

**Supporting Statement for Form SSA-821-BK,  
Work Activity Report—Employee  
20 CFR 404.1520(b), 404.1571-.1576, 404.1584-.1593 and 416.971-.976  
(OMB No. 0960-0059)**

**A. Justification**

1. Social Security Disability and Supplemental Security Income (SSI) recipients receive payments based on their inability to engage in Substantial Gainful Activity (SGA) because of a physical or mental condition. When a recipient resumes work, he/she will report the information to SSA. SSA will evaluate the information to determine if the beneficiary continues to meet the disability requirements of the law. The authority for collecting the information requested on form SSA-821-BK, Work Activity Report—Employee, is contained in *Section 223(d)(4), Title II* and *Section 1633, Title XVI* of the *Social Security Act (the Act)*. *The Act* directs the Commissioner to provide regulations for administering the disability provisions of the law. The appropriate regulations are contained in *Sections 20 CFR, 404.1520(b), 404.1571-404.1576, 404.1584-404.1593, and 416.971-416.976* of the *Code of Federal Regulations*.
2. Form SSA-821-BK is used by SSA field offices to: obtain work information from recipients' during face-to-face and telephone interviews, or by mail; during the initial claims process, during the continuing disability review process, and whenever a work issue arises in SSI claims. SSA's processing centers Office of Disability and International Operations will use the form to obtain post-adjudicative work issue from recipients' by mail. The primary purpose of this form is to collect information concerning whether recipients' have worked in employment after becoming disabled and, if so, whether the work is SGA. SSA will review and evaluate the data to determine if the recipient continues to meet the disability requirement of the law. The respondents are Social Security Disability Applicant's, Beneficiaries, and Supplemental Security Income Applicants.
3. At this time, SSA does not offer an electronic option for submitting this information. SSA must devote its limited resources to developing electronic options for other high priority collections.
4. The nature of the information we are collecting and the manner in which we are collecting it preclude duplication. SSA does not use another collection instrument to collect similar data.
5. This collection does not affect small businesses or other small entities.
6. If SSA did not collect the information, recipients whose payments should be suspended or terminated because of work activity would be paid Social Security and SSI payments. Consequently, failure to obtain this information in a timely manner would increase overpayments. Therefore, we cannot collect the information less frequently. There are no technical or legal obstacles that prevent burden reduction

7. There are no special circumstances that would cause SSA to conduct this information collection in a manner that is not consistent with 5 *CFR* 1320.5. However, this collection requires that SSA receive responses be made within 15 days of receipt of the request. This is to expedite the process to avoid delays in continuation of correct payment in continuing disability review cases.
8. The 60-day advance Federal Register Notice published on December 11, 2008, at 73 FR 75488, and SSA received no public comments. The second Notice published on February 17, 2009, at 74 FR 7506. There have been no outside consultations with members of the public.
9. SSA provides no payment or gifts to the respondents.
10. SSA protects and holds confidential the information it is requesting 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. Approximately 300,000 respondents use Form SSA-821-BK annually. The estimated average response time is 45 minutes, for 225,000 burden hours. The total burden represents burden hours, and SSA did not calculate a separate cost burden.
13. There is no known cost burden to the respondents.
14. The annual cost to the Federal Government is approximately \$2,310,000. This estimate is a projection of the costs for printing and distributing the collection instrument and for collecting the information.
15. There are no changes in the public reporting burden.
16. SSA will not publish the results of the information collection.
17. OMB exempted SSA from the requirement to print the OMB approval expiration date 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). SSA granted this exemption so the agency would not have to discontinue using otherwise useable editions of forms with outdated expiration dates. In addition, SSA avoids Government waste, because we will not have to destroy and 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. Collections of Information Employing Statistical Methods

SSA is not using statistical methods for this collection.

