

**Supporting Statement for Form SSA-789-U4  
Request for Reconsideration – Disability Cessation  
20 CFR 404.909 and 416.1409  
OMB #0960-0349**

**A. Justification**

1. *Section 205(b)* of the *Social Security Act* requires that the Social Security Administration (SSA) provide an evidentiary hearing at the reconsideration level of appeal for claimants who have received an initial or revised determination that a disability is found to have ceased, not to have existed, or to no longer be disabling. Regulations at *20 CFR 404.909* and *416.1409* of the *Code of Federal Regulations*, state, in part, “We shall reconsider an initial determination if you or any other party to the reconsideration files a written request...”
2. Form SSA-789-U4 is used by claimants or their representatives to request reconsideration of a determination, and to indicate whether or not they wish to appear at a disability hearing. The claimants can also use this form to submit any additional information/evidence for use in the reconsidered determination and to indicate if an interpreter will be needed for the hearing. SSA will use the information on the completed form either to arrange for a hearing or to prepare a decision based on the evidence of record. The respondents are applicants or claimants for Social Security benefits or Supplemental Security Income (SSI) payments.
3. The SSA-789-U4 is available through the Internet in a PDF format which can be downloaded or printed out, filled in, and sent to SSA for processing. Currently there is no electronic version of this form due to the low volume of usage and the Agency’s limited resources.
4. The nature of the information being collected and the manner in which it is collected preclude duplication. There is no other collection instrument used by SSA that collects data similar to that collected here.
5. This collection does not have a significant impact on a substantial number of small businesses or other small entities.
6. If this information were not collected, there would be no record of the disability decision, and claimants would be deprived of the right to have the most recent information included in their reconsideration evaluations. Therefore, it cannot be collected less frequently. There are no technical or legal obstacles that prevent burden reduction.
7. There are no special circumstances that would cause this information collection to be conducted in a manner that is not consistent with 5 CFR 1320.5.
8. The 60-day advance Federal Register Notice was published on May 26, 2006 at 71 FR 30464, and SSA has received no public comments. The second Notice was published on July 31, 2006, at 71 FR 43270. There have been no outside consultations with members of the public.

9. SSA provides no payment or gifts to the respondents.
10. The information requested is protected and held confidential in accordance with 42 U.S.C. 1306, 20 CFR 401 and 402, 5 U.S.C. 552 (Freedom of Information Act), 5 U.S.C. 552a (Privacy Act of 1974) and OMB Circular No. A-130.
11. The information collection does not contain any questions of a sensitive nature.
12. Form SSA-789-U4 will be used by approximately 49,000 respondents annually. The estimated average response time is 13 minutes per case for a total of 10,617 burden hours. The total burden is reflected as burden hours, and no separate cost burden has been calculated.
13. There is no known cost burden to the respondents.
14. The annual cost to the Federal Government is approximately \$75,460. This estimate is a projection of the costs for printing and distributing the collection instrument and for collecting the information.
15. The slight increase in the annual reporting burden from 10,045 to 10,617 is due to an increase in the number of minutes SSA estimates as the response time. Previously SSA had estimated that some cases would take longer for the public to respond than others, however, we have reevaluated this estimate to average the time it will take for all of the respondents to complete the form.
16. The results of the information collection will not be published.
17. OMB has granted SSA an exemption from the requirement that the expiration date for OMB approval be printed on its program forms. SSA produces millions of public-use forms, many of which have a life cycle longer than that of an OMB approval. SSA does not periodically revise and reprint its public-use forms (e.g., on an annual basis). This exemption was granted so that otherwise useable editions of forms would not be taken out of circulation because the expiration date had been reached. In addition, Government waste has been avoided because stocks of forms will not have to be destroyed and reprinted.
18. SSA is not requesting an exception to the certification requirements at 5 CFR 1320.9 and related provisions at 5 CFR 1320.8(b)(3).

**B. Collections of Information Employing Statistical Methods**

Statistical methods are not used for this information collection.