

**Supporting Statement for Form SSA-1272-U4,
Subpoena – Disability Hearing
20 CFR Sections 404.916(b)(1) and 416.1416(b)(1)
OMB No. 0960-0428**

A. Justification

1. *Section 205(b) of the Social Security Act* requires that the Social Security Administration (SSA) 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. This statute further provides that such reconsideration may be made by the State agency where the finding originated. SSA is required to subpoena pertinent evidence for disability hearings under *20 CFR 404.916(b)(1) and 416.1416(b)(1) of the Code of Federal Regulations*.
2. Form SSA-1272-U4 will be completed by State and Federal disability hearing officers to subpoena evidence or testimony needed in connection with disability hearings required by the Act. Actual issuance of the subpoena will be done by the appropriate delegated SSA official.
3. Due to the exceedingly low volume of respondents, SSA has determined that it is not currently economical to make this collection available electronically. In the future, after all of the higher volume collections have been made accessible electronically, SSA will reevaluate this assessment.
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. The collection of information does not involve small businesses or other small entities.
6. If this information were not collected, claimants would be deprived of a right afforded in connection with an evidentiary hearing required by the Act. Since it is collected only when necessary, it cannot be collected less frequently. 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 inconsistent with 5 CFR 1320.5.
8. The 60-day advance Federal Register Notice was published on March 23, 2007 at 72 FR 13851, 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 provided 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. The total estimated number of claimants who will use Form SSA-1272-U4 is 36 annually. The estimated average response time is 30 minutes, for a total of 18 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 \$55.44. 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.