

**Supporting Statement for Form SSA-789-U4
Request for Reconsideration – Disability Cessation
20 CFR 404.909 and 416.1409
OMB #0960-0349**

A. Justification

1. *Section 205(b)* of the *Social Security Act* requires that the Social Security Administration (SSA) provide an evidentiary hearing at the reconsideration level of appeal for claimants who have received an initial or revised determination that SSA found a disability to have ceased, not to exist, or no longer to be disabling. Regulations at *20 CFR 404.909* and *416.1409* of the *Code of Federal Regulations*, state, in part, “We shall reconsider an initial determination if you or any other party to the reconsideration files a written request...”
2. Claimants or their representatives use form SSA-789 to request reconsideration of a determination, and to indicate whether they wish to appear at a disability. The claimants can also use this form to submit any additional information/evidence for use in the reconsidered determination and to indicate if they will need an interpreter for the hearing. SSA will use the information on the completed form either to arrange for a hearing or to prepare a decision based on the evidence of record. The respondents are applicants or claimants for Social Security benefits or Supplemental Security Income (SSI) payments.
3. The SSA-789-U4 is available through the Internet in a PDF format, which individuals can download, print out, fill in, and send to SSA for processing. Currently there is no electronic version of this form due to the low volume of usage and the Agency’s limited resources.
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 collection does not have a significant impact on a substantial number of small businesses or other small entities.
6. If SSA did not collect this information, we would be depriving claimants of the right to have the most recent information including claimant submitted evidence considered in their reconsideration evaluations. The information collected also provides the claimant with the opportunity to declare the need for an interpreter. Therefore, SSA collects the information on an as needed basis and 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 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 May 20, 2009, at 74 FR 23764, and SSA received no public comments. The second Notice published on July 27, 2009, at 74 FR 37081. There have been no outside consultations with members of the public.

9. SSA provides no payment or gifts to the respondents.
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. Approximately 30,000 respondents will use form SSA-789-U4 annually. The estimated average response time is 13 minutes per case for 6,500 burden hours. 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 \$9,085.80. This estimate is a projection of the cost for printing, distributing the form and collecting the information.
15. The decrease in the annual reporting burden from 10,617 to 6,500 hours is due to a decrease in the estimated number of respondents. Previously SSA had estimated 49,000 respondents would complete the form. However, we reviewed the State Agency Operations Report, and during the last year, there were 30,000 hearing receipts in year ending 9/26/08. Based on these new findings, we are decreasing the number of respondents.
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 is not using statistical methods for this information collection.