

Supporting Statement for Form SSA-833-C3/U3
Cessation or Continuance of Disability or Blindness Determination and Transmittal
20 CFR 404.1615, 20 CFR 404.1512, 20 CFR 404.1588-404.1599
OMB No. 0960-0442

A. Justification

1. *Section 221(a) of the Social Security Act (42 U.S.C. 421) requires that the determination of whether or not an individual is under a disability shall be made by a State agency pursuant to an agreement (Section 221(b)) between the Commissioner and the State. 20 CFR 404.1615 of the Code of Federal Regulations (CFR) provides that the Disability Determination Service (DDS) will certify each determination of disability on forms SSA provides.*

Section 223(d)(1)(A) & (B), 223(d)(5)(A) of the Social Security Act (42 U.S.C. 423(d)(1)(A) & (5)) define “disability” as the “the inability to engage in any substantial gainful activity by reason of any medically determinable physical or mental impairment which can be expected to result in death or which has lasted or can be expected to last for a continuous period of not less than 12 months. An individual shall not be considered to be under a disability unless he/she furnishes such material and other evidence of the existence thereof as the Commissioner may require.”

20 CFR 404.1512, 404.1588-404.1599 set out procedures and policy in implementing Section 221(a) & (b) of the Social Security Act. These sections require that the applicant, upon request, submit evidence as to his/her education, training, work experience and daily activities (both prior to and after the alleged date of onset of disability) as well as efforts to engage in any substantial gainful activity (SGA) during the time of the alleged disability.

Section 221(i)(1) establishes the periodic review of disability beneficiaries. We establish the review period based on information on Form SSA-833-C3/U3. Similarly, parts (3) & (4) of this section establish congressional reporting requirements which depend upon data obtained from this form.

2. DDSs use the Form SSA-833-C3/U3 to prepare continuance and cessation determinations of disability or blindness on Title II claims. The information is used in the following manner:
 - a) In the course of the Federal (SSA) quality review of the determination;

- b) As an input source for stopping, continuing or reinstating disability payments;
- c) To provide for SSA input on automated systems controls; e.g. establish and or cancel diary controls;
- d) To establish a permanent longitudinal history of the claim; and
- e) To supply a statistical base to provide aggregate program information to SSA administrators, Congress and the President.

The respondents are State Disability Determination Services.

3. Form SSA-833-C3/U3 is available electronically on the SSA Intranet. When a decision is made on a continuing disability review (CDR) case within the DDSs, this form is created electronically in the in the DDS Legacy system, becomes part of the Electronic Disability Folder and uploaded to Electronic Disability Collect System (EDCS) and stored within the Structured Data Repository. If the initial review of a CDR is done electronically, then all subsequent reviews will be entirely electronic, including the SSA-833-C3/U3 and SSA-832-C3/U3, and can be signed electronically. We estimate that DDSs process 80% of the CDRs electronically. The DDSs process all other CDRs using the paper versions of the form and place paper copies of the SSA-833-C3/U3 in the Paper Disability Folder.
4. SSA does not collect duplication information. 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. The collection relates to preparation of disability determinations as prescribed by law. If the information were not collected, the following would result:
 - a) SSA would be unable to comply with the law in preparing determinations of disability;
 - b) SSA would be unable to comply with Public Law 96-265 of the Social Security Act of 1980, as prescribed in Section 221(i) 1 and 2 of the Social Security Act, for reporting on periodic review cases;
 - c) SSA would be unable to monitor the effect of the 1984 disability amendments; and
 - d) SSA would be unable to comply with the requirements for periodic review of disabled beneficiaries.

Thus, the frequency is not subject to control; i.e. the DDSs complete the form as each claim is adjudicated. There are no technical or legal obstacles that prevent burden reduction.

7. This information collection is consistent with 5 CFR 1320.5.
8. SSA published the 60-day advance Federal Register Notice on February 11, 2008 at 73 FR 7782, and SSA has received no public comments. SSA published the second Notice on April 21, 2008 at 73 FR 21400, and there have been no outside consultations with members of the public.
9. SSA has a reimbursable agreement with the State DDSs (see item 14. below).
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-833-C3/U3 is used annually by 190,507 State government respondents, working for the Disability Determination Services. The estimated response time is 30 minutes, for a total of 95,254 burden hours. All burden imposed is time burden. SSA reports no separate cost burden.
13. There is no known cost burden to the respondents.
14. The annual cost to the Federal government is approximately \$3,177,373. We estimate it takes 95,254 State burden hours to complete 190,507 forms, totaling \$3,177,373 (SSA reimburses DDS costs). Most DDS's use computer software to complete the SSA-833 form and produce facsimile hardcopies of it for folder documentation.
15. The projected annual responses and burden hours have decreased considerably due to budgetary constraints. SSA processed enough CDRs, involving Title II beneficiaries, to stay current with the Congressional mandate for performing CDRs. However, due to the FY 2009 President's budget and the FY 2010 Budget Request both of which include special funding for processing CDRs, SSA anticipates an increase in the number of responses over the next three years. We will submit a change sheet or for the increases in the number of Title II CDRs Disability Reviews, if funded, if they occur prior to the next clearance of this form.

16. We will not publish the results of the information collection.
17. OMB has granted SSA an exemption from printing the expiration date for OMB approval 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). OMB granted this exemption so that SSA does not destroy otherwise useable editions of forms because the expiration date had been reached. In addition, we avoid Government waste because SSA will not need to reprint stocks of forms.
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. Collection of Information Employing Statistical Methods

Statistical methods are not used for this information collection.