

**Supporting Statement for Form SSA-58
Modified Benefit Formula Questionnaire-Employer**

OMB No. 0960-0477

A. Justification

1. *Sections 215(a)(7) and 215(d)(3) of the Social Security Act (the Act) provide for using a modified benefit formula to compute Social Security retirement or disability benefits for persons first eligible (after 1985) for both a Social Security benefit and a pension or annuity, based on employment not covered by Social Security.*
2. The information collected on Form SSA-58 is used by the Social Security Administration (SSA) to verify the claimant's allegations on Form SSA-150 (OMB #0960-0395). SSA must make a determination regarding whether the modified benefit formula is applicable and when to first apply it to a person's benefit. This form will be sent to an employer for pension related information if the claimant is unable to provide it. The respondents are employers of people who are eligible after 1985 for both Social Security benefits and a pension based on work not covered by SSA.
3. Form SSA-58 is not currently scheduled for electronic implementation under the Agency's Government Paperwork Elimination Act due to its low number of respondents and the priority of higher volume forms over this one.
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 an impact on small businesses or other small entities.
6. Information is collected when the claimant alleges receipt of a pension based on non-covered employment after 1956 and the claimant reaches age 62 or becomes disabled after 1985. If this information is not collected, claimants who are receiving benefits from pensions or annuities not covered by Social Security would receive an incorrect benefit amount from Social Security. 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 November 5, 2007 _____ at 72 FR 62510, and SSA has received no public comments. The second Notice was published on January 17, 2008 at 73 FR 3307, 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 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 SSA-58 will be used by approximately 30,000 respondents annually. The estimated response time is 20 minutes, for a total of 10,000 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 \$46,200. This estimate is a projection of the costs for printing and distributing the collection instrument and for collecting the information.
15. There have been 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 reports clearance 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 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.