations of authority, and reserves the right to review any individual collection of information, or part thereof, conducted or sponsored by an agency, at any time.

From a ‘non-precedent’ Patent-Board Appeal wherein the Plaintiff did not raise the issue timely and seemingly as a final ‘unsuccessful’ effort (Commenter shall provide instructive case precedent infra)

The Paperwork Reduction Act claim invokes 44 U.S.C. § 3512, which provides that "no person shall be subject to any penalty for failing to comply with a [covered] collection of information."

PAPERWORK REDUCTION ACT

Finally, Plaintiff brought a claim under the Paperwork Reduction Act. The district court dismissed that claim, holding that the Paperwork Reduction Act does not create a private right of action. The Paperwork Reduction Act provides:

(a) Notwithstanding any other provision of law, no person shall be subject to any penalty for failing to comply with a collection of information that is subject to this chapter if [listing certain conditions].

(b) The protection provided by this section may be raised in the form of a complete defense, bar, or otherwise at any time during the agency administrative process or judicial action applicable thereto.

44 U.S.C. § 3512 (emphasis added). As is apparent from subsection (b), the Act authorizes its protections to be used as a defense. The Act does not authorize a private right of action. That being so, the district court properly dismissed Plaintiff's Paperwork Reduction Act claim. *Sutton v Providence St. Joseph Medical Center* 192 F.3d 826 (1999) *Hyatt v. Office of Management and Budget* 998 F.3d 423 (9th Cir. 2021)

The Paperwork Reduction Act

The PRA seeks to reduce the burden imposed on the public when the federal government engages in certain "collections of information." 44 U.S.C. § 3501(1). Any collection of information that is subject to the PRA must be approved by OMB and assigned an OMB control number. Id. § 3512(a).

‘As relevant [in *Hyatt*], a federal agency conducts a ‘collection of information’”when it

obtain[s], caus[es] to be obtained, solicit[s], or require[es] the disclosure to third parties or the public, of facts or opinions ... regardless of form or format, calling for ... answers to identical questions posed to, or identical reporting or recordkeeping requirements imposed on, ten or more persons....

Id. § 3502(3). This includes collections that are "mandatory, voluntary, or required to obtain or retain a benefit" and "any requirement or request for persons to obtain, maintain, retain, report, or publicly disclose information." 5 C.F.R. § 1320.3(c).

"Information" is "any statement or estimate of fact or opinion." 5 C.F.R. § 1320.3(h). There are ten enumerated categories "generally" exempt from being defined as "information," except that "OMB may determine that any specific item constitutes

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*427 'information.'" Id. Most relevant here, Exemption 6 excludes from the definition of "information" "[a] request for facts or opinions addressed to a single person." Id. § 1320.3(h)(6).

Under the PRA, any person may ask OMB "to review any collection of information conducted by or for an agency" to determine if the collection is covered by the PRA and requires a control number. 44 U.S.C. § 3517(b). OMB must respond to any non-frivolous request, *id.* § 3517(b)(1), and if it determines that the agency has been conducting an unapproved collection of information, it may take "appropriate remedial action, if necessary," *id.* § 3517(b)(2).

‘In an Increasingly complex society Congress obviously could not perform its functions if it were to find all the facts subsidiary to the basic conclusions which support the defined legislative policy' *Mistretta v. United States*, 488 US 361 (1989).

Commenter points out that of the 'string cases' cited in *Mistretta*, is a decision which discussed the options which a regulatory Agency had for consideration for purposes of reaching a determination, including use of a quasi-judicial

setting. *OPP Cotton Mills., Inc., v. Administrator of the Wage and Hour Division of Dept of Labor*, 312 U.S. 126 (1941).

Sierra Club et. Al., v EPA, et al.,: Civil Action No.: 25-1112 (RC) (Judge Rudolf Contreras D.D.C March 11, 2026) provides a comprehensive Paperwork Reduction Act (PRA) analysis; -

Honorable Robert Dole, Secretary of Labor, v. Steelworkers of America, 494 US 26 (1990): the definitive.

Paperwork Reduction Act Delegation

Paperwork Reduction Act of 1995

104th Congress, 1st Session

Issue: Vol. 141, No. 45 — Daily Edition

March 5, 1995

[\[Pages H2994-H3015\]](#)

From the Congressional Record Online through the Government Publishing Office [www.gpo.gov]

{time} 1030

PAPERWORK REDUCTION ACT OF 1995

Mr. CLINGER. Mr. Speaker, I ask unanimous consent to take from the

Speaker's table the Senate bill ([S. 244](#)), to further the goals of the

Paperwork

[[[Page H2995](#)]] Reduction Act to have Federal agencies become more

responsible and publicly accountable for reducing the burden of Federal

paperwork on the public, and for other purposes, and ask for its immediate consideration.

The Clerk read the title of the Senate bill.

The SPEAKER pro tempore (Mr. Bonilla). Is there objection to the

request of the gentleman from Pennsylvania?

There was no objection.

The Clerk read the Senate bill, as follows:

[S. 244](#)

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

TITLE I--PAPERWORK REDUCTION

SEC. 101. SHORT TITLE.

This title may be cited as the ``Paperwork Reduction Act of 1995".

SEC. 102. COORDINATION OF FEDERAL INFORMATION POLICY.

Chapter 35 of title 44, United States Code, is amended to read as follows:

``CHAPTER 35--COORDINATION OF FEDERAL INFORMATION POLICY

``Sec.

``3501. Purposes.

``3502. Definitions.

``3503. Office of Information and Regulatory Affairs.

``3504. Authority and functions of Director.

- ``3505. Assignment of tasks and deadlines.
- ``3506. Federal agency responsibilities.
- ``3507. Public information collection activities; submission to
Director; approval and delegation.
- ``3508. Determination of necessity for information; hearing.
- ``3509. Designation of central collection agency.
- ``3510. Cooperation of agencies in making information
available.
- ``3511. Establishment and operation of Government Information
Locator
Service.
- ``3512. Public protection.
- ``3513. Director review of agency activities; reporting; agency
response.
- ``3514. Responsiveness to Congress.
- ``3515. Administrative powers.
- ``3516. Rules and regulations.
- ``3517. Consultation with other agencies and the public.
- ``3518. Effect on existing laws and regulations.
- ``3519. Access to information.
- ``3520. Authorization of appropriations.

``Sec. 3501. Purposes

``The purposes of this chapter are to--

``(1) minimize the paperwork burden for individuals, small businesses, educational and nonprofit institutions, Federal contractors, State, local and tribal governments, and other persons resulting from the collection of information by or for the Federal Government;

``(2) ensure the greatest possible public benefit from and maximize the utility of information created, collected, maintained, used, shared and disseminated by or for the Federal Government;

``(3) coordinate, integrate, and to the extent practicable and appropriate, make uniform Federal information resources management policies and practices as a means to improve the productivity, efficiency, and effectiveness of Government programs, including the reduction of information collection burdens on the public and the improvement of service delivery to the public;

``(4) improve the quality and use of Federal information to

strengthen decisionmaking, accountability, and openness in Government and society;

“(5) minimize the cost to the Federal Government of the creation, collection, maintenance, use, dissemination, and disposition of information;

“(6) strengthen the partnership between the Federal Government and State, local, and tribal governments by minimizing the burden and maximizing the utility of information created, collected, maintained, used, disseminated, and retained by or for the Federal Government;

“(7) provide for the dissemination of public information on a timely basis, on equitable terms, and in a manner that promotes the utility of the information to the public and makes effective use of information technology;

“(8) ensure that the creation, collection, maintenance, use, dissemination, and disposition of information by or for the Federal Government is consistent with applicable laws, including laws relating to--

“(A) privacy and confidentiality, including section 552a of title 5;

“(B) security of information, including the Computer Security Act of 1987 (Public Law 100-235); and

“(C) access to information, including section 552 of title 5;

“(9) ensure the integrity, quality, and utility of the Federal statistical system;

“(10) ensure that information technology is acquired, used, and managed to improve performance of agency missions,

including the reduction of information collection burdens on the public; and

“(11) improve the responsibility and accountability of the Office of Management and Budget and all other Federal agencies to Congress and to the public for implementing the information collection review process, information resources management, and related policies and guidelines established under this chapter.

“Sec. 3502. Definitions

“As used in this chapter--

“(1) the term ‘agency’ means any executive department, military department, Government corporation, Government controlled corporation, or other establishment in the executive branch of the Government (including the Executive Office of the President), or any independent regulatory agency, but does not include--

“(A) the General Accounting Office;

“(B) Federal Election Commission;

“(C) the governments of the District of Columbia and of the territories and possessions of the United States, and their various subdivisions; or

“(D) Government-owned contractor-operated facilities, including laboratories engaged in national defense research and production activities;

“(2) the term ‘burden’ means time, effort, or financial resources expended by persons to generate, maintain, or provide information to or for a Federal agency, including the resources expended for--

“(A) reviewing instructions;

“(B) acquiring, installing, and utilizing technology and

systems;

“(C) adjusting the existing ways to comply with any previously applicable instructions and requirements;

“(D) searching data sources;

“(E) completing and reviewing the collection of information; and

“(F) transmitting, or otherwise disclosing the information;

“(3) the term ‘collection of information’--

“(A) means the obtaining, causing to be obtained, soliciting, or requiring the disclosure to third parties or the public, of facts or opinions by or for an agency, regardless of form or format, calling for either--

“(i) answers to identical questions posed to, or identical reporting or recordkeeping requirements imposed on, ten or more persons, other than agencies, instrumentalities, or employees of the United States; or

“(ii) answers to questions posed to agencies, instrumentalities, or employees of the United States which are to be used for general statistical purposes; and

“(B) shall not include a collection of information described under section 3518(c)(1);

“(4) the term ‘Director’ means the Director of the Office of Management and Budget;

“(5) the term ‘independent regulatory agency’ means the Board of Governors of the Federal Reserve System, the Commodity Futures Trading Commission, the Consumer Product

Safety Commission, the Federal Communications Commission, the

Federal Deposit Insurance Corporation, the Federal Energy Regulatory Commission, the Federal Housing Finance Board, the

Federal Maritime Commission, the Federal Trade Commission,

the Interstate Commerce Commission, the Mine Enforcement Safety and Health Review Commission, the National Labor Relations Board, the Nuclear Regulatory Commission, the Occupational Safety and Health Review Commission, the Postal

Rate Commission, the Securities and Exchange Commission, and

any other similar agency designated by statute as a Federal independent regulatory agency or commission;

“(6) the term ‘information resources’ means information and related resources, such as personnel, equipment, funds, and information technology;

“(7) the term ‘information resources management’ means the

process of managing information resources to accomplish agency missions and to improve agency performance, including

through the reduction of information collection burdens on the public;

“(8) the term ‘information system’ means a discrete set of information resources organized for the collection, processing, maintenance, use, sharing, dissemination, or disposition of information;

“(9) the term ‘information technology’ has the same meaning as the term ‘automatic data processing equipment’ as

defined by section 111(a) (2) and (3)(C) (i) through (v) of the Federal Property and Administrative Services Act of 1949

(40 U.S.C. 759(a) (2) and (3)(C) (i) through (v));

“(10) the term ‘person’ means an individual, partnership, association, corporation, business trust, or legal representative, an organized group of individuals, a State, territorial, or local government or branch thereof, or a political subdivision of a State, territory, or local government or a branch of a political subdivision;

“(11) the term ‘practical utility’ means the ability of an agency to use information, particularly the capability to process such information in a timely and useful fashion;

“(12) the term ‘public information’ means any information, regardless of form or format, that an agency discloses, disseminates, or makes available to the public; and

“(13) the term ‘recordkeeping requirement’ means a requirement imposed by or for an agency on persons to maintain specified records.

“Sec. 3503. Office of Information and Regulatory Affairs

“(a) There is established in the Office of Management and

Budget an office to be known as the Office of Information and

Regulatory Affairs.

“(b) There shall be at the head of the Office an Administrator who shall be appointed by [\[\[Page H2996\]\]](#) the President, by and with the advice and consent of the Senate. The Director shall delegate to the Administrator the authority to administer all functions under this chapter, except that any such delegation shall not relieve the Director of responsibility for the administration of such functions. The Administrator shall serve as principal adviser to the Director on Federal information resources management policy.

“(c) The Administrator and employees of the Office of Information and Regulatory Affairs shall be appointed with special attention to professional qualifications required to administer the functions of the Office described under this chapter. Such qualifications shall include relevant education, work experience, or related professional activities

The earliest version of what came to be dubbed OMB-Control No.3124-0015, comes under the moniker of William D.

Spencer Clerk of the Board: Merit Systems Protection Board:

Federal Register / Vol. 79, No. 69 / Thursday, April 10, 2014 /
Notices. 19929-19938

MERIT SYSTEMS PROTECTION BOARD

Agency Information Collection

Activities: Proposed Collection;

Comment Request; Generic Clearance for the Collection of Qualitative

Feedback on Agency Service Delivery

AGENCY: Merit Systems Protection
Board.

ACTION: Notice and request for comments.

SUMMARY: The Merit Systems Protection Board (MSPB), as part of its continuing effort to reduce paperwork and respondent burden, invites the general public to take this opportunity to comment on the “Generic Clearance for the Collection of Qualitative Feedback on Agency Service Delivery” for approval

under the Paperwork Reduction Act (PRA). This collection was developed as part of a Federal Governmentwide effort to streamline the process for seeking feedback from the public on service delivery. This notice announces our intent to submit this collection to the Office of Management and Budget (OMB) for approval and solicits comments on specific aspects for the proposed information collection.

DATES: Consideration will be given to all comments received by **June 9, 2014.**

....

SUPPLEMENTARY INFORMATION:

Title: Generic Clearance for the Collection of Qualitative Feedback on Agency Service Delivery.

Abstract: The proposed information collection activity provides a means to garner qualitative customer and

stakeholder feedback in an efficient, timely manner, in accordance with **the Administration's commitment to improving service delivery**. By qualitative feedback we mean Information that provides useful insights on perceptions and opinions, but are not statistical surveys that can be generalized to the population of study.

This feedback will provide insights into customer or stakeholder perceptions, experiences and expectations, provide an early

warning of issues with service, or focus attention on areas where communication, training or changes in operations might improve delivery of products or services. These collections will allow for ongoing, collaborative and actionable communications between MSPB and its customers and stakeholders. It will also allow feedback to contribute directly to the improvement of program management.

The solicitation of feedback will target areas such as: Timeliness, appropriateness, accuracy of information, courtesy, efficiency of service delivery, and resolution of issues with service delivery. Responses

will be assessed to plan and inform efforts to improve or maintain the quality of service offered to the public.

If this information is not collected, vital feedback from customers and stakeholders on MSPB's services will be unavailable. The MSPB will only submit a collection for approval under this generic clearance if it meets the following conditions:

- The collections are voluntary;
- The collections are low-burden for respondents (based on considerations of total burden hours, total number of respondents, or burden-hours per respondent) and are low-cost for both the respondents and the Federal Government;

- The collections are noncontroversial and do not raise issues of concern to other Federal agencies;
- Any collection is targeted to the solicitation of opinions from respondents who have experience with the program **or may have experience with the program in the near future**;
- Personally identifiable information (PII) is collected only to the extent necessary and is not retained;
- Information gathered will be used only internally for general service improvement and program management purposes and is not intended for release outside of MSPB;
- Information gathered will not be used for the purpose of substantially informing influential policy decisions;

and

- Information gathered will yield qualitative information; the collections will not be designed or expected to

yield statistically reliable results or used as though the results are generalizable to the population of study.

Feedback collected under this generic clearance provides useful information, but it does not yield data that can be generalized to the overall population. This type of generic clearance for qualitative information will not be used for quantitative information collections that are designed to yield reliably actionable results, such as monitoring trends over time or documenting program performance. Such data uses require more

rigorous designs that address: The target population to which generalizations will be made, the sampling frame, the sample design (including stratification and clustering), the precision requirements or power

calculations that justify the proposed sample size, the expected response rate, methods for assessing potential nonresponse bias, the protocols for data As a general matter, information collections will not result in any new system of records containing privacy information and will not ask questions of a sensitive nature, such as sexual behavior and attitudes, religious beliefs, and other matters that are commonly considered private.

Current Actions: New collection of information.

Type of Review: New collection.

Affected Public: Individuals and

Households, Businesses and

Organizations, State, Local or Tribal Government.

Estimated Number of Respondents:

18,000.

Below we provide projected average

estimates for the next three years:

Average Expected Annual Number of

Activities: 12.

Average Number of Respondents per

Activity: 500.

Annual Responses: 3,000.

Frequency of Response: Once per request.

Average Minutes per Response: 30.

Burden Hours: 1,500.

Request for Comments: Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval. Comments are invited on: (a) Whether the collection of information is necessary for the proper performance of the functions of MSPB, including whether the information shall have practical utility; (b) the accuracy of MSPB's estimate of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology; and (e) estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide information.

Burden means the total time, effort, or financial resources expended by persons to generate, maintain, retain, disclose or

provide information to or for a Federal agency. This includes the time needed to review instructions; to develop, acquire, install and utilize technology

and systems for the purpose of collecting, validating and verifying information, processing and maintaining information, and disclosing and providing information; to train personnel and to be able to respond to a collection of information, to search data sources, to complete and review the collection of information; and to transmit or otherwise disclose the information.

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.

William D. Spencer,

Clerk of the Board.

[FR Doc. 2014–08023 **Filed 4–9–14**; 8:45 am]

Federal Register / Vol. 79, No. 137 / Thursday, July 17, 2014 /
Notices 41707-41708 (the next came)

MERIT SYSTEMS PROTECTION

BOARD

Agency Information Collection

Activities: Proposed Collection;

**Comment Request; Generic Clearance
for the Collection of Qualitative**

Feedback on Agency Service Delivery

AGENCY: Merit Systems Protection
Board.

ACTION: Notice and request for
comments.

SUMMARY: As part of a Federal
Government-wide effort to streamline
the process for seeking feedback from
the public on service delivery, the Merit
Systems Protection Board (MSPB)
submitted a Generic Information
Collection Request (Generic ICR),
“Generic Clearance for the Collection of
Qualitative Feedback on Agency Service
Delivery,” to the Office of Management

and Budget (OMB) for approval under the Paperwork Reduction Act (PRA) (44 U.S.C. 3501 et. seq.).

DATES: Consideration will be given to all comments received by August 18, 2014.

ADDRESSES: Written comments may be submitted to William D. Spencer, Clerk of the Board, Merit Systems Protection Board, 1615 M Street NW., Washington, DC 20419; by fax: (202) 653–7130; or by email: mspb@mspb.gov.

FOR FURTHER INFORMATION CONTACT: To request additional information, please contact William D. Spencer, Clerk of the Board, Merit Systems Protection Board, 1615 M Street NW., Washington, DC 20419; phone: (202) 653–7200; fax: (202) 653–7130; or email: mspb@mspb.gov.

SUPPLEMENTARY INFORMATION:
Title: Generic Clearance for the

Collection of Qualitative Feedback on Agency Service Delivery.

Abstract: The information collection activity will garner qualitative customer and stakeholder feedback in an efficient, timely manner, in accordance with the **Administration's commitment to improving service delivery.** By qualitative feedback we mean information that provides useful insights on perceptions and opinions, but are not statistical surveys that yield quantitative results that can be generalized to the population of study. This feedback will provide insights into customer or stakeholder perceptions, experiences and expectations, provide an early warning of issues with service, or focus attention on areas where communication, training or changes in

operations might improve delivery of products or services. These collections will allow for ongoing, collaborative and actionable communications between MSPB and its customers and stakeholders. It will also allow feedback to contribute directly to the improvement of program management. Feedback collected under this generic clearance will provide useful information, but it will not yield data that can be generalized to the overall population. This type of generic clearance for qualitative information will not be used for quantitative information collections that are designed to yield reliably actionable results, such as monitoring trends over time or documenting program performance. Such data uses require

more rigorous designs that address: The target population to which generalizations will be made, the sampling frame, the sample design (including stratification and clustering), the precision requirements or power calculations that justify the proposed sample size, the expected response rate, methods for assessing potential non-response bias, the protocols for data collection, and any testing procedures that were or will be undertaken prior fielding the study. Depending on the degree of influence the results are likely to have, such collections may still be eligible for submission for other generic mechanisms that are designed to yield quantitative results.

MSPB did not receive any comments in response to the 60-day notice

published in the Federal Register on April 10, 2014 (79 FR 19929).

Below we provide MSPB's projected average estimates for the next three years:

Current Actions: New collection of information.

Type of Review: New collection.

Affected Public: Individuals and households, businesses and organizations, State, Local or Tribal Government.

Average Expected Annual Number of Activities: 12.

Average Number of Respondents per Activity: 500.

Annual Responses: 3,000.

Frequency of Response: Once per request.

Average Minutes per Response: 30.

Burden Hours: 1,500.

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.

William D. Spencer,
Clerk of the Board.

[FR Doc. 2014–16762 Filed 7–16–14; 8:45 am]

BILLING CODE 7400–01–P

Commenter observes implicit in date: Friday, January 19, 2018 this lends to an inference that this was not entirely vetted by President Trump in the course of his First Presidency. Press Release issued by the Acting Clerk of the Board of January 19, 2018 announced to the public that the MSPB was shutdown Acting Clerk MSPB on January January

Federal Register / Vol. 83, No. 13 / Friday, January 19, 2018 /
Notices 2821-2822

MERIT SYSTEMS PROTECTION

BOARD

Agency Information Collection

Activities: Proposed Collection;

Comment Request; Generic Clearance

for the Collection of Qualitative

Feedback on Agency Service Delivery

AGENCY: Merit Systems Protection

Board.

ACTION: Notice and request for
comments.

SUMMARY: The Merit Systems Protection Board (MSPB), as part of its continuing effort to reduce paperwork and respondent burden, is planning to submit an Information Collection Request (ICR) to the Office of Management and Budget (OMB), entitled: “Generic Clearance for the Collection of Qualitative Feedback on

Agency Service Delivery” and identified by OMB Control No. 3124–0015, as required by the Paperwork Reduction Act of 1995 (PRA). This collection was developed as part of a Federal Government-wide effort to streamline the process for seeking feedback from the public on service delivery. MSPB is soliciting comments on this extension, without change, of a previously approved collection set to expire on April 30, 2018. The purpose of this notice is to allow 60 days for public comment preceding submission of the collection to the OMB.

DATES: Consideration will be given to all comments received by March 20, 2018.

ADDRESSES: Submit comments by using only one of the following methods:

(1) Email. Submit comments to

mspb@mspb.gov.

(2) Mail. Submit comments to Jennifer Everling, Acting Clerk of the Board, Merit Systems Protection Board, 1615 M Street NW, Washington, DC 20419.

(3) Fax. Submit comments to (202) 653–7130.

All comments must reference OMB Control No. 3124–0015. Regardless of the method used for submitting comments or material, all submissions will be posted, without change, to MSPB’s website (www.mspb.gov) and will include any personal information you provide. Therefore, submitting this information makes it public.

FOR FURTHER INFORMATION CONTACT:

Jennifer Everling, Acting Clerk of the Board, Merit Systems Protection Board,

1615 M Street NW, Washington, DC
20419; phone: (202) 653–7200; fax: (202)
653–7130; or email: mspb@mspb.gov.

You may contact the Office of the Clerk
of the Board for copies of the proposed
collection of information at: [mspb@](mailto:mspb@mspb.gov)
mspb.gov.

SUPPLEMENTARY INFORMATION:

The proposed information collection
activity provides a means to obtain
qualitative customer and stakeholder
feedback in an efficient, timely manner,
in accordance with MSPB's
commitment to improving service
delivery. Qualitative feedback is
information that provides useful
insights on perceptions and opinions,
but are not statistical surveys that can be
generalized to the population of study.
This feedback will provide insights into

customer or stakeholder perceptions, experiences and expectations, provide an early warning of issues with service, or focus attention on areas where communication, training or changes in operations might improve delivery of products or services. These collections will allow for ongoing, collaborative and actionable communications between MSPB and its customers and stakeholders. It will also allow feedback to contribute directly to the improvement of program management. The solicitation of feedback will target areas such as: Timeliness, appropriateness, accuracy of information, courtesy, efficiency of service delivery, and resolution of issues with service delivery. Responses will be assessed to plan and inform

efforts to improve or maintain the quality of service offered to the public.

If this information is not collected, vital feedback from customers and stakeholders on MSPB's services will be unavailable.

The MSPB will only submit a collection for approval under this generic clearance if it meets the following conditions:

- The collections are voluntary;
- The collections are low-burden for respondents (based on considerations of total burden hours, total number of respondents, or burden-hours per respondent) and are low-cost for both the respondents and the Federal Government;
- The collections are non-controversial and do not raise issues of concern to other Federal agencies;

- Any collection is targeted to the solicitation of opinions from respondents who have experience with the program or may have experience with the program in the near future;

s collected only to the extent necessary and is not retained;

- Information gathered will be used only internally for general service improvement and program management purposes and is not intended for release outside of MSPB;

- Information gathered will not be used for the purpose of substantially informing influential policy decisions; and

- Information gathered will yield qualitative information; the collections will not be designed or expected to yield statistically reliable results or used as though the results are generalizable to the population of study.

Feedback collected under this generic clearance provides useful information, but it does not yield data that can be generalized to the overall population.

This type of generic clearance for qualitative information will not be used for quantitative information collections that are designed to yield reliably actionable results, such as monitoring trends over time or documenting program performance. Such data uses require more rigorous designs that address: The target population to which generalizations will be made, the sampling frame, the sample design (including stratification and clustering), the precision requirements or power calculations that justify the proposed sample size, the expected response rate, methods for assessing potential non-

response bias, the protocols for data collection, and any testing procedures that were or will be undertaken prior to fielding the study. Depending on the degree of influence the results are likely to have, such collections may still be eligible for submission for other generic mechanisms that are designed to yield quantitative results.

As a general matter, information collections will not result in any new system of records containing privacy information and will not ask questions of a sensitive nature, such as sexual behavior and attitudes, religious beliefs, and other matters that are commonly considered private.

Title: Generic Clearance for the Collection of Qualitative Feedback on Agency Service Delivery.

OMB Number: 3124–0015.

Type of Information Collection:

Extension, without change, of a currently approved information collection.

ICR Status: This ICR is currently scheduled to expire on April 30, 2018.

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.

Abstract of Proposed Collection: This collection is part of a Federal Government-wide effort to streamline the process for seeking feedback from the public on service delivery and provides a means to obtain qualitative customer and stakeholder feedback in an efficient, timely manner, in

accordance with MSPB's commitment to improving service delivery. Responses to any collection of information under this ICR are voluntary.

Affected Public: Individuals and Households; Businesses and Organizations; State, Local or Tribal Government.

Estimated Total Number of Respondents: 3,000.

Estimated Frequency of Responses: Once per request.

Estimated Total Average Number of Responses for Each Respondent: 1.

Estimated Total Annual Burden Hours: 1,500.

Estimated Total Cost: \$50,100.

Comments: Comments should be submitted as indicated in the **ADDRESSES** caption above. Comments are solicited

to: (a) Evaluate whether the collection of information is necessary for the proper performance of the functions of MSPB, including whether the information shall have practical utility; (b) evaluate the accuracy of MSPB's estimate of the burden of the collection of information; (c) enhance the quality, utility, and clarity of the information to be collected; (d) minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology; and (e) evaluate the estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide information. Burden means the total time, effort, or financial resources expended by persons to

generate, maintain, retain, disclose or provide information to or for a Federal agency. This includes the time needed to review instructions; to develop, acquire, install and utilize technology and systems for the purpose of collecting, validating and verifying information, processing and maintaining information, and disclosing and providing information; to train personnel and to be able to respond to a collection of information, to search data sources, to complete and review the collection of information; and to transmit or otherwise disclose the information.

Jennifer Everling,

Acting Clerk of the Board.

[FR Doc. 2018–00844 Filed 1–18–18; 8:45 am]

BILLING CODE 7401–01–P

Due to the shutdown of the Federal Government effective at midnight, Friday,

January 19, 2018, the U.S. Merit Systems Protection Board (MSPB or Board) has

ceased all operations. This means that the processing of all appeals and other

pleadings is suspended, regardless of whether such matters are pending in a Regional

or Field Office, before the full Board in Washington, DC, or before an administrative

law judge. No staff are available in any MSPB office to answer inquiries during the

entirety of a shutdown. MSPB's e-Appeal Online system also is not available. (The MSPB press release)

OMB Number: 3124-0015.

18348 Federal Register / Vol. 88, No. 59 / Tuesday, March 28, 2023 / Notices

**MERIT SYSTEMS PROTECTION
BOARD**

Agency Information Collection

**Activities: Renewal of a Currently
Approved Information Collection;
Comment Request; Generic Clearance
for the Collection of Qualitative
Feedback on Agency Service Delivery**

AGENCY: Merit Systems Protection
Board.

ACTION: 60-Day notice and request for
comments.

SUMMARY: The Merit Systems Protection
Board (MSPB), as part of its continuing
effort to reduce paperwork and
respondent burden, is seeking a three-
year renewal, without change, from the
Office of Management and Budget
(OMB), of a currently approved
Information Collection Request (ICR)
entitled: “Generic Clearance for the

Collection of Qualitative Feedback on Agency Service Delivery” and identified by OMB Control No. 3124–0015, as required by the Paperwork Reduction Act of 1995 (PRA). **This collection was developed as part of a Federal Government-wide effort** to streamline the process for seeking feedback from the public on service delivery. MSPB is soliciting comments on this renewal, without change, of a previously approved collection set to expire on May 31, 2023. The purpose of this notice is to allow 60 days for public comment preceding submission of the collection to the OMB.

DATES: Consideration will be given to all comments received by May 30, 2023.

ADDRESSES: Submit comments by using only one of the following methods:

(1) Email. Submit comments to privacy@mspb.gov.

(2) Mail. Submit comments to D. Fon Muttamara, Chief Privacy Officer, Office of the Clerk of the Board, Merit Systems Protection Board, 1615 M Street NW, Washington, DC 20419.

(3) Fax. Submit comments to (202) 653–7130.

All comments must reference OMB Control No. 3124–0015. Regardless of the method used for submitting comments or material, all submissions will be posted, without change, to MSPB’s website (www.mspb.gov) and will include any personal information you provide. Therefore, submitting this information makes it public.

FOR FURTHER INFORMATION CONTACT: D.

Fon Muttamara, Chief Privacy Officer, at

privacy@mspb.gov. You may submit written questions to the Office of the Clerk of the Board by any of the following methods: by email to privacy@mspb.gov, or by mail to Clerk of the Board, U.S. Merit Systems Protection Board, 1615 M Street NW, Washington, DC 20419. Please include OMB Control No. 3124–0015 with your questions.

SUPPLEMENTARY INFORMATION: MSPB

intends to seek a three-year renewal, without change, of a currently approved information collection “Generic Clearance for the Collection of Qualitative Feedback on Agency Service Delivery,” OMB Control No. 3124–0015. The proposed information collection activity provides a means to obtain qualitative customer and stakeholder

feedback in an efficient, timely manner, in accordance with MSPB's commitment to improving service delivery. Qualitative feedback is information that provides useful insights on perceptions and opinions but are not statistical surveys that can be generalized to the population of study. This feedback will provide insights into customer or stakeholder perceptions, experiences and expectations, provide an early warning of issues with service, or focus attention on areas where communication, training or changes in operations might improve delivery of products or services. These collections will allow for ongoing, collaborative and actionable communications between MSPB and its customers and stakeholders. It will also allow feedback

to contribute directly to the improvement of program management.

The solicitation of feedback will target areas such as: timeliness,

appropriateness, accuracy of information, courtesy, efficiency of service delivery, and resolution of issues with service delivery. Responses will be assessed to plan and inform efforts to improve or maintain the quality of service offered to the public.

If this information is not collected, vital feedback from customers and stakeholders on MSPB's services will be unavailable.

The MSPB will only submit a collection for approval under this generic clearance if it meets the following conditions:

- The collections are voluntary;

- The collections are low-burden for respondents (based on considerations of total burden hours, total number of respondents, or burden-hours per respondent) and are low-cost for both the respondents and the Federal Government;
- The collections are non-controversial and do not raise issues of concern to other Federal agencies;
- Any collection is targeted to the solicitation of opinions from respondents who have experience with the program or may have experience with the program in the near future;
- Personally identifiable information (PII) is collected only to the extent necessary and is not retained;
- Information gathered will be used only internally for general service

improvement and program management purposes and is not intended for release outside of MSPB;

- Information gathered will not be used for the purpose of substantially informing influential policy decisions; and

- Information gathered will yield qualitative information; the collections will not be designed or expected to yield statistically reliable results or used as though the results are generalizable to the population of study.

Feedback collected under this generic clearance provides useful information, but it does not yield data that can be generalized to the overall population.

This type of generic clearance for qualitative information will not be used for quantitative information collections

that are designed to yield reliably actionable results, such as monitoring trends over time or documenting program performance. Such data uses require more rigorous designs that address: the target population to which generalizations will be made, the sampling frame, the sample design (including stratification and clustering), the precision requirements or power calculations that justify the proposed sample size, the expected response rate, methods for assessing potential non-response bias, the protocols for data collection, and any testing procedures that were or will be undertaken prior to fielding the study. Depending on the degree of influence the results are likely to have, such collections may still be eligible for submission for other generic

mechanisms that are designed to yield quantitative results.

As a general matter, information collections will not result in any new system of records containing privacy information and will not ask questions of a sensitive nature, such as sexual behavior and attitudes, religious beliefs, and other matters that are commonly considered private.

Title: Generic Clearance for the Collection of Qualitative Feedback on Agency Service Delivery.

OMB Number: 3124–0015.

Type of Information Collection:

Renewal, without change, of a currently approved information collection.

ICR Status: This ICR is currently scheduled to expire on May 31, 2023.

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.

Abstract of Proposed Collection: This collection is part of a Federal Government-wide effort to streamline the process for seeking feedback from the public on service delivery and provides a means to obtain qualitative customer and stakeholder feedback in an efficient, timely manner, in accordance with MSPB's commitment to improving service delivery. Responses to any collection of information under this ICR are voluntary.

Affected Public: Individuals and Households; Businesses and Organizations.

Estimated Total Number of

Respondents: 600.

Estimated Frequency of Responses:

Once per year.

Estimated Total Average Number of
Responses for Each Respondent: Once
per year.

Estimated Total Annual Burden

Hours: 49.8.

Estimated Total Cost: \$1,887.42.

Comments: Comments should be
submitted as indicated in the **ADDRESSES**
caption above. Comments are solicited
to: (a) evaluate whether the collection of
information is necessary for the proper
performance of the functions of MSPB,
including whether the information shall
have practical utility; (b) evaluate the
accuracy of MSPB's estimate of the
burden of the collection of information;
(c) enhance the quality, utility, and

clarity of the information to be collected; (d) minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology; and (e) evaluate the estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide information. Burden means the total time, effort, or financial resources expended by persons to generate, maintain, retain, disclose or provide information to or for a Federal agency. This includes the time needed to review instructions; to develop, acquire, install and utilize technology and systems for the purpose of collecting, validating and verifying information, processing and

maintaining information, and disclosing and providing information; to train personnel and to be able to respond to a collection of information, to search data sources, to complete and review the collection of information; and to transmit or otherwise disclose the information.

Jennifer Everling,

Acting Clerk of the Board.

[FR Doc. 2023–06348 Filed 3–27–23; 8:45 am]

BILLING CODE 7400–01–P

Federal Register / Vol. 88, No. 110 / Thursday, June 8, 2023 /
Notices

37583

AGENCY:

Merit Systems Protection Board.

ACTION:

30-Day notice and request for comments.

SUMMARY:

The U.S. Merit Systems Protection Board (MSPB) is seeking to reinstate a previously approved information collection in accordance with the Paperwork Reduction Act (PRA) of 1995. MSPB will submit the information collection abstracted below, OMB No. 3124-0015, to the Office of Management and Budget (OMB) pursuant to the PRA for review and clearance. MSPB's Information Collection Request (ICR) expired on May 31, 2023. The ICR describes the nature of the information collection and its expected burden. This information collection was developed as part of a Federal Government-wide effort to streamline the process for seeking feedback from the public on service delivery. MSPB is requesting public comments. The purpose of this notice is to allow 30 days for public comment after submission of the collection to OMB.

DATES:

Consideration will be given to all comments received by July 10, 2023.

ADDRESSES:

Submit written comments on the proposed information collection to the Office of Information and Regulatory Affairs, OMB. Comments should be addressed to the Desk Officer for

the Merit Systems Protection Board and sent via electronic mail to *oira.submission@omb.eop.gov*.

All comments must reference OMB Control No. 3124-0015. All submissions will be posted, without change, to MSPB's website (*www.mspb.gov*) and will include any personal information you provide. Therefore, submitting this information makes it public.

FOR FURTHER INFORMATION CONTACT:

D. Fon Muttamara, Chief Privacy Officer,
at *privacy@mspb.gov* or (202) 653-7200. You may submit written questions to the Office of the Clerk of the Board by any of the following methods: by email to *privacy@mspb.gov* or by mail to Clerk of the Board, U.S. Merit Systems Protection Board, 1615 M Street NW, Washington, DC 20419. Please include OMB Control No. 3124-0015 with your questions.

SUPPLEMENTARY INFORMATION:

MSPB intends to request approval for a reinstatement of a previously approved information collection and seeks a three-year renewal of the collection entitled “Generic Clearance for the Collection of Qualitative Feedback on Agency Service Delivery,” OMB Control No. 3124-0015. MSPB previously sought a renewal of this information collection and published a notice in the **Federal Register** on March 28, 2023, at 88 FR 18348 with a 60-day public comment period. No comments were received. At that time, the information collection had not expired, and MSPB is now seeking a reinstatement and renewal

of this information collection. The purpose of this 30-day notice is to notify the public that MSPB will submit the information collection abstracted below to OMB for review and clearance.

Information Collection Requirement

Title: Generic Clearance for the Collection of Qualitative Feedback on Agency Service Delivery.

OMB Number: 3124-0015.

Type of Information Collection: This is a request for reinstatement of a previously approved information collection.

ICR Status: This ICR expired on May 31, 2023. MSPB intends to request approval for reinstatement of a previously approved information collection from OMB under the PRA of 1995. 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.

Abstract of Proposed Collection: This collection is part of a Federal Government-wide effort to streamline the process for seeking feedback from the public on service delivery and provides a means to obtain qualitative customer and stakeholder feedback in an efficient, timely manner, in accordance with MSPB's commitment to improving service delivery. Responses to any collection of information under this ICR are voluntary.

Affected Public: Individuals and Households; Businesses and Organizations.

Estimated Total Number of Respondents: 600.

Estimated Frequency of Responses: Once per year.

Estimated Total Average Number of Responses for Each Respondent: Once per year.

Estimated Total Annual Burden Hours: 49.8.

Estimated Total Cost: \$1,887.42.

Comments: Comments should be submitted as indicated in the **ADDRESSES** caption above. Comments are solicited to: (a) evaluate whether the collection of information is necessary for the proper performance of the functions of MSPB, including whether the information shall have practical utility; (b) evaluate the accuracy of MSPB's estimate of the burden of the collection of information; (c) enhance the quality, utility, and clarity of the information to be collected; (d) minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology; and (e) evaluate the estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide information. Burden means the total time, effort, or financial resources expended by persons to generate, maintain, retain, disclose, or provide information to or for a Federal agency. This includes the time needed to review instructions; to develop, acquire, install, and utilize technology and systems for the purpose of collecting, validating and verifying information, processing and maintaining information,

and disclosing and providing information; to train personnel and to be able to respond to a collection of information, to search data sources, to complete and review the collection of information; and to transmit or otherwise disclose the information.

Jennifer Everling,

Acting Clerk of the Board.

[FR Doc. 2023-12215 Filed 6-7-23; 8:45 am]

BILLING CODE 7400-01-P

[Document page views are updated periodically throughout the day and are cumulative counts for this document. Counts are subject to sampling, reprocessing and revision (up or down) throughout the day.

Page views

51 as of 06/01/2026 at 6:15 pm EDT

This PDF is FR Doc. 2023-12215 as it appeared on Public Inspection on 06/07/2023 at 8:45 am.

It was viewed 1 times while on Public Inspection.

If you are using public inspection listings for legal research, you should verify the contents of the documents against a final,

official edition of the Federal Register. **Only official editions of the Federal Register provide legal notice of publication to the public and judicial notice to the courts under 44 U.S.C. 1503 & 1507.** Learn more [here](#).

Nothing in this “without change” document - and never in any such predecessor documents, has the Board made reference to nor is there any indication of usage of Artificial Intelligence (AI), Three years ago, the Administration was a wholly different one (the Clerk of the Board was Board Clerk then) With the advent of President Trump, brought about significant

Your Commenter begins here observing that at about the time of the subject Generic Clearance for the Collection of Qualitative Feedback on Agency Service Delivery,” OMB Control No. 3124-0015 of which the Clerk of the Board now seeks 3 year extension without change - the following was in the “Que” before the Department of Health and Human Services and response was provided accordingly. The below document is relevant for purposes herein. Commenter’s points do not end with this though - Commenter shall provide additional “bullet” points “nuggets” with a view to further contribute to the subject

of the Board's request for comments. I trust that my comments shall provide insight into the Paperwork Reduction Act and the directions it appears to be drawing

Dear Honorable Jarboe:

This letter is the final response to your August 16, 2023, Freedom of Information Act (FOIA)

request. Specifically, you requested the following records:

"Names of any and all Presidentially

Appointed Senate Confirmed (PAS) Administrative Law Judges [no matter the title - MMA Dec

8, 2003 provides for no title but "Administrative Law Judges" or "Judge"], officers, employees,

senior executive service employees (ses) assigned to the Department of Health and Human

Services, Office of the Secretary, Office of Medicare Hearings and Appeals.."

The Office of Medicare Hearings and Appeals (OMHA) conducted a search and reports there are

no records responsive to your request. OMHA does not have any Presidentially appointed,

Senate confirmed employees.

While we believe an adequate search of the appropriate files was conducted for the records

requested, you have the right to appeal this finding that no responsive records exist within

(OMHA). By filing an appeal, you preserve your rights under FOIA and give the agency a

chance to review and reconsider your request and the agency's decision.

Please mark the correspondence, "Freedom of Information Act Appeal." Your appeal must be

transmitted within 90 days from the date of receipt of this letter to:

William H. Holzerland

Deputy Agency Chief FOIA Officer

U.S. Department of Health and Human Services

Office of the Assistant Secretary for Public Affairs

HHS.ACFO@hhs.gov

If you would like to discuss our response before filing an appeal to attempt to resolve your

dispute without going through the appeals process, you may contact the HHS FOIA Public

Liaison for assistance at:

HHS FOIA/PA Public Liaison FOI/Privacy Acts Division

Assistant Secretary for Public Affairs (ASPA)

Office of the Secretary (OS)

U.S. Department of Health and Human Services (HHS)

Telephone: (202) 690-7453

Fax: (202) 690-8320

E-mail: HHS_FOIA_Public_Liaison@hhs.gov

If you are unable to resolve your FOIA dispute through our FOIA Public Liaison, the Office of

Government Information Services (OGIS), the Federal FOIA Ombudsman's office, offers

mediation services to help resolve disputes between FOIA requesters and Federal agencies. The

contact information for OGIS is:

Office of Government Information Services

National Archives and Records Administration

Telephone: 202-741-5770

Toll-Free: 1-877-684-6448

E-mail: ogis@nara.gov

Fax: 202-741-5769

There are no charges in this instance because the billable costs are less than our threshold of \$25.

Sincerely yours,

Arianne Perkins

Director, Initial FOIA Requests

FOI/Privacy Acts Division

Department of Health and Human Services (HHS)
administrative law judge of whom Congress has mandated
"(Transfer of adjudication authority...independence of
judges***the Secretary shall assure the independence of the
administrative law judges

***such judges shall be subject to the general supervision of the
Secretary and not be subject to supervision of any other officer
of the Department of Health and Human Services" H.R. 1, 117
Stat, 2396

There is more to the PRA than forms. The follow sort of
approval seems to fall out of favor with the arrival '46 President
- this, like the as well as his Secretary of Health and Human
Services

Accessed April 22, 2019:

<https://www.hhs.gov/about/agencies/asa/index.html>

Assistant Secretary for Administration

The Assistant Secretary for Administration provides leadership for HHS departmental administration, including human resource policy, information technology, and departmental operations. The ASA also serves as the operating division head for the HHS Office of the Secretary.

....

Content created by Assistant Secretary for Administration (ASA)

Content last reviewed on January 28, 2016

....

Was this page helpful?

ï Yes

Form Approved OMB# 0990-0379 Exp. Date 9/30/2020

“One of the difficult subjects in American administrative law rises from the uniting of investigation, prosecuting, and adjudication in one body. Members of legislative bodies have often witness that their constituents expect them to forward complaints to administrative agencies which are authorized to receive the complaints, investigate, institute what is in effect a prosecution, through its subordinates act as judge and enforce its judgment. Thus proceeding from beginning to end

may be one to give effect to the complaint. Such things are in manifest derogation from the maxim that no one is to be judge in his own case. A recent case in which a court noted the effect of the administrative agency's acting as investigator, prosecutor, advocate before itself, and judge is *Matter of Joyce v Morgan*, 259 App. Div. (N.Y.) 630, 635 (1940). That there is a very serious evil here is generally admitted. How to correct it through the organization of administrative agencies is something beyond my competence to discuss. But authorities on administrative organization seem to feel that the uniting of these roles is to a certain degree inevitable and not without compensating advantages. If so, there is more reason for judicial review. We have a situation not unlike this in the case of contempt where not a matter of executing decrees or enforcing order in court. Every consideration that has called for checks and judicial review in contempt cases applies equally to prosecution of complaints by an administrative agency before itself."

Roscoe Pound, *Administrative Law Its Growth Procedure, and Significance*, By Roscoe Pound, University Professor in Harvard University A Series of Lectures under the Auspices of THE SCHOOL OF LAW OF THE UNIVERSITY OF PITTSBURGH Delivered September 27 and 28, October 4 and 5, 1940 And an Address before the Allegheny County Bar Association October 5, 1940 University of Pittsburgh Press 1942 Property of U.S. Information Center Nuernberg., pages 80-81.

"It is argued that, notwithstanding our constitutional organization of government, there may well be a 'fourth branch of the government' uniting all the powers in one body. It is quite true that there is no magic virtue in the number three. But it is the separation or distribution of powers that is the significant feature of our constitutional polity, and the

concentration of them in a fourth branch is objectionable, not ‘in the light of numerology’ but because it brings back the type of government that our constitutions were set up to avoid.” *Id.* at pages 65-66.

The Paperwork Reduction Act (PRA) may not only be able to flush out the origin - the “Administration” of which is the source of the Invitation for comments which brings us here. Professor Pound’s above selection ends as I have provided, ‘it brings back the type of government that our constitutions were set up to avoid.’ That “Administration” is the 44th Presidential ‘Administration’ On January 19, 2018, the Acting Clerk MSPB announced the intention to renew it for 3 years, then, that same day, made public announcement that the MSPB (the Board) to undergo shutdown. Hence, it de facto auto-renewed for 3 years to fall in the lap of the 46th sworn-in president. Constitutional scholar, a Roscoe Pound this commenter may not be.

In short: on January 19, 2018, the Acting Clerk of the Board (MSPB) announced: ‘This collection was developed as part of a Federal Government-wide effort to streamline the process for seeking feedback from The public on service delivery.’

The Merit Systems Protection Board (MSPB), as part of its continuing effort to reduce paperwork and respondent burden, invites the general public to take this opportunity to comment on the “Generic Clearance for the Collection of Qualitative Feedback on Agency Service Delivery” for approval under the Paperwork Reduction Act (PRA). This collection was developed

as part of a Federal Governmentwide effort to streamline the process for seeking feedback from the public on service delivery. This notice announces our intent to submit this collection to the Office of Management and Budget (OMB) for approval and solicits comments on specific aspects for the proposed information collection. Commenter emphasizes here that on January 19, 2018, the MSPB did not speak for any “Federal Governmentwide effort” - and at the same time announce that the MSPB was shut down. But as we speak we have a President and an OMB director empowered to do so.

Judge Rudolph Contreras held that a particular Commission was not subject to the PRA, and OMB and its Director were not to be sued under in the matter *United to Protect Democracy v. Presidential Advisory Com'n* 288 F. Supp. 3d 99 (D.D.C. 2017).

Commenter has provided a mix, attached I look forward to providing documents demonstrating the extent that the PRA will be benefit to President and Director OMB in routing out those remainders in government agencies, whom have been allowed to “that fourth branch of government” - our constitutions were set up to avoid. I add that the Paperwork Reduction Act shall be of great assistance to that end.

I observe that when the outgoing Secretary left HHS in early 2025 with the return of of the People’s Choice - President Donald J.

Trump. That ex-secretary left something of which the PRA, is only a small step to remedy. That former secretary might have taken his laurels and went west for whatever. What I shall attach in shall warrant review and remedy. FYI the September 2023 Foia response - alone shows he left Federal Government Service while being well aware of what he was leaving for President Trump, Director OMB, and for that matter Secretary Kennedy to fix - we know they will.



DEPARTMENT OF HEALTH AND HUMAN SERVICES
Office of Medicare Hearings and Appeals
**PETITION TO OBTAIN APPROVAL OF A FEE
FOR REPRESENTING A BENEFICIARY**

Instructions: An attorney or other appointed representative for a beneficiary must request and obtain approval to charge a fee for services rendered in connection with an appeal before the Office of Medicare Hearings and Appeals (OMHA), **unless** a fee arrangement was made for purposes of making a claim for third party payment. A fee arrangement made to represent a beneficiary in a claim for third party payment does not require approval, even if the representation ultimately includes a Medicare Secondary Payer recovery claim. A representative must submit a fee petition to the assigned Administrative Law Judge (ALJ) no later than 60 days after the date the notice of decision, dismissal, remand, or escalation was mailed, and must provide a copy to the beneficiary.

Section 1: What is your (the representative's) information? *(Beneficiary information in next section)*

Name	Firm or Organization (if applicable)	Telephone Number	
Mailing Address	City	State	ZIP Code

Section 2: What is the beneficiary's information?

Name	Health Insurance Claim Number (HICN)	Telephone Number	
Mailing Address	City	State	ZIP Code

Section 3: Representative and fee information: To be completed by the representative.

- Are you an attorney? ☐ No ☐ Yes
- Have you ever been disbarred or suspended from a court or bar to which you were previously admitted? ☐ Not applicable (I am not an attorney) ☐ No ☐ Yes
- Have you been disqualified from participating in or appearing before a Federal program? ☐ No ☐ Yes
- Have you and your client entered into a fee agreement for services provided in connection with an appeal before OMHA (if yes, please attach a copy)? ☐ No ☐ Yes
- Itemized list of services: **On a separate page or pages**, itemize the services you rendered in connection with an appeal before OMHA. List each meeting, conference, item of correspondence, telephone call and other activity in which you engaged (such as research, preparation of a brief, attendance at a hearing, or travel) related to your services as a representative in this case. Please provide the date, description, and actual amount of time spent on each service, and the total number of hours. For services not yet rendered, include the expected number of hours and hourly rate, plus any retainer. For a contingency fee, please describe the terms.
- Complete the following statement: I request approval to charge a total fee (actual and anticipated) of \$_____ for services rendered before OMHA as the appointed representative of the Medicare beneficiary identified above, in connection with the following OMHA Appeal Number(s):

By signing this document, I verify that all statements made in this fee petition and any accompanying documents are true and accurate, to the best of my knowledge.

Representative Signature	Date
--------------------------	------

Section 4: OPTIONAL beneficiary agreement: You (the representative) may ask the beneficiary to sign this petition and indicate agreement with the fee amount. The beneficiary should mark **one** of the following choices and sign below.

- ☐ I agree with the \$_____ fee, which my representative is asking to charge and collect. By signing this request, I am not giving up my right to later disagree with the total amount approved by the ALJ.
- ☐ I do not agree with the requested fee or other information given here, or I need more time.

As the beneficiary, I understand that I do not have to sign this petition, and that it is my right to disagree with the amount of the fee requested or any information given.

Beneficiary Signature	Date
-----------------------	------

Privacy Act Statement

The legal authority for the collection of information on this form is authorized by the Social Security Act (section 1155 of Title XI and sections 1852(g)(5), 1860D-4(h)(1), 1869(b)(1), and 1876 of Title XVIII). The information provided will be used to further document your appeal. Submission of the information requested on this form is voluntary, but failure to provide all or any part of the requested information may affect the determination of your appeal. Information you furnish on this form may be disclosed by the Office of Medicare Hearings and Appeals to another person or governmental agency only with respect to the Medicare Program and to comply with Federal laws requiring the disclosure of information or the exchange of information between the Department of Health and Human Services and other agencies.

If you need large print or assistance, please call 1-855-556-8475

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U.S. DEPARTMENT OF
HEALTH AND HUMAN SERVICES

Filing An Appeal </about/agencies/omha/filing-an-appeal/index.html>



Navigate to:



Glossary

This glossary explains terms found on the omha.hhs.gov web site, but it is not a legal document.

A | B | C | D | E | F | G | H | I | J | K | L | M | N | O | P | Q | R | S | T | U | V |
W | X | Y | Z

A

Adjudicator: The person who makes the decision in an appeal. There is an adjudicator at each of the five levels of Medicare appeals. In OMHA, the adjudicator of an appeal is the Administrative Law Judge (ALJ) or an attorney adjudicator.

Adjusted annually: A change that occurs on a yearly basis.

Administrative Law Judge (ALJ): An Administrative Law Judge (ALJ) is an independent decision-maker who is authorized to preside over hearings and render legally binding decisions. In the Medicare appeals process the ALJ is an adjudicator at OMHA, the third level of the claim appeals process. At OMHA, the ALJ presides over

the hearing by administering oaths, taking testimony, ruling on questions of evidence and making factual and legal determinations. In issuing his or her decision, the OMHA ALJ is bound by the Administrative Procedure Act, Medicare statutes and regulations, precedential decisions of the Medicare Appeals Council, and national coverage determinations and rulings issued by Centers for Medicare and Medicaid Services (CMS).

Advance Beneficiary Notice (ABN): An Advance Beneficiary Notice (ABN) is a letter officially informing you that your healthcare provider or supplier believes that Medicare will not cover an item(s) and/or service(s). The ABN helps you make an informed choice about whether or not you want to receive the item(s) and/or service(s) knowing that you may be responsible for payment. Remember, if you decide to receive the item(s) and/or services, you may be financially responsible for those charges.

ALJ hearing: An ALJ hearing is an official proceeding for an administrative appeal. For Medicare, an ALJ hearing takes place at the third level of appeal where the ALJ hears arguments and takes testimony to determine if a medical service or item is covered by Medicare or an individual is entitled to Medicare benefits. In the Medicare appeals process, an ALJ hearing can only take place after the first two levels of appeals have been completed.

Amount in controversy: The threshold dollar amount remaining in dispute that is required for an ALJ hearing at level 3 of the Medicare appeals process. The AIC is recalculated and published on an annual basis, and is identified in your reconsideration or reconsideration determination.

Appeal: For Medicare purposes, an appeal is the process used when a party, e.g., beneficiary, provider or supplier, disagrees with a decision to deny or stop payment for healthcare items or services or a decision denying an individual's enrollment in the Medicare program.

Appellant: A beneficiary, provider, supplier or other entity that submits an appeal of a particular Medicare initial determination. Designation as an appellant does not in itself convey standing to appeal the determination in question.

Appointed Representative: An individual a party selects to assist in pursuing a Medicare claim or appeal. An appointed representative can include the beneficiary's family member, friend, lawyer or the provider or supplier that furnished the Medicare items or services.

Associate Chief Administrative Law Judge (ACALJ): In OMHA, the ACALJ reports to the Chief Administrative Law Judge and supervises the Administrative Law Judges within his or her respective field office.

Attorney Adjudicator: A licensed attorney employed by OMHA with knowledge of Medicare coverage and payment laws and guidance, and authorized to take action on requests for ALJ hearing and requests for reviews of QIC dismissals. See 42 C.F.R. § 405.902.

Authorized Representative: An individual authorized under State or other applicable law to act on behalf of a beneficiary or other party involved in the appeal. An authorized representative has all the rights and responsibilities of a beneficiary or party, as applicable, throughout the appeals process. Examples of an "authorized representative" include a court-appointed guardian, an individual with durable power of attorney, and an individual designated under a State health care consent statute.

B

Beneficiary: An individual who is enrolled to receive benefits under the Medicare program. See 42 C.F.R. § 405.902.

C

Carrier: A private company that has a contract with the Centers for Medicare and Medicaid Services (CMS) to determine and make Medicare payment for Part B items and services. As part of the mandatory Medicare Contract Reform, CMS is currently replacing Medicare Carriers with Medicare Administrative Contractors. (See also "Medicare Administrative Contractors".)

Centers for Medicare and Medicaid Services (CMS): The federal agency within the Department of Health and Human Services (DHHS) that administers the Medicare program. Among its responsibilities, CMS oversees the Medicare Administrative Contractors involved in the processing and review of Medicare claims at the first and second level of appeals.

Chief Administrative Law Judge: The Chief Administrative Law Judge is the head official of OMHA and oversees all OMHA operations and personnel.

Claim: A claim is a request for payment for items and services billed under the Medicare program.

Coverage determination: A decision by a Medicare Part D plan sponsor not to provide or pay for a Part D drug that the enrollee believes may be covered by the plan. See 42 C.F.R. 423.566.

D

Departmental Appeals Board (DAB): A Board established in the Office of the Secretary of HHS whose members act in panels to provide impartial review of disputed decisions made by operating components of the Department or by ALJs. The Medicare Appeals Council is a division of the DAB. Note, this is the regulatory definition. See 42 C.F.R. § 400.202.

E

Enrollee: An individual who is eligible for and has elected or has enrolled in a Medicare Part D Prescription Drug plan or Medicare Advantage (MA) Plan.

Entitlement Appeals: The process pertaining to an individual's application to enroll in the Medicare program and receive Medicare benefits.

Evidence: Information presented throughout the appeals process for the purpose of establishing the truth or falsity of an alleged matter of fact. This may include the testimony of witnesses, records, documents or objects.

F

Fiscal intermediary: A private company that had a contract with CMS to determine and make Medicare payment for Part A benefits and certain Part B benefits. As part of the mandatory Medicare Contract Reform, CMS was directed to replace Fiscal Intermediaries with Medicare Administrative Contractors. (See Medicare Administrative Contractors). *See 42 C.F.R. § 405.902.*

H

Hearing: See "ALJ Hearing".

Health Insurance Claim Number (HICN): The number assigned by the Social Security Administration to an individual identifying him/her as a Medicare beneficiary, prior to April 1, 2018. Starting on April 1, 2018, this number was replaced by the Medicare Beneficiary Identifier (MBI) (See Medicare Beneficiary Identifier).

Hospital Insurance Benefits (Medicare Part A): The Hospital Insurance benefits help pay for inpatient hospital services, post hospital skilled nursing facility care, home health services and hospice care.

I

Income-Related Monthly Adjustment Amount (IRMAA): The additional amount of premium that a beneficiary will pay for Medicare Part B coverage based on income above a certain threshold. The income-related monthly adjustment amount is based on a beneficiary's modified adjusted gross income.

Initial determination (Entitlement Appeals): A determination made by the Social Security Administration (SSA) pertaining to an individual's application for Medicare benefits and/or entitlement to receive Medicare benefits under Part A and/or Part B of the Medicare program.

Initial determination (Claim Appeals): Following a receipt of a claim for payment, a determination issued by the Medicare Administrative Contractor indicating whether the item or service is covered and otherwise reimbursable under the Medicare

program, and the amount of payment due.

M

Medicare Advantage Plan (MA plan): Health benefits coverage offered under a policy or contract by an MS organization that includes a specific set of health benefits offered at a uniform premium and uniform level of cost-sharing to all Medicare beneficiaries residing in the service area of the MA plan.

Medicare Advantage Program (Part C): The program under Part C which provides all Part A and Part B services as well as additional services in some cases through Medicare Advantage health plans.

Medicare Administrative Contractor: The entity contracted with CMS that is responsible for the receipt, processing and payment of Medicare service claims under the Original Medicare Part A and Part B programs. In addition to providing claims processing, these contractors will be the primary contact for physicians and perform functions related to: Appeals, Provider Outreach and Education, Financial Management, Provider Enrollment, Reimbursement, Payment Safeguards, and Information Systems Security. As part of the Medicare Contract Reform, CMS was directed to replace Fiscal Intermediaries and Carriers with Medicare Administrative Contractors.

Medicare Appeals Council: A division within HHS Departmental Appeals Board that reviews and hears cases following an OMHA adjudicator's decision pertaining to Medicare claims and entitlement appeals.

Medicare Beneficiary Identifier (MBI): A unique, randomly-generated number shown on a beneficiary's Medicare card and used in processing claims for that beneficiary. The MBI is 11 characters in length and is made up of numbers and uppercase letters. The MBI is also known as a beneficiary's Medicare Number.

Medicare Number: Another name for the Medicare Beneficiary Identifier (MBI), which replaced the Health Insurance Claim Number (HICN) on all Medicare cards beginning on April 1, 2018 (See Medicare Beneficiary Identifier). This number is

shown on a beneficiary's Medicare card and is used in processing claims for that beneficiary.

Medicare Prescription Drug Plan: A prescription drug plan offering prescription drug coverage under a policy, contract, or plan. See 42 C.F.R. § 423.4.

Medicare Prescription Drug Program (Part D): The program under Part D of the Medicare statute that provides coverage for Part D drugs. Enrollees obtain prescription drugs through Medicare Prescription Drug Plans.

Medicare Prescription Drug, Improvement, and Modernization Act of 2003 (MMA): This 2003 legislation provided Medicare eligible seniors and individuals with disabilities with a prescription drug benefit. The MMA also authorized OMHA's creation.

N

Notice of Decision: A document that notifies the parties of the written decision of the OMHA adjudicator. The notice of decision gives findings of fact, conclusions of law and the reasons for the decision. The notice of decision also provides information about the right to appeal the decision to the Council. See 42 C.F.R. § 405.1046(a).

Notice of Dismissal: A document that notifies the parties of the written dismissal of the hearing or review request issued by the OMHA adjudicator. The notice of dismissal provides information about the right to appeal the dismissal to the Council or request the OMHA adjudicator vacate the dismissal. See 42 C.F.R. § 405.1052(d).

Notice of Remand: A document that notifies the parties of the written remand of the hearing or review request issued by the OMHA adjudicator. The notice of dismissal provides information about the right to request that the Chief ALJ or a designee review the remand. See 42 C.F.R. § 405.1056(f).

O

On the record: An appeal in which the issues are decided based solely on the documentary evidence and without an oral hearing. In OMHA, a party can waive its right to an oral hearing and request the case be decided on the record. An ALJ may decide a case on the record when all parties who would be sent a notice of hearing indicate in writing that they do not wish to appear at an oral hearing. The ALJ may also decide a case on the record when the documentary evidence supports a finding fully favorable to the appellant(s), no other party to the appeal is financially responsible for any of the claims at issue, and CMS has not elected party status in the appeal. See *42 C.F.R. § 405.1038*.

Organization Determination: A determination regarding the benefits an enrollee is entitled to receive under an MA plan. The organization determination is made by an MA plan under Part C of the Medicare program. See *42 C.F.R. § 422.566*.

Original Medicare: Health insurance available under Medicare Part A and Part B through the traditional fee for service payment system.

P

Party: An individual or entity listed in *42 C.F.R. § 405.906* that has standing to appeal an initial determination and/or a subsequent administrative appeal determination. This can include a beneficiary, a provider, a supplier, or a Medicaid State agency.

Provider: A hospital, critical access hospital, skilled nursing facility, comprehensive outpatient rehabilitation facility, home health agency, or hospice that has in effect an agreement to participate in Medicare, or clinic, rehabilitation agency or public health agency that has in effect a similar agreement, but only to furnish outpatient physical therapy or speech pathology services, or a community mental health center that has in effect a similar agreement but only to furnish partial hospitalization services. See *42 C.F.R. § 405.902*.

Q

Qualified Independent Contractor (QIC): An entity that has a contract with the Centers for Medicare and Medicaid Services (CMS) to review appeals following a redetermination by a Medicare Administrative Contractor and reconsiderations issued by Quality Improvement Organizations. QICs issue reconsiderations and represent level 2 of the Medicare appeals process.

Quality Improvement Organization (QIO): An entity that has a contract with CMS to monitor the appropriateness, effectiveness and quality of care furnished to Medicare beneficiaries. A QIO makes determinations as to whether the services provided were medically necessary and responds to beneficiary's complaints about the quality of care provided.

R

Reconsideration: The decision made in the second level of the Medicare appeals process. A reconsideration consists of an independent on-the-record review of an initial determination, including the redetermination and all issues related to payment of the claim. A reconsideration is conducted by a QIC or QIO under Medicare Parts A and B, by an Independent Review Entity or QIO under Part C, by an Independent Review Entity under Part D, and by the Social Security Administration for Medicare entitlement and certain premium appeals.

Reconsidered Determination: In Part C cases, an on-the-record decision issued by an Independent Review Entity following an adverse organization determination, in whole or in part.

Redetermination: An independent review of an initial determination. A redetermination is conducted by the same Medicare contractor that issued the initial determination and refers to the decision made in the first level of the Medicare appeals process.

Regulation: A rule or order established by a government agency in accordance with the Administrative Procedure Act.

S

Supplementary Medicare Insurance Program (Part B): The Medicare program that pays for a portion of the costs related to physicians' services, outpatient hospital services, ambulance services, laboratory tests, wheelchairs, hospital beds and other medical and health related services not covered by Medicare Part A for voluntarily insured aged and disabled individuals.

Supplier: A physician or other practitioner, a facility or other entity (other than a provider of services) that furnishes items or services under Medicare. See 42 C.F.R. § 405.902.

V

Video teleconference (VTC): A meeting where those attending view and hear each other with the use of video cameras and televisions from different locations.

W

Witness: A person who testifies under oath at a hearing and who provides firsthand or expert evidence.

Content last reviewed June 30, 2017



ECAPE

Electronic Case Adjudication Processing Environment

March 2017

Volume III, Number 1

In This Issue

- Intake to be released
- In the LOOP

Helpful Links

- [General ECAPE info](#)
- [ECAPE Team](#)
- [SME Team](#)
- [Discussion Board](#)

Have Questions or Comments?

Please post them to the Discussion Board link above!

Intake Will Go Live in March

Since November 2016, a limited number of Central Operations (CO) team members have been using the beta version of ECAPE, and have already processed more than 2500 cases in it. The beta testing period is now coming to an end. The ECAPE team anticipates going "live" with the Intake portion of ECAPE to the CO team in March!

MYTH BUSTER:

ECAPE is a reality! Central Operations has already processed more than 2500 cases in ECAPE since last year!

What's involved? First, we will provide training to CO staff. The training will cover all steps in the ECAPE Intake process, from receipt of a Request for Hearing through assignment to an ALJ team. The training will be delivered by CO Subject Matter Experts, supplemented by the HQ ECAPE cadre. After the training, ECAPE will be turned on for all Central Operations staff to use to process cases. A big thank you to CO for all of their efforts in achieving this milestone!!

In the LOOP: Adjudication update

The ECAPE team is still working on the development of an interim release for Adjudication, which will allow users to process some requests for withdrawals from intake to case closure. The release will be limited initially to two teams. Despite these limitations, this mini-release will allow us to test critical elements of ECAPE, including:

- Assignment
- Document Generation
- Closing an Appeal
- Data Interfaces between MAS and ECAPE

It will also allow us to evaluate the system in a production environment, and obtain user feedback that can be used in the development of the rest of ECAPE. This release will be followed with a second interim release that will allow the field offices to process DME remand cases in ECAPE. We are also exploring expanding this release to incorporate additional appeal processing initiatives.



DEPARTMENT OF HEALTH AND HUMAN SERVICES
Office of Medicare Hearings and Appeals

IDENTITY VERIFICATION

INSTRUCTIONS

If the Office of Medicare Hearings and Appeals (OMHA) has asked you to verify your identity, for instance, in order to receive notification of whether the OMHA has any records in which you are identified, please complete this form.

Name	Date of Birth	Social Security Number
Street Address		
City	State	ZIP Code
Phone Number ()	E-Mail Address	

VERIFYING YOUR IDENTITY

In order to verify your identity, you must have the statement below notarized by an official notary public.

I _____, certify that I am in fact the individual I claim to be. I understand that the knowing and willful request for or acquisition of a record pertaining to an individual under false pretenses is a criminal offense under the Privacy Act subject to a \$5,000 fine.

Individual's Name		NOTARY SEAL
Individual's Signature	Date	
Notary Public's Name		
Notary Public's Signature	Date	Notary's Expiration Date

PRIVACY ACT STATEMENT

The legal authority for the collection of information on this form is authorized by the Social Security Act (section 1155 of Title XI and sections 1852(g)(5), 1860D-4(h)(1), 1869(h)(I), and 1876 of Title XVIII). The information provided will be used to further document your appeal. The Social Security Number will be used to verify the identity of the individual appellant. Submission of the information requested on this form is voluntary, but failure to provide all or any part of the requested information may affect the determination of your appeal. Information you furnish on this form may be disclosed by the Office of Medicare Hearings and Appeals to another person or governmental agency only with respect to the Medicare Program and to comply with Federal laws requiring the disclosure of information or the exchange of information between the Department of Health and Human Services and other agencies.



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Executive Leadership Team

The Office of Medicare Hearings and Appeal's leaders are among the most qualified public servants in the Federal Government. They are dedicated to ensuring the guidance and management necessary to support the health and well-being of the nation. Learn more about the Office of Medicare Hearings and Appeals leadership:

Judge McArthur Allen

Chief Administrative Law Judge



Judge McArthur Allen was appointed Chief Administrative Law Judge for the Office of Medicare Hearings and Appeals in November 2020. In this capacity, he oversees the third level of review for Medicare appeals within the U.S. Department of Health and Human Services and has responsibility for the second largest Federal Administrative Law Judge (ALJ) corps in the United States. Chief Judge Allen brings with him a wealth of legal and leadership experiences, spanning more than two decades.

Chief Judge Allen graduated from Southern Illinois University's School of Law in Carbondale, IL and his legal career began in the insurance defense industry. He then entered private practice in Southern Illinois, where his advocacy centered on criminal law, civil rights, and personal injury litigation. In 2008, he left private practice to join the Department of Defense Global War on Terrorism section as a Deputy Associate General Counsel at the Pentagon. In that position, Chief Judge Allen led and trained a large cadre of attorneys and staff, while exercising control over a large caseload of pending Habeas Corpus litigation matters and advising senior executives and subordinates on procedural and substantive issues involving federal court and compliance litigation.

Since his appointment as a Federal Administrative Law Judge, Chief Judge Allen has held several leadership positions with progressively increasing levels of responsibility within the federal government. Chief Judge Allen began his federal career as an Administrative Law Judge in Fayetteville, North Carolina, at the Social Security Administration (SSA) Office of Disability, Adjudication and Review in September 2010. In January 2012, he was appointed as the Hearing Office Chief Administrative Law Judge in Fayetteville, North Carolina, where he continued to serve until his

appointment as Hearing Office Chief Administrative Law Judge in SSA's Atlanta North Hearing Office in January 2014. Additionally, he served as the Vice President of the Association for Hearing Office Chief Administrative Law Judges.

In January 2015, Chief Judge Allen was competitively selected to enter the Senior Executive Service Career Development Program as one of only two Administrative Law Judges. In that capacity, he served as Deputy Associate Commissioner for the Office of Public Service and Operations Support; Deputy Associate Commissioner for Disability Policy; and, Deputy Regional Commissioner. Chief Judge Allen was instrumental in establishing Anti-Fraud Cooperative Disability Investigatory units and ensuring their ability to quickly deploy anti-fraud teams nationwide. Additionally, his dedication to public service initiatives ensured prompt customer service to remote regions and processes for more efficient workflow, which significantly increased organizational customer satisfaction.

In January 2017, Chief Judge Allen began serving as an Assistant Regional Chief Administrative Law Judge for SSA's Atlanta Region. In that role, he served as the alter ego for the Regional Chief Administrative Law Judge in administering the nation's social security insurance programs for 64.5 million residents of Alabama, Florida, Kentucky, Mississippi, North Carolina, South Carolina, and Tennessee. During his tenure, the Atlanta region reached new and heightened levels of productivity and realized significant improvements in driving down the region's daunting backlog. Chief Judge Allen also served as the cadre lead for the Hearing Office Chief Administrative Law Judge Supplemental Training, providing guidance, tools, and materials to assist supervisory judges to implement consistent and policy-compliant management of hearing offices.

In October 2018, Chief Judge Allen began his career with the HHS Office of Medicare Hearings and Appeals as an Associate Chief Judge in the Atlanta Field Office. He was instrumental in successfully standing up this new office and creating a fully functional judicial cadre.

Chief Judge Allen is a member of the Illinois State Bar and is licensed to practice before the United States Supreme Court.

Judge Vivian N. Rodriguez

Deputy Chief Administrative Law Judge



Judge Vivian Rodriguez was appointed as the OMHA Deputy Chief Administrative Law Judge in September 2023. Judge Rodriguez first joined the OMHA in 2012, serving as a SALJ in the Cleveland Field Office. She then transferred to the Miami Field Office, where as a SALJ she was actively involved in several ad hoc committees and programs (e.g., the Attorney Adjudicator Training Program, the Quality Assurance Program, and the ECAPE MI Workgroup).

Judge Rodriguez was selected as the ACALJ for the Miami Field Office in October 2017 and provided direction for the formulation, promulgation, and evaluation of the policies and procedures necessary for the efficient operation of the office. Judge Rodriguez has partnered with Headquarters and FO leadership on various initiatives over the last five years, to include serving as co-lead for the ALJ/Attorney Advisor and Legal Assistant training programs, co-lead on the Management 101 initiative, and the Chair of the Facility Security Committee for the Claude Pepper Federal Building.

Further, she served on committees that drafted OMHA's Strategic Plan for 2018 – 2022 and 2022 – 2026 and Position Descriptions and PMAPs for all FO adjudicative staff (Supervisory Attorneys, Senior Attorneys, Attorney Advisors, and Legal Assistants). She also participated in developing the Resource Sharing program, benchmarks, and

updated COOP guidelines. Judge Rodriguez also served as the Acting Deputy Chief Administrative Law Judge and as Acting Associate Chief Administrative Law Judge in the Atlanta Field Office. Judge Rodriguez serves as Cadre Co-Chair for the OMHA ALJ Judicial Education Symposium and as the Lead for the ALJ Mentorship program.

Judge Rodriguez is also a licensed CPA (Florida) and has a Bachelor and Master of Accounting degrees. She earned her Juris Doctor and Master of Laws (LL.M.) in Taxation from the University of Miami School of Law (UM SOL) in Coral Gables, FL. She has been teaching taxation to LL.M. students at UM SOL since 2006.

Eileen C. McDaniel

Executive Director, Office of Management



Eileen McDaniel currently serves as the Executive Director for the Office of Management for the Office of Medicare Hearings and Appeals (OMHA) in the Department of Health and Human Services (HHS). In this role, Ms. McDaniel serves as the Chief Financial Officer and principal advisor to the agency head overseeing budget and financial management, information technology, human capital, and training for OMHA's eleven field offices and headquarters. Ms. McDaniel frequently serves as the senior OMHA representative for meetings hosted by the Office of

Secretary HHS, the Office of Management and Budget, the Office of Personnel Management, Congressional oversight committees and stakeholder groups. Ms. McDaniel led OMHA's \$32M Electronic Case Adjudication Processing Environment initiative that transitioned the agency from a paper-based to electronic appeals process, improving the efficiency of operations for OMHA's administrative law judges and legal staff handling the third level of review for Medicare appeals.

Prior to joining OMHA, Ms. McDaniel served as the Associate Commissioner for the Social Security Administration, Office of Disability Adjudication and Review (ODAR), Office of Management. In this role, Ms. McDaniel provided administrative and management oversight for five headquarters divisions, ten regional offices and one hundred and forty-two hearing offices, in the areas of budget, audit, information technology, physical and systems security, human resources and training for 9,000 employees nationwide.

During her tenure with ODAR, she oversaw the development and implementation of a case processing system, transitioning ODAR to an electronic disability claims process, converting more than 850K cases. She also partnered with the Center for Courtroom Technology at the College of William and Mary in the design and implementation of state-of-the-art electronic hearing rooms that enabled digital recording of hearings and video teleconferencing for ODAR's administrative law corp, the largest in the federal system.

Prior to SSA, Ms. McDaniel worked for the HHS Administration for Children and Families (ACF), Office of Child Support Enforcement as the Deputy Associate Commissioner for Central Office Operations, where she was responsible for working with the Commissioner in implementing the child support enforcement provisions of welfare reform legislation, collective bargaining, strategic planning, and human capital management. Ms. McDaniel also represented the agency in meetings with the Secretary of HHS, the White House Domestic Policy Council, state child support directors, and national advocacy groups.

She is the recipient of the HHS Secretary's Distinguished Service Award for Sustained Excellence; the Social Security Commissioner's Award for Outstanding Leadership and the HHS, Child Support Enforcement Commissioner's Distinguished Service

Award. Recipient of the Roger W. Jones Award for Executive Leadership, American University School of Public Affairs.

Ms. McDaniel holds a Master of Social Work Administration degree from Fordham University, and a Bachelor of Arts degree with honors from Salem State University.

Karen W. Ames

Executive Director, Office of Operations



Karen W. Ames is the Executive Director for the Office of Operations for the Office of Medicare Hearings and Appeals (OMHA). In this role, she serves as the principal advisor to the agency head overseeing OMHA's operations responsible for program policy, workload assignment, quality assurance, and management information in support of the adjudication of Medicare appeals by a cadre of Administrative Law Judges (ALJs) in 11 field/satellite offices. In carrying out her duties, Ms. Ames is responsible for ensuring program accountability and compliance, managing the agency's customer service and public complaint process involving ALJs, and overseeing accurate data reporting internally and externally. She liaises with the HHS Office of General Counsel on policy matters and personnel litigation and collaborates

with HHS Operations and Staff Divisions on programmatic matters. Ms. Ames serves as OMHA's Deputy Ethics Counselor, overseeing the agency's ethics program and ensuring compliance with all federal ethics requirements.

Ms. Ames led OMHA's efforts to eliminate its backlog of appeals and return to statutory appeals processing timeframes through multiple agency and intra-department-wide workload initiatives and an internal shared resources program across the agency's field offices. She administers OMHA's case processing manual for standardizing operational policy and procedures that is also relied on by the Medicare appellant community appearing before the agency's ALJs. She oversees the agency's Quality Assurance Program, resulting in more efficient OMHA processes and a positive impact for appellants in identifying ways to resolve pending appeals. She has led development and implementation of a suite of tools, including management information reports, to aid offices in standardizing the appeals process and managing agency resources to maximize productivity and workload distribution.

Prior to her work with OMHA, Ms. Ames served 20 years at Social Security Administration (SSA). Achieving various roles of increasing responsibility, she served as Deputy Associate Commissioner in the Office of Civil Rights and Equal Opportunity; Senior Advisor in the Office of Operations; and Senior Advisor in the Appellate Office in the Office of Disability Adjudication and Review. Notably, she stood up the agency's Section 504 of the Rehabilitation Act of 1973 process for providing meaningful access for the public to all SSA services, provided strategic guidance on implementing program changes to the Disability Case Processing System; assisted in the management and administration of SSA's anti-discrimination program; and worked extensively on labor and employee relations issues at the national level.

Ms. Ames is the recipient of the HHS Secretary's Award for Distinguished Service for her participation in a cross-component Medicare Appeals Workgroup and the HHS Secretary's Award for Meritorious Service as a member of the OMHA Pandemic Posture Team. She also was recognized with a SSA Commissioner's citation for developing and implementing the national business process for handling ALJ bias/misconduct complaints filed by the public as part of the Commissioner's Plan to Eliminate the Backlog and Prevent Its Recurrence.

Ms. Ames obtained her Juris Doctorate from Suffolk University Law School and Bachelor of Arts from the University of Vermont. She is admitted to the U.S. Supreme Court, Commonwealth of Massachusetts, and Connecticut Bars.

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DEPARTMENT OF HEALTH AND HUMAN SERVICES
Office of Medicare Hearings and Appeals
PAYMENT INFORMATION REPORT

PERSONAL INFORMATION

Name

Address

City

State

ZIP Code

Home Phone

()

Work Phone

()

Social Security Number (or other Taxpayer Identification Number)

E-Mail

BANKING INFORMATION

(Complete this entire section or attach a voided check from your account.)

Name of Financial Institution

Address of Financial Institution

City

State

ZIP Code

Routing Transit Number (9 positions)

Account Title

Account Number

Type of Account (please check one)

☐

Checking

☐

Savings

TRAVELER'S CERTIFICATION

Signature

Date

PRIVACY ACT STATEMENT

The legal authority for the collection of information on this form is authorized by the Social Security Act (section 1155 of Title XI and sections 1852(g)(5), 1860D-4(h)(1), 1869(h)(I), and 1876 of Title XVIII). The Social Security Number will be used to verify the identity of the traveler. Submission of the information requested on this form is voluntary, but failure to provide all or any part of the requested information may affect the ability to process your claim for reimbursement. The requested information concerns your financial institution, your account at that institution, and personal information which needs to be provided to Department of Health and Human Services to process your claim for reimbursement. This confidential information will be used by the U.S. Department of the Treasury to transmit payment data by electronic means through the Automated Clearing House to your financial institution.