

Supporting Statement for Form SSA-1209-BK
Disability Hearing Officer's Decision
Title XVI Disabled Child (DC) Continuing Disability Review
20 CFR 404.913-914, 404.917, 416.994a, 416.1413, 416.1414, 416.1417
OMB No. 0960-0657

A. Justification

- 1 *Section 205(b) of the Social Security Act (the Act) and 20 CFR 404.913-404.914, 416.1413, and 416.1414 of the Code of Federal Regulations provide an opportunity for an evidentiary hearing at the reconsideration level of appeal for claimants when the physical or mental impairment for which such benefits are payable is ceased, did not exist, or is no longer disabling. 20 CFR 404.917 and 416.1417 state, in part, "The disability hearing officer who conducts your disability hearing will prepare and will also issue a written reconsidered determination." 20 CFR 416.994a requires specific steps for evaluating Title XVI childhood disability cases.*

- 2 Both federal and state disability hearing officers (DHOs) use the SSA-1209-BK in preparing the disability determination. The form provides the framework for addressing the crucial elements of the case in a sequential and logical fashion. The completed form will be the official document of the decision. A copy becomes the personalized portion of the notice to the claimant/representative. The respondents are disability hearing officers in State Disability Determination Services (DDSs).

- 3 Due to the sensitive nature of the information collected on the SSA-1209-BK, SSA has not scheduled it for electronic implementation under the Government Paperwork Elimination Act. Each determination is personalized based on the specifics in each claim. The information is either be handwritten directly onto the form or entered into a Word version of the SSA-1209-BK by the DHOs. When improved technology which will be able to keep this sensitive information secure is developed, SSA will reevaluate the current decision to keep this form from electronic implementation.

- 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 the information were not collected, claimants would be deprived of the right to have the most recent information included in their reconsideration evaluations

and notices. Also, as it is collected on an as needed basis, 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, and SSA has received no public comments. There have been no outside consultations with members of the public.
9. SSA provides payment to the state respondents in the form of reimbursement to the state Disability Determination Services (DDSs) based on their budget requests, which include salaries.
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-1209-BK will be used annually by approximately 35,000 respondents. The estimated average completion time is 75 minutes (1.25 hours) per form. The total annual burden is estimated to be 43,750 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 indirect in that the cost of preparing the determination is borne by the State DDS' budget, which is allocated by the Federal government. Federal cost, therefore, cannot be estimated.
15. There are no changes in the public reporting burden.
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. Collection of Information Employing Statistical Methods

This collection of information does not use statistical methods.