

**Supporting Statement for Form SSA-546**  
**Workers' Compensation/Public Disability Benefit Questionnaire**  
**20 CFR 404.408**  
**OMB No. 0960-0247**

**A. Justification**

1. *Section 224* of the Social Security Act (*the Act*) provides for reduction of disability insurance benefits (DIB) if the combination of DIB and any workers' compensation (WC) and/or certain Federal, State or local public disability benefits (PDB) exceeds 80 percent of the worker's average current earnings. The *Code of Federal Regulations* (CFR) at *20 CFR 404.408* authorizes SSA to reduce an individual's Social Security claim when he or she is potentially eligible for WC/PDB.
2. SSA completes a Form SSA-546 whenever a DIB applicant indicates he or she has filed, or intends to file, for WC/PDB. SSA uses Form SSA-546 to consolidate all the information necessary to identify the WC/PDB applied for and/or received, to determine whether offset is applicable under the *Act* and to compute the offset.
3. SSA claims representatives collect approximately 95 percent of the information on the SSA-546 using the Modernized Claims System (MCS) during the face-to-face interview with the claimant. SSA uses the paper form of the SSA-546 when the MCS is unavailable due to systems problems (about 5 percent). When the systems problem is resolved, the claims representative enters the information from the paper form into MCS. The SSA-546 is also available on the Internet in a portable document file (PDF) format. There are no internet instructions for completing the form.
4. The nature of the information SSA is collecting and the manner in which we are collecting it preclude duplication. There is no other collection instrument used by SSA that collects data similar to that collected here.
5. This information collection has no impact on small businesses or other small entities.
6. If SSA did not collect the information on the SSA-546, it could result in an inaccurate computation of Social Security disability insurance benefits. SSA collects this information once on an as needed basis and, therefore, we cannot collect it less frequently. There are no technical or legal obstacles that prevent burden reduction.
7. There are no special circumstances that would cause SSA to collect this information in a manner that is not consistent with *5 CFR 1320.5*.
8. SSA published the 60-day advance Federal Register Notice on February 17, 2009 at 74 FR 7506 and SSA received no public comments. We published the 30-day Federal Register Notice on April 24, 2009 at 74 FR 18782. There have been no outside consultations with members of the public.

9. SSA provides no payments or gifts to the respondents.
10. The information SSA is requesting 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. Approximately 250,000 respondents will use Form SSA-546 annually. The estimated average response time is 15 minutes, for a total of 62,500 burden hours. The total burden reflects burden hours, and SSA has not calculated a separate cost burden. Shown below is the breakdown of the burden hours for collecting information via the paper SSA-546 and through MCS.

<b>Collection Method</b>	<b>Number of Respondents</b>	<b>Frequency of Response</b>	<b>Average Burden Per Response</b>	<b>Estimated Annual Burden Hours</b>
SSA-546 (Paper form)	2,000	1	15 minutes	500
MCS	248,000	1	15 minutes	62,000
<b>Totals</b>	250,000			62,500

13. There is no known cost burden to the respondents.
14. Estimated annual cost to the Federal government is approximately \$1,350,260. The estimated printing and distribution cost for the paper form is \$260 and the MCS data and keying cost is \$1,350,000.  
  
NOTE: The estimated annual cost provided in 2006 was \$154,000. This estimate was inaccurate because it did not include MCS collection data and keying costs.
15. There are no program changes. However, since our last OMB clearance, we have re-evaluated our reporting information to reflect more accurately the estimated number of respondents and burden hours. Further, since we can now separate the information collections, we can show the burden more accurately.
16. SSA will not publish the results of the information collection.
17. OMB exempted SSA from publishing the expiration date for OMB approval on its 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). OMB granted this exemption so that SSA would not have to stop using otherwise useable editions of forms with outdated expiration dates. In addition, we avoid government waste because we do 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. Collection of Information Employing Statistical Methods**

SSA does not use statistical methods for this information collection.