

**SUPPORTING STATEMENT FOR
ELECTRONIC RECORDS EXPRESS (ERE) THIRD-PARTIES
OMB No. 0960-0767**

A. Justification

1. Authoring Laws and Regulations

If applicants for new or continuing Social Security disability benefits want to appeal an initial or reconsidered denial, they can request an appeals hearing before an administrative law judge in the Social Security Administration's (SSA) Office of Disability and Adjudication Review (ODAR). Prior to the hearing, appellants must submit evidence to ODAR supporting their claim.

In some cases, appointed representatives acting on behalf of disability claimants need to review their clients' evidence (and other information) before or after a hearing. Currently, representatives must send SSA a written request to receive a paper copy of the disability applicant's file, which can be time-consuming and has a higher rate of error. However, in this information collection request (ICR) we are expanding the Electronic Records Express (ERE), an electronic platform developed in 2007 under the auspices of the *E-Government Act of 2002* (P.L.107-347) and the *Government Paperwork Elimination Act* (GPEA; P.L.105-277), to add new functionality to ERE. Specifically, this functionality will allow third-party representatives to access and view all aspects of their clients' disability files online through ERE. This expansion of scope will allow representatives to avoid manually requesting a copy of the file.

Previously, this ICR included a paper registration process for third parties, resulting in limited access to their clients' disability folder. In this ICR, we are removing the paper registration process, expanding the scope of access to multiple services for respondents, and are adding the registration process for access electronic. The respondents for this collection are third-party representatives of disability claimants.

2. How, by Whom and for What Purpose SSA is Using the Information

SSA will use the information it collects to allow third-party representatives full access to their clients' electronic disability folders via ERE.

3. Use of Information Technology to Collect the Information

This is an electronic collection developed under the aegis of GPEA.

4. Why SSA Cannot Use Duplicate Information

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 obtain similar data.

5. How Burden on Small Respondents is Minimized

This collection may affect small businesses or other small entities if they are

organizations who represent disability claimants. However, this impact (besides being voluntary) will only be positive, since it will allow representatives to avoid the more time-consuming paper methods of requesting disability claimant file information.

6. Consequence of Not Collecting Information or Collecting it Less Frequently

There are no technical or legal obstacles to burden reduction.

7. Special Circumstances that SSA Needs to Explain

There are no special circumstances that would cause SSA to conduct this information collection in a manner inconsistent with 5 CFR 1320.5.

8. Solicitation of Public Comment and Other Consultations with the Public

SSA published the advance 60-day Federal Register Notice on April 24, 2009, at 74 FR 18782, and we did not receive any public comments. We published the 30-day Federal Register Notice on July 16, 2009, at 74 FR 34616. If we receive any public comments in response to the 30-day Notice, we will forward them to OMB.

After developing our original prototype of the ERE third-party software, we pilot-tested it with nine professional representatives to obtain their opinions. Their feedback was very positive, and also allowed us to identify a few software corrections that we needed to make before offering this to the entire target population.

9. Payment or Gifts to Respondents

SSA provides no payment or gifts to the respondents.

10. Assurances of Confidentiality

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. Justification for Sensitive Questions

The information collection does not contain any questions of a sensitive nature.

12. Estimates of Public Reporting Burden

We estimate a projected 66,000 respondents will access ERE 40 times each. The actual burden (i.e., accessing the ERE folder) for this collection takes 1 minute. The resulting annual burden is 44,000 hours. The total burden represents burden hours, and we did not calculate a separate cost burden.

13. Annual Cost to the Respondents (Other)

There is no known cost burden to the respondents.

14. Annual Cost To Federal Government

The estimated cost to the Federal Government to collect the information is negligible. Because the cost of maintaining the system which collects this information is accounted for within the cost of maintaining all of SSA's automated systems, it is not possible to

calculate the cost associated with just one Internet application.

15. Program Changes or Adjustments to the Information Collection Budget

The annual reporting burden is increasing. This is due to a higher number of responses, since third-party representatives can now access their client's electronic folders multiple times (and each log-on is considered a response).

16. Plans for Publication of Results of Information Collection

SSA will not publish the results of the information collection.

17. Request not to Display OMB Expiration Date

Since this is an electronic format, SSA is not requesting an exception to the requirement to display the OMB expiration date.

18. Exceptions to Certification Statement

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 will not use statistical methods for this information collection.