

Supporting Statement for Form HA-520
Request for Review of Hearing Decision/Order
20 CFR 404.967-404.981, 20 CFR 416.1467-416.1481
OMB 0960-0277

A. Justification

1. The Social Security Administration's (SSA's) collection of this information is necessary because an individual, who wishes to request a review by the Appeals Council of an Administrative Law Judge's (ALJ's) hearing decision, or dismissal of a hearing request, must file a written request and provide specified information. The statutory authority requiring this collection is in the *Social Security Act (the Act)* at sections 205(a) and 1631(d)(1). Section 205(a) of the Act authorizes the Commissioner to "make rules and regulations and to establish procedures, not inconsistent with the provisions of this title, which are necessary or appropriate to carry out such provisions." Section 1631(d)(1) of the Act incorporates Section 205(a) and applies it to Title XVI of the Act. Pursuant to this statutory authority, the Commissioner published regulations at 20 CFR 404.967-404.981 and 20 CFR 416.1467-416.1481 of the *Code of Federal Regulations*, creating an Appeals Council review process. Additionally, *The Foster Care Independence Act of 1999*, section 251 of *Public Law (P.L.) 106-169* established a new Title VIII of the Social Security Act for providing special cash benefits to certain World War II veterans. Section 809, of *P.L. 106-169* establishes hearing and review rights, and the procedural protocol to administer this program.
2. SSA collects the information on Form HA-520 from each claimant for Social Security benefits or Supplemental Security Income (SSI) payments who is dissatisfied with the hearing decision or the dismissal of a hearing request and wants to request review of the decision by the Appeals Council. An individual may request Appeals Council review by filing a written request. A completed HA-520 ensures that SSA receives the information necessary to establish that the claimant filed the request for review within the prescribed time, and that the claimant has completed the requisite steps to permit review by the Appeals Council. The Appeals Council also uses the information provided by the claimant to document the claimant's reason(s) for disagreeing with the ALJ's decision or dismissal, to determine whether the claimant has additional evidence to submit, and to determine whether the claimant has a representative or wants to appoint one. The respondents are members of the medical community including individual physicians, hospital doctors, medical records librarians, and other medical sources.

3. Currently, there is no Appeals Council level in the Modernized Claim System (MCS), so SSA field offices and Processing Centers do not have a means of controlling Title II Appeals Council level cases. In January 2008, SSA plans to release the Appeals Review Processing System (ARPS) which will control most of the Appeals Council's workloads (including Requests for Review). However, MCS will not be updated to include the Appeals Council level until some later date. Based on the contingency of updating MCS, Form HA-520 will be electronic sometime after January 2008.
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 have a significant impact on a substantial number of small businesses or other small entities.
6. There are no technical or legal obstacles that prevent burden reduction. Not collecting this information would violate regulatory requirements by depriving individuals of the right to appeal a denied claim to the next level of adjudication. Since this information is only collected on an as needed basis, it cannot be collected less frequently.
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 November 30, 2007 at 72 FR 67776, and SSA has received one public comment. The second Notice was published on February 11, 2008, at 73 FR 7782. There have been no outside consultations with members of the public.

SSA received one comment on 12/31/07 suggesting that our time estimate for the HA-520 is too low, as it may take a respondent longer than 10 minutes to fill out the rationale for appealing. The comment also suggested that SSA needs to take into consideration an additional time estimate for the portion of the form filled out by SSA.

SSA responded as follows:

SSA's time estimate of 10 minutes is based on long Agency experience with this workload. Since this form is simply being reapproved for use, we find no basis for changing the average burden estimate at this time. In regards to the suggestion that we include a time estimate for the portion of the form filled out by the Agency, we do not provide that information as Federal Employees are not considered members of the public under the terms of the Government's Paperwork Reduction Act.

9. SSA provides no payment or gifts to the 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-520 is used by 100,000 respondents annually. The estimated response time is 10 minutes, for a total of 16,667 burden hours. The total burden is reflected as burden hours.
13. There is no known cost burden to the respondents.
14. The annual cost to the Federal Government is approximately \$770,000. This estimate is a projection of the costs for printing and distributing the collection instrument and for collecting the information.
15. The burden hour projection has decreased based on an anticipated decrease in the number of appeals to be filed within the next fiscal year. SSA has based this projection on current information regarding the number of appeals filed in FY 2007.
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 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.