

Supporting Statement for Form HA-501-U5
Request for Hearing By Administrative Law Judge
20 CFR 404.929, 404.933, 416.1429, 416.1433, 42 CFR 405.722, 20 CFR 418.1350
OMB No. 0960-0269

A. Justification

1. The Social Security Administration's (SSA's) collection of this information is necessary because an individual who wishes to request an administrative hearing must file a written request and provide specific information. The statutory authority is in the *Social Security Act* at sections 205(b), 1155, 1631(c), and 1869. The implementing regulations can be found at 20 CFR 404.929, 404.933, 416.1429 and 416.1433 and at 42 CFR 405.722, and 20 CFR 418.1350 of the *Code of Federal Regulations*. Additionally, the *Foster Care Independence Act of 1999*, section 251 of *Public Law (Pub. L.) 106-169* established title VIII of the Social Security Act for providing special cash benefits to certain World War II veterans. Section 809 of *Pub. L. 106-169* establishes hearing and review rights, and the procedural protocol to administer this program. .

Section 105(a)(2)(B) of Public Law 103-296 (the Social Security Independence and Program Improvements Act, which established SSA as an independent agency) stipulated that SSA and the Department of Health and Human Services (HHS) would share responsibility for the Medicare (*Title XVIII*) appeals process. The process provided for under this statute was that SSA would continue to perform the hearings function for determinations made by SSA about Medicare Part A and Part B entitlement. As required by the *Public Law 103-296*, SSA and HHS continued to negotiate transfer of some of the Medicare appeals functions; in 1995, the two agencies signed an agreement which transferred to the Medicare Appeals Council (MAC) within HHS the Medicare appellate review functions that had been performed by the SSA Appeals Council. Section 931 of *Public Law 108-173* required transfer of the functions of administrative law judges (ALJs) responsible for hearing appeals under *Title XVIII of the Act* from SSA to HHS. Additionally, effective January 2007, HHS now makes determinations regarding Medicare Part B premium subsidy reductions required under section 1839(i) of *the Act (Public Law 108-173)*.

2. SSA collects the information on Form HA-501-U5 from each individual who wants to appeal a determination affecting his or her rights to benefits under the Social Security Act. For Title XVIII purposes, SSA will make determinations about income-related monthly adjustment amounts added to Medicare Part B premiums based on tax data obtained from the Internal Revenue Service (IRS). Form HA-501-U5 provides individuals who have been denied benefits, individuals who will pay an income-related monthly adjustment amount, and individuals who disagree with the amounts of the benefits to which they have been awarded, with a means to comply with the statute requiring a written request

for appeal. Using form HA-501-U5, the claimant files the requisite written requests and provides the needed information to establish a valid request for hearing and for processing the request. The ALJ uses the information to determine if the request for hearing is filed within the prescribed time, whether the person filing is a proper party, and whether the person has completed the steps necessary to have a right to a hearing. The ALJ also uses the information to determine the claimant's reason(s) for disagreeing with the prior determinations in the case and whether the person has additional evidence to submit, wants an oral hearing or a decision on-the-record, and has (or wants to appoint) a representative. The ALJ uses the information for requesting claim files, for initiating other actions leading to the scheduling and holding of a hearing, for hearing-level data input, and for setting diary dates for completion of the case within prescribed timeframes set by SSA or the courts.

3. Form HA-501-U5 is currently not available in electronic form. However, beginning September 2007, individuals who wish to file an appeal may do so using an internet version of the HA-501-U5 through the new iAppeals program which SSA will be implementing in September 2007. The information submitted will be propagated into SSA's Modernized Claims Systems (MCS/MSSICS). We also make collection available through MCS/MSSICS to those individuals who file an appeal by mail or through a personal interview within a field office. Currently, we estimate that 95% of all respondents have their claims processed through MCS/MSSICS; however, we estimate that 50% of all respondents will use the new i561 through the iAppeals Program once it is established.
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 impact small businesses or other small entities.
6. If SSA did not collect this information, the Agency would violate regulatory requirements by depriving individuals of the right to appeal a denied claim to the next level of adjudication. Therefore, it cannot be collected less frequently.
7. There are no special circumstances that would cause this information collection to be conducted in a manner not consistent with 5 CFR 1320.5.
8. The 60-day advance Federal Register Notice was published on April 10, 2007 at 72 FR 17980, and SSA has received no public comments. The second Notice was published on June 27, 2007, at 72 FR 35293. There have been no outside consultations with members of the public.

SSA received one comment on 5/16/07 suggesting that we add a feature to the new Internet version of the form which will allow the claimant's representatives to submit a claim on behalf of the claimant.

SSA responded as follows: the brief explanation in the FRN did not include the fact that the new iAppeals process will allow a claimant's representative to submit the appeal on behalf of the claimant. This feature will be a part of the i501.

9. SSA provides no payment or gifts to 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. Form HA-501-U5 is currently used by 669,469 annually. The estimated response time is 10 minutes for the paper form and 22 minutes for the Internet version. SSA estimates that about half of our current respondents will use the new Internet version through the iAppeals program. Therefore, the annual reporting burden is as follows:

Collection Method	Number of Respondents	Frequency of Response	Estimated Completion time	Total Burden Hours
Paper & Modernized Claims System	334,735	1	10 minutes	55,789
i501	334,734	1	22 minutes	122,736
Totals:	669,469			178,525

The total burden is reflected as burden hours, and no separate cost burden has been calculated.

13. There is no known cost burden to respondents.
14. The annual cost to the Federal Government is approximately \$2,653,906. SSA estimates \$1,050,000 as a projection of the costs for printing and distributing the collection instrument and for collecting the information. SSA estimates the start up and development costs for the new iAppeals system will be approximately \$1,603,906. Once the system is implemented the costs to the Federal Government will be minimal upkeep costs which are shared with all of SSA's other Internet applications.

15. The increase in the public reporting burden is due to the estimated increase in completion time for the new i501 (Internet version) as a part of the new iAppeals Program.

The decrease in the public reporting burden for the paper HA-501 is due to SSA's anticipation that half of our current respondents will switch to the new iAppeals Internet version (i501) after implementation of the new program.

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 approval. SSA does not periodically revise and reprint its public-use forms (e.g., on an annual basis). This exemption was granted so that otherwise useable 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 at 5 CFR1320.9 and related provisions at CFR 13208 (b) (3).

B. Collections of Information Employing Statistical Methods

Statistical methods are not used for this information collection.