

Supporting Statement for Form SSA-773-U4
Waiver of Right to Appear – Disability Hearing
20 CFR 404.913-.914, 404.916(b)(5), 416.1413-.1414, 416.1416(b)(5)
OMB No. 0960-0534

A. Justification

1. *Section 205(b) of the Social Security Act and 20 CFR 404.913-.914 and 416.1413-.1414 of the Code of Federal Regulations provide an evidentiary hearing at the reconsideration level of appeal for claimants who have received an initial or revised determination that a disability did not exist or has ceased. 20 CFR 404.916(b)(5) and 416.1416(b)(5) state that, “You may waive your right to appear at the hearing. If you do not appear at the hearing, the disability hearing officer will prepare and issue a written reconsidered determination based on the information in your file.”*
2. Form SSA-773-U4 is to be used by claimants or their representatives to officially waive the right to appear at a disability hearing. The disability hearing officer will use the signed form as a basis for not holding a hearing and for preparing a written decision based solely on the evidence of record. The respondents are claimants for disability under Titles II and XVI of the Social Security Act, or their representatives, who wish to officially waive their right to appear at a disability hearing.
3. The SSA-733-U4 is available through the Internet in a PDF format for the public to download, print, fill in, and send to SSA for processing. Also, improved information technology that reduces the burden became available electronically under the AeDib paperless process in November 2003. Approximately 80% of the forms are collected electronically through the AeDib program. However, hard copies of the form are available to all components.
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. This collection of information takes place when an individual files a waiver of his/her right to appear at a disability hearing. If the data were not collected, claimants would not have a structured format to request waiver of the right to appear for a hearing, and SSA would be lack an effective means of documenting that claimants were informed of their right to request a waiver and the effects of their decision to waive that right. Since this information is requested 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 June 13, 2006 at 71 FR 34180, and SSA has received no public comments. The second Notice was published on September 18, 2006, at 71 FR 54705, and SSA has received no public comments. 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. The total estimated number of claimants who will waive their right to appear at a disability hearing is 200. The estimated average response time is 3 minutes, for a total of 10 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 \$308.00. This estimate is a projection of the costs for printing and distributing the collection instrument and for collecting the information
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. Collections of Information Employing Statistical Methods

Statistical methods are not used for this information collection.