

Supporting Statement for Form SSA-1205-BK
Disability Hearing Officer's Report of Disability Hearing
20 CFR 404.917, 416.1407 and 416.1417
OMB No. 0960-0440

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. *20 CFR 416.1407* of the *Code of Federal Regulations* extends this hearing process to comparable cases under Title XVI of the Act. In addition, *20 CFR 404.917* and *416.1417* call for the Disability Hearing Officer (DHO) to give the findings of fact and the reasons for the reconsidered determination based on evidence offered at the disability hearings.
2. DHOs are responsible for seeing that hearings are conducted in a thorough, professional and efficient manner. During a hearing (when the DHO is completing the form) all pertinent issues must be addressed, and the claimant and his/her representatives must be given ample opportunity to present evidence and testimony concerning the case. Form SSA-1205-BK provides a structured format that covers all conceivable issues relating to Titles II and XVI claims for disabled adults. Besides providing a framework for addressing crucial elements in the case, the completed form will aid the DHO in preparing the disability decision and will provide a record of what transpired at the hearing. A copy of the form will be filed in the claims folder. Respondents are Disability Hearing Officers.
3. Improved information technology that would reduce the burden is not available. SSA has not scheduled the SSA-1205-BK for electronic implementation as each determination is personalized based on the specifics in each claim and is either handwritten directly onto the form or entered into a Microsoft Word version of the SSA-1205-BK by the DHOs. Due to the personalization, SSA is unable to institute an electronic version at this time. Also, the number of respondents is below the threshold targeted for electronic implementation.
4. There are no other forms used by SSA that collect information similar to that collected on Form SSA-1205, and there is no duplication of the information collected.
5. The collection of information does not involve small businesses or other small entities.
6. If SSA did not collect this information, there would be no record of the disability decision, and claimants would be deprived of right to have the most recent information included in their reconsideration evaluations. Because this information is only collected on an as needed basis, 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 August 6, 2007 at 72 FR 43674, and SSA has received no public comments. The second Notice was published on October 18, 2007 at 72 FR 59132. 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 Forms SSA-1205-BK is 35,600 annually. The estimated average response time is 60 minutes, for a total of 35,600 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 \$328,944. This estimate is a projection of the costs for printing and distributing the collection instrument and for collecting the information.
15. The reduction in the Annual Reporting Burden is due to a better estimation of the average number of DHO cases. Over the past three years, SSA has collected data which shows the average number of DHO cases per year to be closer to 35,600 as opposed to the 100,000 previously reported. Previously our estimate was made through an educated guess based on experience, this new data is more concrete, and, therefore, more accurate. Thus, we are amending our estimate to reflect this new data.
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 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.