

**SUPPORTING STATEMENT FOR
ELECTRONIC RECORDS EXPRESS THIRD-PARTY REGISTRATION FORM**

OMB No. 0960-NEW

A. Justification

1. Background and Authorization

If applicants for new or continuing Social Security disability benefits want to appeal an initial or reconsidered denial, they can request an appeals hearing before an administrative law judge in the Social Security Administration's (SSA) Office of Disability and Adjudication Review (ODAR). Prior to the hearing, appellants must submit evidence to ODAR supporting their claim.

Currently, appellants submit this evidence via multiple paper forms (different forms are used depending on the nature of the evidence required). Under the auspices of the *E-Government Act of 2002* (P.L.107-347) and the *Government Paperwork Elimination Act* (P.L.105-277), SSA has developed a new electronic platform for this evidence called Electronic Records Express (ERE). Claimant representatives can use ERE to electronically upload documents to the claimant's electronic "folder." ERE also provides a means for the representative and other third parties, such as vocational or medical expert who has been called on behalf of the claimant but is not an SSA-employed medical expert, to view the claimant's file.

At the hearing, an administrative law judge may require a vocational or medical expert to testify regarding the claimant's medical and/or vocational history and render an opinion in regard to the claimant's disability or ability to perform work. In order to render an informed and impartial opinion, these expert witnesses are required to review the relevant evidence in the claimant's file.

This ICR is for the registration form which third-party representatives of disability appellants or vocational and medical experts will use to obtain access to ERE. Once this access has been granted, representatives can upload documents on behalf of disabled claimants or, in the case of vocational/medical experts, review evidentiary documents which are there already.

Representatives and vocational experts will have the ability to review the claimant's file online and verify that all necessary information has been submitted.

NOTE: Please note that appellants will be able to submit information via ERE that was previously collected by two paper forms, the Teacher Questionnaire/Request for Administrative Information (OMB No. 0960-0646/SSA-5665-BK & SSA-5666) and the Request for Evidence from Doctor or Hospital (OMB No. 0960-0722/1J/2J). Those collections will be revised separately to indicate they can be submitted electronically via ERE.

ERE (Third-Party Registration)
2/5/2021

2. How, by Whom, and for What Purpose the Information is to be Used

This form will be used by relevant third parties, including claimant representatives and vocational and medical experts. We will inform these parties about ERE through the following methods: 1) our outreach efforts with claimant representative organizations such as the National Organization of Social Security Claimants' Representatives (NOSSCR) and the National Association of Disability Representatives (NADR); 2) our attendance and speeches at national conferences given by these organizations; and 3) by providing users with a copy of the form when they regularly appear at hearing offices to represent claimants or to testify as experts.

Third parties will use the form to apply for access to the ERE website. The users will provide minimal biographical information including their name, the last four digits of their social security number, their organization, address, e-mail address, telephone, and the hearing office to which they customarily send evidence or provide expert testimony. They will also be asked to indicate whether they are an attorney, a non-attorney representative, or a medical or vocational expert.

Users will mail or deliver the form to SSA, where it will then be forwarded to the appropriate ODAR hearing office. At the ODAR office, an ODAR manager or non-bargaining unit employee (sponsor) will verify that the user has a business need to submit records to ODAR or view claimants' records. The ODAR hearing office will cross-check and verify the information on the proposed form with information or documents filed with the hearing office by the claimant. The sponsor will then register the user through the ERE website and will provide the user with a user identification number and a password. Once third-party representatives receive this information from SSA, they can electronically upload evidentiary documents to appellants' electronic disability folders. Representatives and experts will also have the means to review a claimant's file online via the website.

3. Use of Information Technology to Collect the Information

While ERE is being implemented under the aegis of GPEA, the third-party registration form is available only in paper format. However, if there is enough demand for it we will work on implementing an electronic version for the next clearance cycle (in three years).

4. Why Duplicate Information Cannot Be Used

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. How Burden on Small Respondents is Minimized

This collection does not significantly impact small businesses or other small entities.

6. Consequence of Not Collecting Information or Collecting it Less Frequently

If this information collection were not conducted, third-party representatives of appellants would have no means of registering to use ERE, therefore depriving them of a valuable time-saving tool to use on the claimants' behalf. Since the information will only be collected once, it cannot be collected less frequently.

There are no technical or legal obstacles that prevent burden reduction.

7. Special Circumstances that Need to be Explained

There are no special circumstances that would cause this information collection to be conducted in a manner that inconsistent with 5 CFR 1320.5.

8. Solicitation of Public Comment and Other Consultations with the Public

The 60-day advance Federal Register Notice was published on May 3, 2007 at 72 FR 24651, and no public comments were received. The initial 30-day Federal Register Notice was published on August 7, 2007, at 72 FR 44211. Following the publication of this Notice, we realized it did not describe the full scope of the potential respondents, so we published a correction 30-day Notice on September 14, 2007, at 72 FR 52594. We will forward any public comments we receive in response to this notice to OMB.

There has been contact with attorneys and non-attorney representatives through professional associations about the use of the form. The feedback we have received indicates that users want the form implemented as soon as possible so they can be registered to use the website.

9. Payment or Gifts to Respondents

SSA provides no payment or gifts to the respondents.

10. Assurances of Confidentiality

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. Justification for Sensitive Questions

The information collection does not contain any questions of a sensitive nature.

12. Estimates of Public Reporting Burden

The projected number of respondents per annum is 78,344, and the response time is 3 minutes.

ERE (Third-Party Registration)
2/5/2021

The annual burden is therefore 3,917 hours. The total burden is reflected as burden hours, and no separate cost burden has been calculated.

13. Annual Cost to the Respondents (Other)

There is no known cost burden to the respondents.

14. Annual Cost To Federal Government

The annual cost to the Federal Government the first year would be approximately \$116,707.36 if all potential users registered. This cost would decline dramatically after the first year of use, because the registration is a one time event for most users. This estimate is a projection of the costs for printing and distributing the collection instrument and for collecting the information. However, because of the tremendous savings in labor resulting from the submission of the claimant's evidence electronically, there will be no net cost to the government for the initiation of the proposed form, but an actual overall savings of thousands of dollars occurring continually for all the years going forward.

15. Program Changes or Adjustments to the Information Collection Budget

This is a new information collection that will increase the public reporting burden.

16. Plans for Publication of Results of Information Collection

The results of the information collection will not be published.

17. Request not to Display OMB Expiration Date

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. Exceptions to Certification Statement

SSA is not requesting an exception to the certification requirements at 5 CFR 1320.9 and related provisions at 5 CFR 1320.8(b)(3).

B. Collections of Information Employing Statistical Methods

Statistical methods are not used for this information collection.

ERE (Third-Party Registration)
2/5/2021

