

**Supporting Statement for SSA-632-BK
Request for Waiver of Overpayment
Recovery or Change in Repayment Notice
20 CFR 404.502-404.513, 404.515 and 20 CFR 416.550-416.570, 416.572
OMB No. 0960-0037**

A. Justification

1. *Sections 204, 1631(b) and 1879 of the Social Security Act (the Act) require the Social Security Administration (SSA) to recover overpayments of Federal Retirement, Survivors, Disability Insurance, Health Insurance Benefits or Supplemental Security Income Payments made to a recipient, unless the agency can waive recovery of the overpayment. SSA may waive recovery of an overpayment only if: (1) the person is not at fault in causing the overpayment; and (2) recovery would deprive that person of income necessary to meet his/her ordinary living expenses or would otherwise be unfair. The policies for implementing the pertinent sections of the Act are set forth in 20 CFR 404.502-404.513, 404.515 and 20 CFR 416.550-416.570, 416.572 of the Code of Federal Regulations.*
2. SSA uses Form SSA-632-BK to obtain the information necessary to determine whether requesting individuals meet the provisions of the Act regarding waiver of recovery of an overpayment. The requesting individuals use the SSA-632-BK to explain why they feel they are without fault in causing the overpayment and to provide financial information, so SSA can determine whether recovery would cause financial hardship. SSA also requires the information on the form to determine a repayment rate if the agency determines that we cannot waive repayment. In instances when SSA determines that individuals must repay the overpayment, the individuals can use the SSA-632-BK either to request to repay at a monthly rate that would take over thirty-six months, or to request a different rate of recovery. Respondents are overpaid beneficiaries or claimants who are requesting a waiver of recovery for overpayment or a lesser rate of withholding.
3. Overpaid beneficiaries have the option to call SSA in order to protest or request a change in repayment at which time an SSA representative will send a copy of the SSA-632-BK with the parts of the form irrelevant to their case crossed out, and the parts that they will need to fill out highlighted. At this time, SSA is unable to make this form available electronically due to budgetary constraints and the need to prioritize the electronic implementation of our higher volume public use forms, such as iClaims, 0960-0618, ERE (Electronic Records Express), 0960-0753, and eIAR (Electronic Interim Assistance Reimbursement), 0960-0753. Since there are higher volume forms that require electronic implementation, and SSA only has the budget to convert so many per year, we have not currently scheduled the SSA-632-BK for electronic implementation. SSA will reevaluate the possibility of making this form available electronically as funding becomes available.
4. The nature of the information 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 information collection does not have an impact on small businesses or other small entities.
6. The collection must take place based upon the need of the applicant. If SSA does not collect the information, we may preclude the waiver; thereby recovering the overpayment incorrectly. Therefore, incorrect payments to beneficiaries could result if SSA collected 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.
8. The 60-day advance Federal Register Notice published on December 11, 2008, at 73 FR 75488, and SSA has 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.

The first Federal Register Notice does not show the burden information for the Internet-based instructions for the SSA-632-BK. We have corrected for this in the second Notice, in #12 below and on ROCIS.

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. This information collection does not contain any questions of a sensitive nature.
12. Approximately 500,000 respondents will use form SSA-632-BK annually. The estimated average response time is 2 hours for the 400,000 respondents who are requesting a waiver of overpayment, yielding a total of 800,000 burden hours; and 45 minutes for 100,000 respondents who are requesting a change in repayment and therefore only need to complete page one and part II questions of the form (financial information), yielding a total of 75,000 burden hours. The estimated average time for reading the internet instructions is 5 minutes for the 500,000 respondents, yielding 41,667 burden hours. The total number of responses for this collection is 1,000,000, and the total burden hours are 916,667. The below chart shows these distinctions:

Type of Request	Number of Respondents	Frequency of Response	Average Burden per Response	Total Annual Burden
Waiver of Overpayment (Completes Whole Form)	400,000	1	2 hours	800,000
Change in Repayment (Completes Partial Form)	100,000	1	45 minutes	75,000
Internet Instructions	500,000	1	5 minutes	41,667
Totals	1,000,000			916,667

The total burden reflects as burden hours, and SSA calculated no separate cost burden.

13. There is no known cost burden to the respondents.
14. The annual cost to the Federal Government is approximately \$3,080,000. This estimate is a projection of printing and distribution costs for the information collection.
15. There is no change in the burden data in the usage of Form SSA-632-BK. However, we inadvertently did not include the burden data for the instructions which appear on the Internet for the paper SSA-632-BK. These instructions which are accessible from the www.ssa.gov website help those respondents who are filling out the form without help from field office representatives. We believe that all of the respondents for the SSA-632-BK have the potential to review these instructions; therefore, we have an increase in responses by 500,000. Also, this additional burden for the instructions has increased the total burden for this ICR to 916,667.
16. SSA will not publish the results of the information collection.
17. OMB has granted SSA an exemption from the requirement to print 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 would not need to take otherwise useable editions of forms out of circulation because the expiration date had been reached. In addition, SSA avoids Government waste because we will not need to destroy or 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 does not use statistical methods for this information collection.