

**Supporting Statement for Form SSA-765
Response to Notice of Revised Determination**

20 CFR 404.913-.914, 404.992(b), 416.1413- .1414 and 416.1492(d)

OMB No. 0960-0347

A. Justification

1. *Section 205(b) of the Social Security Act and Title 20 CFR Sections 404.913-.914 and 416.1413-.1414* 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. *Title 20 CFR Sections 404.992(b) and 416.1492(d)* state, in part, “If a reconsidered determination is reopened for the purpose of being revised, you will be notified, in writing, of the proposed revision and of your right to request that a disability hearing be held before a revised reconsidered determination is issued.”
2. Form SSA-765 is used by claimants or their representatives to request a disability hearing and/or to submit additional information before a revised reconsidered determination is issued. When a disability hearing is requested, the Disability Hearing Units will use this form to schedule the hearing, to ensure that an interpreter is present when needed and to ensure that notices regarding the time and place of the hearing are sent to the claimant/representative.
3. Improved information technology that would reduce the burden is not available. The SSA-765 is part of the continuing disability review (CDR) process. That part of the disability process has not yet been made electronic—it remains a paper process with the paper contents of the folder constituting the official record. As scarce resources become available, SSA will convert the CDR process to electronic. Even then, some of the related forms will have to remain paper because many of SSA’s claimants do not have Internet access.
4. There are no other forms used by SSA that collect information similar to that collected on Form SSA-765, and there is no duplication of the information collected.
5. The collection of information does not involve small businesses or other small entities.
6. This information collection cannot be conducted less frequently, because claimants would be deprived of the right to have the most recent information included in their reconsideration evaluations. 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 January 4, 2007 at 72 FR 357 and SSA has received no public comments. The second Notice was published on March 15, 2007 at 72 FR 12244, and 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 on this form 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-765 will be used by 1,925 respondents annually. The estimated average response time is 30 minutes, for a total of 963 burden hours. The total burden is reflected as burden hours, and no separate cost burden has been calculated. The form is completed by individuals.
13. There is no known cost burden to the respondents.
14. The annual cost to the Federal Government is approximately \$2,965. This estimate is a projection of printing and distribution costs for the information collection.
15. There have been no program changes or adjustments in this form, and there is no change 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 clearance. SSA does not periodically revise and reprint its public-use forms (e.g., on an annual basis). This exemption was granted so that otherwise usable 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.

B. Collections of Information Employing Statistical Methods

Statistical methods are not used for this information collection.

