

**Addendum to the Supporting Statement for SSA-437  
Discrimination Complaint Form  
OMB No. 0960-0585**

**Revision to the Collection Instrument**

SSA is seeking clearance for a revised form SSA-437. The current OMB-approved form contains one page that explains the purpose of the form, one page that references the requirements of the Paperwork Reduction Act, the Privacy Act and the Freedom of Information Act, four pages on which information is collected and one page on which the respondent indicates whether he/she does or does not consent to SSA's release of the information collected by the form for the purpose of investigating the respondent's complaint of discrimination.

The current approved form is attached; we have also attached the new version of the form which contains the changes we wish to make. In addition to the changes indicated below, we also propose to make significant revisions to the page that explains the purpose of the form. Also, in lieu of the one-page explanation of the requirements imposed by the Paperwork Reduction Act, the Privacy Act and the Freedom of Information Act, we propose to include as part of the form a more comprehensive explanation of the uses that SSA will make of the information collected by the form and the respondent's rights with respect to the information provided. Finally, we have significantly revised the page of the form on which the respondent indicates whether he/she does or does not consent to SSA's release of information collected by the form to provide a more detailed explanation of the consequences of his/her consent or refusal.

The revisions to the collection instrument are as follows:

1. We propose to eliminate references to SSA's Office of the General Counsel (OGC) and replace them with a more general reference to SSA. Currently, the form says that the complaint is to be filed with OGC and asks respondent whether he/she does or does not authorize OGC to release information collected by the form. Deleting the references to "OGC" on the form provides the Agency with more flexibility in how it decides to handle this workload.
2. We propose to eliminate the question asking the name and address of the SSA employee whom the respondent alleges was the source of the discrimination. In our view, this question suggests to a respondent that he/she needs to identify a specific individual as being responsible for the action that is the subject of the complaint, when the complaint may concern an allegedly discriminatory policy.
3. We propose to replace the telephone number listed on the form that respondents can call for information about the processing of their complaint with a toll-free number.
4. We propose to change the number of the Post Office Box to which these complaints are to be sent.

5. We propose to add “Limited English Proficiency,” “Sexual Orientation” and “Status as a Parent,” as bases on which a complaint of discrimination may be filed. Although complaints alleging discrimination on the basis of limited English proficiency can be filed using the current form by indicating “National Origin” as the basis of the alleged discrimination, and complaints alleging discrimination on the basis of sexual orientation can be filed on the current form by indicating “Sex,” we were concerned that this fact might not be as clear as it could be. In addition, on an annual basis the Civil Rights Division of the Department of Justice requires agencies to provide it with the number of complaints they receive alleging discrimination on the basis of limited English proficiency in agency-conducted programs or activities and the number of complaints alleging discrimination on the basis of sexual orientation and status as a parent in agency-conducted education and training programs and activities. Currently, in order to obtain this information for DOJ we need to perform a manual review of the complaints filed each year. By adding “Limited English Proficiency,” “Sexual Orientation” and “Status as a Parent” as bases on the form, it will make it easier to retrieve this information for DOJ.
6. We propose to clarify that the form is not appropriate if the respondent is alleging that SSA discriminated against him/her in connection with employment by SSA and to inform anyone who believes he/she has been discriminated against in connection with employment by SSA where they can find an explanation of the procedure for filing a complaint. We also provide a toll-free number they can call for information about filing a complaint of employment discrimination.
7. We propose to clarify that if the respondent is alleging that an action that was taken in connection with his/her claim for benefits under a program administered by SSA was taken for discriminatory reasons, that he/she must appeal the decision to take the action according to the procedure described in the notice of appeal rights that accompanied the decision. We propose to advise respondents that if they believe that the decision was based on discrimination, they may file a complaint of discrimination using this form, but that a complaint of discrimination is not a substitute for an appeal of the decision.
8. We propose to ask respondents to tell us how they learned that they could file a discrimination complaint about SSA-conducted programs or activities so that we can assess the effectiveness of the various methods by which we try communicate this information to the public.
9. We also propose to make several editorial changes in the way some of the questions are asked. We propose to change the typeface in which the form is printed and the way the form is laid out in order to make it easier to read.

SSA will implement the revised collection instrument by a mass printing and distribution to SSA Regional offices, Field offices, and Hearing Offices. SSA will update all electronic occurrences of the form, i.e., internet, intranet, and POMS. The Agency will continue to use the previous paper versions of the collection instrument while supplies last because the revisions do not have a material effect on the information collected by the form.