

Supporting Statement for Form SSA-2032-BK
Request for Waiver of Special Veterans Benefits (SVB) Overpayment Recovery
Or Change in Repayment Rate
20 CFR 408.900-408.950., 20 CFR 408.923(b), 20 CFR 408.931(b), 408.932(c), (d) & (e);
20 CFR 408.941(b), and 408.942
OMB Control No. 0960-0698

A. Justification

1. *Title VIII of the Social Security Act (the Act)* provides for the payment of benefits to certain World War II veterans who reside outside the United States. *Section 808 of the Act* deals with the recovery of overpayments under the Special Veterans Benefits (SVB) program. *Section 210 of PL 108-203 (H.R. 743)* expands the “Authority for Cross-Program Recovery of Benefit Overpayments”. The provision covers benefits under Title II, Supplemental Security Income (SSI), and SVB. It gives the authority to recover an overpayment from any of these three programs, unless recovery of the overpayment may be waived. Recovery of an overpayment may be waived only if: (1) the person is not at fault in causing the overpayment; and (2) the adjustment or recovery would defeat the purpose of this title or would be against equity and good conscience.

The policies for implementing the pertinent sections of *the Act* are set forth in 20 *CFR 408.900–408.950* of the *Code of Federal Regulations*. 20 *CFR 408.923(b)* provides an overpaid individual with the opportunity to request a different rate of withholding from his or her SVB payments to recover an overpayment. 20 *CFR 408.931(b)* and 408.932(c), (d) and (e) provide an overpaid individual with an opportunity to request a different rate of withholding from his or her Title II benefits to recover an SVB overpayment. Also, the individual may ask SSA to review the determination that an overpayment balance still exists and to waive collection of the balance. 20 *CFR 408.941(b)* and 408.942 require that an overpaid individual, who is subject to Federal income tax refund offset, either send SSA evidence that the overpayment is not past due or legally enforceable or request waiver of the overpayment.

2. Form SSA-2032-BK will be used to obtain the information necessary to determine whether the provisions of the Act regarding waiver of recovery of the overpayment are met. The information on the form is needed to determine a repayment rate if repayment cannot be waived. The information will be collected by personnel in SSA field offices, U.S. Embassies or consulates, or the Veterans Affairs Regional Office in the Philippines. The respondents are beneficiaries who have overpayments of their Title VIII record and wish to file a claim for waiver of recovery or change in repayment rate.

- 4 3. Due to the small number of responses which will continue to decline, SSA does not have plans to make this an electronic collection.
4. The nature of the information being requested and the manner in which it is collected preclude duplication. The SSA-632-BK (0960-0037) collects data similar to that collected here. However, the SSA-632-BK is more generic whereas the SSA-2032-BK is specifically designed for Title VIII SVB overpayments or change in repayment rate for SVB beneficiaries.
5. This collection does not have an impact on small businesses or other small entities.
6. The collection must take place based upon the need of the applicant. If the information is not collected, waiver may be precluded and the overpayment would be recovered incorrectly. Therefore, incorrect payments to SVB beneficiaries could result. Individuals may not be able to request a different rate of withholding to repay any overpayment. Therefore, the information could not 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 that is not consistent with 5 CFR 1320.5.
8. The 60-day advance Federal Register Notice was published on September 20, 2007 at 72 FR 53803, and SSA has received no public comments. The second Notice was published on November 5, 2007 at 72 FR 62510. There have been no outside consultations with members of the public.

The first and second Federal Register Notices reported incorrect burden information. We have published a correction Notice on January 7, 2008 at 73 FR 1253 to show the correct burden information (also reported in #12 below).

9. SSA provides no payment or gifts to the respondents.
10. The information requested 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. There are approximately 450 people with SVB overpayments who will use form SSA-2032-BK to report the information. The estimated average response time is 2 hours, for a total of 900 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 \$420.42. This estimate is a projection of the costs for printing and distributing the collection instrument and for collecting the information.
15. There is no change in the reporting burden.
16. The results of the information collected 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 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.