

**Supporting Statement for Form SSA-454-BK & SSA-454-ICR,
Continuing Disability Review Report
20 CFR 404.1589 & 416.989
OMB # 0960-0072**

A. Justification

1. Introduction/Authoring Laws and Regulations

Sections 205(a) and 1631(e) (1) (A) of the Social Security Act (the Act) provide the Commissioner of Social Security with full power and authority to make rules and regulations, establish procedures and adopt reasonable and proper procedures governing the nature and extent of the evidence (as well as the methods of taking and furnishing the same) to determine whether an individual continues to be disabled. *Sections 223(d)(5)(A) and 1614(a)(3)(H)(i) of the Act*, as amended, provide that claimants furnish such medical and other evidence required by the Commissioner to prove that they continue to be disabled. *Sections 221(i), 1614(a)(3)(H)(ii)(I) and 1633 (c)(1) of the Act* require us to periodically review the cases of individuals who receive benefits under Title II and/or Title XVI of the Act, based on disability, to determine if disability continues. As provided in *20 CFR 404.1589* and *20 CFR 416.989* of the *Code of Federal Regulations*, we may conduct a review to determine whether individuals receiving disability benefits continue to be entitled to or eligible for those benefits. SSA uses the SSA-454 to collect the information needed to complete the review for continued disability.

2. Description of Collection

We use Form SSA-454 to collect information from individuals receiving disability benefits or from their representatives. We evaluate the information to determine whether the individuals remain eligible for benefit payments. SSA performs the evaluations on a periodic basis depending on the respondent's disability. The reviews vary between one and seven years. We consider adults eligible for payment if they continue to be unable to do substantial gainful activity by reason of their impairments. We consider Title XVI children eligible for payment if they still have marked and severe functional limitations by reason of their impairments. We obtain information concerning sources of medical treatment, participation in vocational rehabilitation programs (if any), attempts to work (if any), and the opinions of individuals regarding whether their conditions have improved. The respondents are individuals who are receiving disability benefits based on disability under Title II and/or Title XVI of the Social Security Act.

The SSA-454 is an application for continued benefits; respondents are required to complete the form in order to continue their benefits. We

collect the information using the SSA-454, paper form and plan to use the EDCS interview with or without the SSA-454-ICR to collect the information needed for a continued disability review. Intelligent Character Recognition (ICR) is form processing software. When we scan the paper form, the ICR software converts characters written in red boxes into data that propagates to EDCS. Use of the ICR form allows individuals to write minimal information to begin the eCDR process. SSA will provide the respondents with envelopes to mail the forms to SSA's Wilkes-Barre Data Operations Center (WBDOC) where SSA staff will scan the forms. An image of the SSA-454-ICR will be stored in the electronic folder and the beneficiary-entered information will automatically propagate into EDCS. Claims Representatives (CRs) will view the information in EDCS and use it to tailor the CDR interview when they contact beneficiaries to obtain more detailed information (see the Addendum for more detailed information regarding the interview process).

3. Use of Information Technology to Collect the Information

The SSA-454-BK is not currently available in an electronic form. SSA is developing an electronic SSA-454 in EDCS. In FY 11, we plan to begin implementation of the SSA-454-ICR which will collect information that will propagate into EDCS, after which SSA will conduct an interview that completes the data collection. We anticipate that we will develop an Internet version of the SSA-454 in the future. At this time we have no implementation date set for an Internet version of the form.

4. Why We 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. Minimizing Burden on Small Respondents

This collection does not have an impact on small businesses or other small entities.

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

If the data were collected less frequently, we would be unable to determine when recipients should stop receiving disability payments (either because adults are able to work or Title XVI children no longer have marked and severe functional limitations). If we did not collect the information, it would not be possible to complete the eligibility review required by the Act. There are no technical or legal obstacles that prevent the burden reduction.

7. Special Circumstances

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

The 60-day advance Federal Register Notice published on August 7, 2009 at 74 FR 39728 and SSA has received no public comments. The second Notice published on October 6, 2009 at 74 FR 51353. There have been no outside consultations with members of the public.

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 collects 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

The number of continuing disability reviews (CDRs) that are processed each year depends on the number of maturing diaries, reports of medical improvement, and SSA's budget.

In fiscal year FY07, 189,955 respondents used the form. In FY08, 328,000 respondents used the form. The expected number of respondents for FY09 is 259,300. SSA plans on completing 329,000 CDRs in FY10; therefore, for the purposes of this document, we will use 259,300 as the number of respondents who annually use this form. The estimated response time is 60 minutes, for an estimated total of 259,000 burden hours. The estimated response time is 60 minutes regardless of the modality of completion, i.e., to complete the SSA-454-BK or to complete the stand alone interview in EDCS or to do the SSA-454-ICR plus the abbreviated EDCS interview. The total burden for this Information Collection is 259,000 hours.

Listed below is a breakdown of the average burden hours for a one-year period associated with each collection method:

Modality of Completion	Number of Respondents	Frequency of Response	Average Burden per	Total Annual
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			Response (minutes)	Burden (hours)
SSA-454-BK (or stand alone EDCS 454)*	258,700	1	60	258,700
SSA-454-ICR	300	1	30	150
Abbreviated EDCS Interview to supplement SSA-454-ICR	300	1	30	150
TOTAL	259,300			259,000

This figure represents burden hours; SSA did not calculate a separate cost burden.

*Some claims representatives may choose to complete the ECDS 454 rather than the SSA-454-BK.

13. Annual Cost to the Respondents (Other)

There is no known cost burden to the respondents.

14. Annual Cost To Federal Government

The annual cost to the Federal Government is approximately \$34,722,411.99. This estimate is a projection of the costs for printing and distributing the collection instrument (SSA-454-BK and SSA-454-ICR) and collecting the information. It also includes the keying costs for the Electronic Disability Collect System.

15. Program Changes or Adjustments to the Information Collection Request

The projected annual responses and burden hours have decreased considerably due to budgetary constraints. SSA processed enough CDRs, involving Title II beneficiaries, to stay current with the Congressional mandate for performing CDRs. However, due to the FY 2009 President's budget and the FY 2010 Budget Request, both of which include special funding for processing CDRs, SSA anticipates an increase in the number of responses over the next three years. If funded, we will submit a change sheet for the increases in the number of Title II CDR Disability Reviews, provided they occur prior to the next clearance of this form.

In addition, we discovered that the figures used in the previous package were inaccurate as they reflect the total number of CDRs, which includes workloads that do not use the SSA-454 (e.g. Age 18 Re-determinations). In order to correct for this, we are removing the Re-determination workload from the number of respondents we are currently reporting.

Finally, we are making significant revisions to the existing SSA-454-BK, and adding a pilot program for two new modalities, Electronic Disability Collection System (EDCS) screens, and a new paper form, SSA-454-ICR. The estimated response time is 60 minutes regardless of the modality of completion, i.e., to complete the SSA-454-BK or to complete the stand alone interview in EDCS or to do the SSA-454-ICR plus the abbreviated EDCS interview. SSA is also requesting permission to pilot usage of the SSA-454-ICR in FY10 with about 300 people (see Addendum). As shown in #12 above, the pilot usage will show 600 total responses: 300 responses for the SSA-454-ICR and 300 for the new EDCS screens. The SSA-454-ICR is not an independent product; therefore, we must supplement it with the abbreviated EDCS interview.

16. Plans for Publication Information Collection Results

SSA will not publish the results of the information collection.

17. Displaying the OMB Approval Expiration Date

OMB granted SSA an exemption from the requirement to print the OMB expiration date on its program forms. SSA produces millions of public-use forms with life cycles exceeding those of an OMB approval. Since SSA does not periodically revise and reprint its public-use forms (e.g., on an annual basis), OMB granted this exemption so SSA would not have to destroy stocks of otherwise useable forms with expired OMB approval dates, avoiding Government waste.

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.