



BILLING CODE 5001-06

DEPARTMENT OF DEFENSE

Office of the Secretary

[Docket ID: DoD-2015-OS-0091]

Privacy Act of 1974; Notice of a Computer Matching Program

**AGENCY:** Defense Manpower Data Center, DoD.

**ACTION:** Notice of a computer matching program.

**SUMMARY:** Subsection (e)(12) of the Privacy Act of 1974, as amended, requires agencies to publish advance notice of any proposed or revised computer matching program by the matching agency for public comment. The Department of Defense (DoD), as the matching agency under the Privacy Act, is hereby giving notice to the record subjects of a computer matching program between the Defense Manpower Data Center (DMDC) of the Department of Defense (DoD) and the Veterans Benefits Administration of the Department of Veterans Affairs (VA) that their records will continue to be matched by computer. The purpose of this agreement is to verify an individual's continuing eligibility for VA benefits by identifying VA disability benefit recipients who return to active duty and to ensure that benefits are terminated if appropriate.

**DATES:** This proposed action will become effective **[INSERT DATE 30 DAYS AFTER THE DATE OF PUBLICATION IN THE FEDERAL REGISTER]** and matching may commence unless changes to the matching program are required due to public comments or by Congressional or by Office

of Management and Budget objections. Public comments must be received before the effective date.

**ADDRESSES:** You may submit comments, identified by docket number and title, by any of the following methods:

- Federal Rulemaking Portal: <http://www.regulations.gov>.

Follow the instructions for submitting comments.

- Mail: Department of Defense, Office of the Deputy Chief Management Officer, Directorate of Oversight and Compliance, Regulatory and Audit Matters Office, 9010 Defense Pentagon, Washington, DC 20301-9010.

Instructions: All submissions received must include the agency name, docket number and title for this Federal Register document. The general policy for comments and other submissions from members of the public is to make these submissions available for public viewing on the Internet at <http://www.regulations.gov> as they are received without change, including any personal identifiers or contact information.

**FOR FURTHER INFORMATION CONTACT:** Ms. Mary Fletcher, Chief, Defense Privacy and Civil Liberties Division, Office of the Deputy Chief Management Officer, Office of the Secretary of Defense, 9010 Defense Pentagon, Washington, D.C. 20301-9010, or by telephone at 703-571-0070.

**SUPPLEMENTARY INFORMATION:** Pursuant to subsection (o) of the Privacy Act of 1974, as amended (5 U.S.C. 552a), DoD and VA have concluded an agreement to renew a computer matching program between the agencies. The purpose of this agreement is to verify

an individual's continuing eligibility for VA benefits by identifying VA disability benefit recipients who return to active duty and to ensure that benefits are terminated if appropriate. The VA will provide identifying information on disability compensation recipients to DMDC to match against a file of active duty (including full-time National Guard and Reserve) personnel. A copy of the computer matching agreement between VA and DMDC is available upon request to the public. Requests should be submitted to the address in the FOR FURTHER INFORMATION CONTACT section.

Set forth below is the notice of the renewal of the computer matching program required by paragraph 6.c. of the Office of Management and Budget Guidelines on computer matching published in the **Federal Register** on June 19, 1989 at 54 FR 25818.

The matching agreement, as required by 5 U.S.C. 552a(r) of the Privacy Act of 1974, as amended, and an advance copy of this notice was submitted on August 26, 2015, to the House Committee on Government Reform, the Senate Committee on Governmental Affairs, and the Administrator of the Office of Information and Regulatory Affairs, Office of Management and Budget pursuant to paragraph 4d of Appendix I to OMB Circular No. A-130, "Federal Agency Responsibilities for Maintaining Records about Individuals," dated February 8, 1996 (February 20, 1996; 61 FR 6427).

Dated: September 3, 2015.

Aaron Siegel,

Alternate OSD Federal Register Liaison Officer, Department of

Defense.

**NOTICE OF A COMPUTER MATCHING PROGRAM BETWEEN THE DEPARTMENT OF DEFENSE AND THE DEPARTMENT OF VETERANS AFFAIRS FOR VERIFICATION OF DISABILITY COMPENSATION.**

A. PARTICIPATING AGENCIES: Participants in this computer matching program are the Veterans Benefits Administration of the Department of Veterans Affairs (VA) and the Defense Manpower Data Center (DMDC) of the Department of Defense (DoD). The VA is the source agency, i.e., the activity disclosing the records for the purpose of the match. The DMDC is the specific recipient activity or matching agency, i.e., the agency that performs the computer matching.

B. PURPOSE OF THE MATCH: The purpose of this agreement is to verify an individual's continuing eligibility for VA benefits. VA will provide identifying information on disability compensation and pension recipients to DMDC to match against a file of active duty (including full-time National Guard and Reserve) personnel. The purpose is to identify those recipients who have returned to active duty and are ineligible to receive VA compensation and pension so that benefits can be adjusted or terminated, if appropriate in order.

C. AUTHORITY FOR CONDUCTING THE MATCH: The legal authority for conducting the matching program for use in the administration of VA's Compensation and Pension Benefits Program is contained in 38 U.S.C. 5304(c), Prohibition Against Duplication of Benefits, which precludes pension, compensation, or retirement pay on account of any person's own service, for any period for which he

or she receives active duty pay. The head of any Federal department or agency shall provide, pursuant to 38 U.S.C. 5106, such information as requested by VA for the purpose of determining eligibility for, or amount of benefits, or verifying other information which respect thereto.

D. RECORDS TO BE MATCHED: The systems of records maintained by the respective agencies under the Privacy Act of 1974, as amended, 5 U.S.C. 552a, from which record will be disclosed for the purpose of this computer matching agreement are as follows:

1. VA will use the system of records identified as "Compensation, Pension, Education and Vocational Rehabilitation and Employment Records - VA" (58VA21/22/28), published at 74 FR 29275 (June 19, 2009), and last amended at 77 FR 42593 (July 19, 2012).

Disclosure of data will be pursuant to routine use 39.

2. DoD will use the system of records identified as DMDC 01, entitled, "Defense Manpower Data Center Data Base", published November 23, 2011, 76 FR 72391. Disclosure of data will be pursuant to routine use 1.(e).

E. DESCRIPTION OF COMPUTER MATCHING PROGRAM: VA will provide DMDC with an electronic file that contains specified data elements of individual VA disability compensation and pension recipients. Upon receipt of the electronic file, DMDC will perform a computer match using all nine digits of the SSNs in the VA file against a DMDC computer database. The DMDC database consists of pay records of active duty (including full-time

National Guard and Reserve) military members. Matching records, "hits" based on the SSN, will produce the member's name, branch of service, and unit designation, and other pertinent data elements. The hits will be furnished to VA, which is responsible for verifying and determining the data on the electronic reply file are consistent with the source file and for resolving all discrepancies or inconsistencies on an individual basis. VA will also be responsible for making final determinations as to positive identification, eligibility for benefits, and verifying any other information with respect thereto.

The listing will be sorted by VA file number by Regional Office number. VA will then take necessary action to terminate compensation payments of any benefit recipient identified as being on active duty while receiving compensation pay after following the verification of procedures detailed in this agreement.

F. INCLUSIVE DATES OF THE MATCHING PROGRAM: This computer matching program is subject to public comment and review by Congress and the Office of Management and Budget. If the mandatory 30 day period for comment has expired and no comments are received and if no objections are raised by either Congress or the Office of Management and Budget within 40 days of being notified of the proposed match, the computer matching program becomes effective and the respective agencies may begin the exchange at a mutually agreeable time and thereafter on a quarterly basis. By agreement between VA and DMDC, the matching

program will be in effect for 18 months with an option to renew for 12 additional months unless one of the parties to the agreement advises the other by written request to terminate or modify the agreement.

G. ADDRESS FOR RECEIPT OF PUBLIC COMMENTS OR INQUIRIES:  
Chief, Defense Privacy and Civil Liberties Division, Office of the Deputy Chief Management Officer, Office of the Secretary of Defense, 9010 Defense Pentagon, Washington, D.C. 20301-9010.  
Telephone (703)571-0070.

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