

Supporting Statement for Form SSA-4184
Self-Employment/Corporate Officer Questionnaire
20 CFR 404.435(e) and 404.446
OMB No. 0960-0487

A. Justification

1. *Section 203(f)(4)(A) of the Social Security Act (Act) requires that until a claimant provides evidence to the contrary, the Commissioner of Social Security presumes (in any month of entitlement) that the claimant is engaged in self-employment. A similar mandate regarding wages is provided for in Section 203(f)(4)(B) of the Act. Regulatory authority for this information collection is in 20 CFR 404.435(e) and 20 CFR 404.446 of the Code of Federal Regulations.*
2. The claimant must rebut the above-mandated presumptions in order to receive Social Security retirement or survivors' insurance benefits. In most cases, the claimant provides declarations to rebut such presumptions when they apply for benefits. However, in a few cases, SSA needs additional information on Form SSA-4184 to support the claimant's rebuttal. These few cases involve those self-employed or corporate officer claimants who:
 - continue active involvement in close or family corporations after entitlement to Social Security benefits;
 - allege sale or transfer of business to spouse, child, or other close relative at the time of applying for benefits; and/or,
 - retain corporate officer ship after entitlement to benefits but assert that the corporation has greatly reduced their services or that their services have been voluntary for little or no remuneration or that they are retaining profits, etc.

The respondents are self-employed individuals and corporate officers who apply for retirement or survivors' insurance benefits.

3. Form SSA-4184 is on the SSA website, <http://www.ssa.gov>, in portable document format only. The claimant prints the form, completes it, and takes or mails it to SSA. Because of the low volume of respondents and the individualized nature of the information collected on this form, SSA is not considering implementing an electronic version (i.e., fillable/fileable) for the SSA-4184.
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 collection has no impact on small businesses or other small entities.

6. If SSA did not collect this information, incorrect payments to beneficiaries could result. Because SSA collects this information based upon the need of the claimant, 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 inconsistent with 5 CFR 1320.5.
8. SSA published the 60-day advance Federal Register Notice on February 17, 2009 at 74 FR 7506, and received no public comments. SSA published the second Notice on April 24, 2009 at 74 FR 18782. 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 from this form 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-4184 will be used by approximately 50,000 respondents annually. The estimated average response time is 20 minutes, for a total of 16,667 burden hours. The total burden represents burden hours, and we 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 \$231,000. This estimate is a projection of the costs for printing the collection instrument and for processing and 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 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. **Collections of Information Employing Statistical Methods**

SSA does not use statistical methods for this information collection.