

**Supporting Statement for Form SSA-770**  
**Notice Regarding Substitution of Party Upon Death of Claimant**  
**Reconsideration of Disability Cessation**  
**20 CFR Sections 404.907-.921 and 416.1407-.1421**  
**OMB 0960-0351**

**A. Justification**

1. *Section 205(b) of the Social Security Act and 20 CFR 404.907-.921 and 416.1407-.1421 of the Code of Federal Regulations* provide authority for the collection of this information and further requires the Social Security Administration (SSA) to 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.
2. Form SSA-770 is used when a claimant dies before a determination is made on their request for reconsideration of disability cessation. SSA will seek a qualified substitute party to pursue the appeal. If a qualified party is located, the SSA-770 will be used to indicate whether the substitute party wishes to pursue or withdraw the pending reconsideration. The hearing process will be continued or discontinued based on the information provided on the form SSA-770. Respondents are substitute applicants who are pursuing a reconsideration request for a deceased claimant.
3. SSA has determined that due to this form's limited usage improved information technology would not reduce the burden and is not cost effective. Therefore, SSA currently has no plans to implement this form electronically.
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. If this form were not used, SSA would not have a structured format for establishing substitute parties who wish to pursue reconsideration requests on behalf of deceased claimants. This information collection cannot be conducted less frequently, because qualified individuals would be deprived of their right to act as substitute parties.
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 March 15, 2007 at 72 FR 12244, and SSA has received no public comments. The second Notice was

published on June 13, 2007, at 72 FR 32697. 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 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. SSA estimates that 1,200 claimants will use Form SSA-770 once annually. The estimated average response time is 5 minutes, for a total of 100 burden hours. 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 \$1,848. This estimate is a projection of the costs for printing and distributing the collection instrument and for collecting the information.
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.