

**SUPPORTING STATEMENT FOR EMERGENCY REVISIONS TO FORM HA-501
REQUEST FOR HEARING BY ADMINISTRATIVE LAW JUDGE**

20 CFR 404.929, 404.933, 416.1429, 404.1433, 405.722, 418.1350

OMB No. 0960-0269

A. Justification

1. Circumstances Which Make the Collection of Information Necessary and Legal/Administrative Justification For Collecting the Information.

When members of the public apply for and are denied any type of Social Security benefits, there must be some mechanism for them to appeal the Social Security Administration's (SSA) decision, if they so desire. Specifically, they have the right to a hearing before an administrative law judge (ALJ), at which time they can present any evidence or other information which they believe SSA has not properly taken into account in making its initial benefits decision. Regulations discussing these procedures are found in sections *20 CFR 404.929, 404.933, 416.1429, 404.1433, and 405.722* of the *Code of Federal Regulations*.

Currently, form HA-501 (OMB No. 0960-0269), the Request for Hearing by Administrative Law Judge, is the instrument the public uses to formally request an administrative review hearing for all types of Social Security benefits. SSA is now expanding this form to use it for a new program – the changes to Medicare Part B, which are mandated by the Medicare Modernization Act of 2003 (MMA) and which are discussed in section *20 CFR 418.1350* of the *Code*. Using information provided by the Internal Revenue Service, SSA will determine which Medicare Part B beneficiaries will have to pay a new Income-Related Monthly Adjustment Amount (IRMAA) as part of their Medicare Part B premiums. If affected beneficiaries want to appeal SSA's decision about the amount of their IRMAA, they will now also be able to use form HA-501 to request an administrative review hearing.

Please note that while SSA will collect the required information from beneficiaries, it will not conduct the actual administrative hearings. These hearings will be conducted by ALJs from the Department of Health and Human Resources (HHS). Section *105(a)(2)(B)* of *Public Law 103-296, the Social Security Independence and Program Improvements Act*, stipulates that SSA and HHS share responsibility for the Medicare appeals process. Beginning in January 2007, HHS will conduct appellate hearings for all Medicare Part B premium subsidy reductions under the aegis of section *1839(i)* of the MMA.

2. How, By Whom, and For What Purpose the Information Will Be Used.

For Title II and XVI programs, SSA uses the information collected by this form to determine if 1) the request was filed within the prescribed time; 2) the person filing the request is authorized to do so; 3) the filer has completed all necessary steps that precede a

HA-501 (0960-0269)
2/6/2021

hearing and 4) they can schedule an appeals hearing before an SSA administrative law judge (ALJ) for the requesting applicants. In the case of Title XVIII Medicare Part B recipients, who are the new respondents covered by this collection, the information will be collected by SSA and sent to HHS. HHS will use the information to schedule hearings before their own ALJs.

3. Describe the Use of Information Technology for this Collection.

Form HA-501 is currently not available in electronic form. However, it is scheduled for electronic implementation under the Agency's Government Paperwork Elimination Act Plan by 2008.

4. Describe Efforts to Identify Duplication.

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. Impact on Small Businesses or Other Small Entities.

This collection does not impact small businesses or other small entities.

6. Impact of Not Conducting the Information Collection or Conducting it Less Frequently.

If this information collection were not conducted, applicants for SSA benefits, and now Medicare Part B recipients who want to appeal SSA's IRMAA determination for them, would have no means of requesting an appeals hearing. Since the information collection will only be conducted once, it cannot be collected less frequently.

There are no technical or legal obstacles that prevent burden reduction.

7. Explain Any Special Circumstances Surrounding this Information Collection.

There are no special circumstances that would cause this information collection to be conducted in a manner inconsistent with 5 CFR 1320.5.

8. Federal Register Notice Publication.

SSA published an emergency Federal Register Notice for the MMA-related revisions to this collection on October 19, 2006 at 71 FR 61820. We will forward all public comments to OMB as they are received.

There have been no outside consultations with members of the public.

9. Payment or Gifts to The Respondents.

SSA provides no payment or gifts to the respondents.

10. Confidentiality Assurances.

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.

HA-501 (0960-0269)
2/6/2021

11. Justification for Sensitive Questions.

The information collection does not contain any questions of a sensitive nature.

12. Burden Estimates.

Below is a table depicting the current burden estimates, which cover all types of benefits appeals hearing requests, and the new burden for Medicare Part B IRMAA requests.

Type of Respondents	Number of Respondents	Average Burden Per Response	Estimated Annual Burden
All previous SSA benefits applicants	667,236	10 minutes	111,206 hours
Medicare Part B respondents	2,233	10 minutes	372 hours
Totals	669,469	-	111,578 hours

The total burden is reflected as burden hours, and no separate cost burden has been calculated.

13. Cost to Respondents.

There is no known cost burden to the respondents.

14. Cost to Federal Government.

The annual cost to the Federal Government is approximately \$1,050,000.00. This estimate is a projection of the costs for printing and distributing the collection instrument and for collecting the information.

15. Change in Previous Reporting Burden.

The public reporting burden has increased by 372 hours since this form was last cleared due to the addition of Medicare Part B beneficiaries to the respondent pool (see #1 for detailed explanation).

16. Publication of The Results of the Information Collection.

The results of the information collection will not be published.

17. Exemption from Publishing the OMB Expiration Date.

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. Certification Requirements.

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.