

**Supporting Statement for Form SSA-820-F4
Work Activity Report (Self-Employed Person)**

**20 CFR 404.1520(b), 20 CFR 404.1571-.1576, 20 CFR 404.1584-.1593, 20 CFR
416.971-.976**

OMB No. 0960-0598

A. Justification

1. Social Security disability beneficiaries and Supplemental Security Income disability recipients receive payments based on their inability to engage in substantial gainful activity (SGA) because of a physical or mental condition. When a beneficiary resumes work, the work must be reported and evaluated to determine if the beneficiary continues to meet the disability requirements of the law.

The authority for collecting this data is found in *section 223(d) (4), and section 1633 of the Social Security Act (the Act)*. These sections direct the Commissioner to provide regulations for administering the disability provisions of the law. The appropriate regulations are contained in *20 CFR, 404.1520(b), 404.1571-.1576, 404.1584-.1593, and 416.971-.976*.

2. Form SSA-820-F4 will be used to secure information on the self-employment activities of Social Security disability applicants. The data collected on the form is necessary for evaluating Social Security disability claims and to help determine if the disability provisions of the Act are met.

Under titles II and XVI of the Act, applicants for disability benefits must prove an inability to perform any kind of SGA generally available in the national economy for which they might be expected to qualify on the basis of age, education, and work experience. (There is a slightly different definition for older blind workers.) Work that a claimant performed until, or subsequent to, the date the disability allegedly began figures prominently in the disability determination. The Social Security Administration (SSA) needs to secure information about this work in order to ascertain whether the applicant was (or is) engaging in SGA. Work after a claimant becomes entitled can cause the cessation of disability benefits. The information obtained from form SSA-820-F4 is needed to determine if a cessation of benefits should occur.

3. Agency policies allow information provided on the SSA-820 to be used to make a determination on continuing entitlement to disability benefits without the need to verify

through another source. Since the information provided by the beneficiary can be used to make a decision on continuing eligibility to disability benefits, the form requires a wet signature. Thus, SSA does not currently have plans to make this form available electronically.

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. Form SSA-820 is obtained whenever a claimant or beneficiary performs work after the alleged onset of his/her disability, and this work could be SGA. The form cannot be obtained any less frequently, because to do so could cause an incorrect initial disability decision, and/or could result in overpayments to a beneficiary who was receiving payments despite engaging in SGA.
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 no public comments. The second Notice was published on January 17, 2008 at 73 FR 3309, and SSA has received no public comments. There have been no outside consultations with members of the public.
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 collected does not contain any questions of a sensitive nature.
12. Form SSA-820-F4 is used by approximately 100,000 individual or household respondents annually. The estimated average response time is 30 minutes, for a total of 50,000 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 \$308,000. This estimate is a projection of the costs for printing and distributing the collection instrument and for

collecting the information.

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15. There are no changes or adjustments in the public reporting burden.

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.