

**Supporting Statement for Special Benefits for Certain World War II Veterans**  
**20 CFR 408, Subparts G, H, I, J & L**  
**OMB No. 0960-0683**

**A. Justification**

1. *Title VIII of the Social Security Act (the Act)* provides for the payment of benefits to certain World War II veterans who reside outside the United States. *Section 806 of the Act* directs SSA to prescribe requirements related to the reporting of any events and changes in circumstances that may affect the amount of, qualification for, or continuing entitlement to receive Special Veterans Benefits (SVB). *Section 808 of the Act* deals with overpayments and underpayments under the SVB program. *Section 809 of the Act* gives the individual the right to request that SSA review any determination it makes about qualification for and entitlement to or the amount of benefits under *Title VIII*. *Section 810(a) of the Act* authorizes SSA to enter into an agreement with any State (or one of its political subdivisions) that provides cash payments (referred to as State recognition payments) on a regular basis to individuals who are entitled to SVB under which SSA will make the payments on behalf of the State. *Section 810(d) of the Act* authorizes the Commissioner of SSA to prescribe appropriate regulations for suspending SVB payments and terminating SVB entitlement. The regulations pertaining to SVB are codified in the *Code of Federal Regulations* as follows:

The following regulations pertain to the suspension or termination of SVB payments:

- *20 CFR 408.704-.714* require an individual (or his representative) to report events and/or provide information so that SSA can determine continuing eligibility and/or the correct amount of the SVB payment.
- *20 CFR 408.802(b)* permits SSA to suspend SVB payments and subsequently reinstate them, if appropriate, based on the individual's submittal of necessary evidence.
- *20 CFR 408.814* allows an individual to voluntarily request termination of his or her SVB entitlement by filing a written request.
- *20 CFR 408.820(c)* allows an individual to waive continuation of payment in order to avoid the possibility of an overpayment by filing a written request.

The following regulations pertain to overpayments and underpayments of SVB payments:

- *20 CFR 408.923(b)* provides an overpaid individual with the opportunity to request a different rate of withholding from his or her SVB payments to recover an overpayment.
- *20 CFR 408.931(b)* and *408.932(c), (d)* and *(e)* provide an overpaid individual with an opportunity to request a different rate of withholding from his or her title II benefits to recover an SVB overpayment. Also, the individual may ask

SSA to review the determination that an overpayment balance still exists and to waive collection of the balance.

- *20 CFR 408.941(b)* and *408.942* require that an overpaid individual, who is subject to Federal income tax refund offset, either send SSA evidence that the overpayment is not past due or legally enforceable or request waiver of the overpayment.
- *20 CFR 408.944(a)* requires an individual to notify SSA if he or she intends to inspect or copy records relating to an overpayment.

The following regulations pertain to changes in circumstances as well as State agreements:

- *20 CFR 408.1000(a)* provides an explanation of how an individual can request review of the Social Security Administration's decisions.
- *20 CFR 408.1007* allows an individual to request reconsideration if he or she is dissatisfied with the SSA's initial determination. If the individual is dissatisfied with the reconsideration decision, he or may request a hearing before an administrative law judge.
- *20 CFR 408.1009(a)-(c)* require an individual to file a request for reconsideration within 60 days of receipt of the notice of SSA's initial determination. An individual may ask for additional time to request reconsideration by filing a written request.
- *20 CFR 408.1210(c) and (d)* require that a State must give SSA written notice if it wishes to elect, modify or terminate a Federal administration agreement. *20 CFR 408.1215* require an individual to submit a supplemental statement if the application is not sufficient to establish eligibility for, or the amount of, a State recognition payment.
- *20 CFR 408.1230* requires an individual to submit a written request in order to waive the right to, or cancel his or her waiver of, State recognition payments.

2. In the case of the information collection requirement in:

- *20 CFR 408.704-.714, 408.802(b), 408.814, 408.820(c), 408.923(b), 408.931(b), 408.932(c),(d), (e), 408.941(b), 408.942, 408.944(a), 408.1215 and 408.1230*, an individual (or his representative) must report events and/or provide information and evidence so that SSA can determine continuing eligibility and/or the correct amount of the SVB and/or State recognition payment. These reports can be provided by printed form (SSA-795-Statement of Claimant or Other Person, OMB No. 0960-0045) or personal statement submitted by mail, telephone, personal contact, or any other suitable method, such as fax or email.
- *20 CFR 408.1210(c) and (d)*, a State must give SSA written notice if it wishes to elect, modify or terminate a Federal administration agreement.

In the case of the information collection requirement in:

- 20 CFR 408.1000(a), 408.1007, 408.1009(a), (b) and (c), the individual will complete an SSA-561 (Request for Reconsideration, OMB No. 0960-0622), HA-501 (Request for Hearing By Administrative Law Judge, OMB No. 0960-0269), and/or HA-520 (Request for Review of Decision/Order of Administrative Law Judge, OMB No. 0960-0277) in order to request review of the Social Security Administration's decisions as part of the administrative review process. An individual must file a written request in order to ask for additional time to request reconsideration.

In all of the sections above, the information will be collected by personnel in SSA field offices, U.S. Embassies or consulates, or the Veterans Affairs Regional Office in the Philippines. Respondents are individuals who receive Title VIII SVB, and/or States that elect Federal administration of their recognition payments.

3. In most cases, the information is collected through various SSA forms approved by OMB. In the case of the information collection requirement in section 408.1210(c) and (d), the State must submit a written request on its own letterhead. The information collection requests (ICR) for the forms provide information on the use of information technology to collect the information.
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. Individuals who do not provide the information required in sections 20 CFR 408.704-.714, 408.802(b), 408.814, 408.820(c), 408.1215 and 408.1230 will be unable to establish that they meet the requirements for qualification of, or continuing eligibility to SVB and/or State recognition payments. In such a case, SSA will be forced to suspend benefits or terminate entitlement. Individuals who do not provide the information required in sections 408.923(b), 408.931(b), 408.932(c), (d), (e), 408.941(b), 408.942 and 408.944(a) may receive the incorrect benefit amount and may not be able to request a different rate of withholding to repay any overpayment. Individuals who do not provide the information requested in 20 CFR 408.1000(a), 408.1007, 408.1009(a), (b) and (c), cannot pursue further levels of administrative appeal and will be obligated to accept the previous determination made on their claims. States that do not provide the information required in 20 CFR 408.1210(c) and (d) cannot elect, modify, or terminate a Federal administrative agreement. The above consequences would clearly be contrary to the interests of SVB beneficiaries, as well as to States that request SSA to administer their recognition payment programs. Also, since this information 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.
8. The 60-day advance Federal Register Notice was published on June 13, 2006 at 71 FR 34181, and SSA has received no public comments. The second Notice was published on September 18, 2006, at 71 FR 54705. There have been no outside consultations with members of the public.

*The burden hours listed on both the First and Second Federal Register Notices are one hour lower than the number of burden hours listed in this clearance package due to a difference in rounding between SSA's calculations and the calculations made by the ROCIS system. The chart in #12 below has been changed to reflect the rounding method used by the ROCIS system.*

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. For those collections cleared through SSA forms, the public reporting burden is accounted for in the ICRs for the various forms. Consequently, a 1-hour placeholder\* burden is being assigned to the specific reporting requirements contained in the rule.

<b>Section Number</b>	<b>Number of Respondents</b>	<b>Frequency of Response</b>	<b>Average Burden Per Response</b>	<b>Estimated Annual Burden</b>
§408.704-.714	1	--	--	1*
§408.802(b)	5	1	15 minutes	1
§408.814	5	1	15 minutes	1
§408.820(c)	5	1	15 minutes	1
§408.923(b)	1	--	--	1*
§408.931(b) & §408.932(d)	1	--	--	1*
§408.932(c)	2	1	15 minutes	1
§408.932(e)	2	1	15 minutes	1
§408.941(b) & §408.942	2	1	15 minutes	1
§408.944(a)	2	1	30 minutes	1

§408.1000(a)	1	--	--	1*
§408.1007; §408.1009(a)-(b)	1	--	--	1*
§408.1009(c)	1	--	--	1*
§408.1210(c)-(d)	1	1	120 minutes	2
§408.1215	10	1	15 minutes	3
§408.1230	20	1	15 minutes	5
<b>TOTALS</b>	<b>60</b>			<b>23</b>

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 \$126.80. This estimate is a projection of the costs for collecting and processing the information.
15. The additional hour increase in the burden is due to the way in which ROCIS rounds the numbers in the various ICs. To compensate for this additional hour in our system, we have also reworked our chart in the Supporting Statement to reflect the same rounding method as used in ROCIS.
16. The results of the information collection will not be published.
17. SSA is not requesting an exemption to display the OMB expiration date.
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.