

**Supporting Statement for Regulation SSA-3320F
Conducting Personal Conferences When Waiver of Recovery of a Title II or Title XVI
Overpayment Cannot Be Approved**

RIN 0960-AG40

20 CFR Part 404 506(e)(3), 404.506(f)(8) & 416.557(c)(3) and 416.557(d)(8)

OMB No. 0960-NEW

A. Justification

1. Authorizing Laws and Regulations to Collect the Information

When beneficiaries are denied a waiver of repaying a Social Security Administration (SSA) title II or title XVI overpayment, they are entitled to request a personal conference to contest this decision. SSA is revising its rules on conducting such personal conferences. The revisions will allow these personal conferences to be conducted face-to-face, by telephone, or by video teleconference, whereas currently SSA only conducts these conferences face-to-face. Authorization for the personal conference request rules (current and revised) stems from *sections 1631(a)-(d) and (g) of the Social Security Act* and section 31 U.S.C. 3720a of the *U.S. Code*.

This Information Collection Request is for the regulation sections in these new rules which contain public reporting burdens. Please note that although these proposed rules only contain public reporting burdens at §§416.557(c)(3) and 416.557(d)(8), at OMB's request we are also including the associated information collection burdens for §§404.506(e)(3) and 404.506(f)(8), since those sections deal with personal conferences and have not been previously cleared under the Paperwork Reduction Act (PRA).

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

Existing regulation section 404.506(e)(3) and new section 416.557(c)(3) state that beneficiaries may provide documentation to support their contention that 1) the overpayment SSA sent them was not caused by their actions and 2) they do not have the ability to repay the amount of the overpayment. Respondents may provide these documents or a personal statement by mail, telephone, personal contact, fax or e-mail.

Existing regulation section 404.506(f)(8) and new section 416.557(d)(8) state that an SSA representative may ask beneficiaries to provide current financial documents which will help the Agency determine if the beneficiaries have the ability to repay the amount

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of the overpayment. Beneficiaries may provide these requested financial documents or a personal statement by mail, telephone, personal contact, fax or e-mail.

3. Use of Information Technology to Collect the Information

Given the individualized nature of the evidence respondents will be submitting, SSA did not deem it appropriate to develop an electronic form under the aegis of the Government Paperwork Elimination Act plan. However, as described above, respondents may submit evidence via e-mail.

4. Why Duplicate Information Cannot Be Used

The nature of the information and the manner in which it is collected preclude duplication. There is no other instrument used by SSA that collects data similar to that collected here.

5. How Burden on Small Businesses is Minimized

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

6. Consequences of Not Collecting Information or Collecting Less Frequently

If these rules are not implemented, beneficiaries will be unable to contest a decision to deny a waiver for recovering an overpayment. Since the information is only collected when this situation arises, it cannot be collected less frequently.

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

7. Special Circumstances Inconsistent with 5 CFR 1320.5

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

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

The Notice of Proposed Rulemaking for these rules was published on March 5, 2007 at 72 FR 9709. No public comments were submitted regarding any PRA-related issues. The Final Rules for these regulations were published on January 11, 2008 at 73 FR 1970.

There have been no outside consultations with members of the public.

9. Payment or Gifts to Respondents

SSA provides no payment or gifts to the respondents.

10. Assurances of Confidentiality

The information collected 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

Below is an estimate of the public reporting burden for these new regulation sections.

Title/Section & Collection Description	Annual number of respondents	Frequency of response	Average burden per response (minutes)	Estimated annual burden (hours)
404.506(e)(3) Submittal of additional documents for consideration at personal conferences	150,000	1	30	75,000
404.506(f)(8) Submittal of additional mitigating financial information and verifications for consideration at personal conferences	75,000	1	30	37,500

416.557(c)(3) Submittal of additional documents for consideration at personal conferences	100,000	1	30	50,000
416.557(d)(8) Submittal of additional mitigating financial information and verifications for consideration at personal conferences	50,000	1	30	25,000
Total	375,000	----- -	----- -	187,500

The total burden of 187,500 hours is reflected as burden hours, and no separate cost burden has been calculated.

13. Estimate of Total Annual Costs to Respondents to Provide the Information

There is no known cost burden to respondents.

14. Annualized Cost to the Federal Government

The annual cost to the Federal Government is negligible.

15. Program Changes or Adjustments to the Information Collection Budget

The public reporting burden posed by the new rules and the initial clearance of existing rules is a new one. The public reporting burden is therefore increasing by 187,500 hours.

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

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SSA is not requesting an exception to publishing the OMB expiration date.

18. Exception 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.