

Justification  
**Appeal Under the Railroad Retirement and  
Railroad Unemployment and Sickness Insurance Act**  
RRB Form HA-1

1. Circumstances of the collection - Under Section 7(b)(3) of the Railroad Retirement Act (RRA), and Section 5(c) of the Railroad Unemployment Insurance Act (RUIA) any person aggrieved by a decision on his or her application for an annuity or benefit under that Act has the right to appeal to the RRB. This right is prescribed in 20 CFR 260 and 20 CFR 320.

The notification letter sent to the individual at the time of the original action on the application informs the applicant of such right. When an individual protests a decision, the concerned bureau reviews the entire file and any additional evidence submitted and sends the applicant a letter explaining the basis of the determination. The applicant is then notified that if he or she wishes to protest further, the applicant can appeal to the Bureau of Hearings and Appeals. The procedure pertaining to the filing of such an appeal is prescribed in 20 CFR 260.5 and 260.9 and 20 CFR 320.12 and 320.38.

2. Purposes of collecting/consequences of not collecting the information - The form prescribed by the RRB for filing an appeal under the RRA or RUIA is Form HA-1, Appeal Under the Railroad Retirement Act or Railroad Unemployment Insurance Act. The form asks the applicant to furnish the basis for the appeal and what additional evidence, if any, is to be submitted. The Bureau of Hearings and Appeals evaluates the information and may, if necessary, make further investigations through RRB field representatives, designated medical examiners, and others who may be in a position to furnish information pertinent to the appellant's claim. If necessary, the hearings officer may hold an oral hearing.

Should the applicant be dissatisfied with the decision rendered on his or her appeal by the Bureau of Hearings and Appeals, the applicant can then appeal to the three-member Board using Form HA-1. Such an appeal must be filed within 60 days from the date upon which notice of the decision of the hearings officer was mailed to the parties. 20 CFR 260.9 and 320.39 provide a mechanism whereby an applicant, who has been unavoidably prevented for good cause from filing an appeal within the allowable time period, can request an extension of time to file. This request must be in writing and accompany the HA-1. The request for extension of time must give the reason(s) why the final appeal was not filed within the time limit prescribed by the RRB.

Form HA-2, Procedures Governing Appeals Under the Railroad Retirement Act and the Railroad Unemployment Insurance Act, serves as an instructional sheet for completion of Form HA-1.

**The RRB proposes no changes to Form HA-1.**

Form HA-1 is similar to SSA Forms HA-501-U5 and HA-520-U5.

3. Planned use of improved information technology/technical or legal impediments to further burden reduction – Form HA-1 is available for downloading at the RRB's web-site at the following link <http://www.rrb.gov/ha1/pdf>  
There are no plans to automate the form at this time due to low volume.
4. Efforts to identify duplication - This information collection do not duplicate any other information collection.
5. Small business respondents - N.A.
6. Consequences of less frequent collection - Not applicable since the information is solicited only once for each level of appeal.
7. Special Circumstances - None
8. Consultations outside the agency - In accordance with 5 CFR 1320.8(d), comments were invited from the public regarding the information collection. The notice to the public was published on page 69603 of the December 1, 2006, Federal Register. No comments or requests for additional information were received.
9. Payments or gifts to respondents - None
10. Confidentiality - Privacy Act System of Records, RRB-17, Appeal Decisions From Initial Denial For Benefits Under The Provisions of the Railroad Retirement Act, and RRB-9, Protest and Appeals Under The Railroad Unemployment Insurance Act.
11. Sensitive questions - N.A.
12. Estimate of respondent burden - The burden currently in the inventory and the adjusted burden for this collection follow.

**Current Burden**

Form #	Responses	Time ( Min)	Burden (Hrs)
HA-1, Appeals to Bureau of Hearings and Appeals	750	20	250
HA-1, Appeals to Board Members	100	20	33
HA-1, Request for Extension of Time for Filing an Appeal	10	10	2
<b>Total</b>	<b>860</b>		<b>285</b>

**Adjusted Burden**

Form #	Responses	Time (Min)	Burden (Hrs)
HA-1, Appeals to Bureau of Hearings and Appeals	550	20	183
HA-1, Appeals to Board Members	100	20	33
<b>Total</b>	<b>650</b>		<b>217</b>

	<b><u>Responses</u></b>	<b><u>Hours</u></b>
Burden Change	<u>-210</u>	<u>-58</u>
Adjustment	-210	

-58

13. Estimated annual cost to respondents or record keepers - N.A.
14. Estimate of cost to Federal government - N.A.
15. Explanation for changes in burden – The Director of Hearings and Appeals advises that no Form HA-1's are completed solely to request an extension.

Further, enhanced program evaluation activity has allowed the RRB to provide a more accurate number of responses received. We have indicated the change in burden as an adjustment.

16. Time schedule for data collection and publication - The results of this collection will not be published.
17. Request to not display OMB expiration date - Given the costs associated with redrafting, reprinting, and distributing the forms in this collection in order to keep the appropriate OMB expiration date in place, the RRB requests the authority to not display the OMB expiration date on the form associated with this collection.
18. Exceptions to Certification Statement - None