

**Supporting Statement for Notice Regarding
Substitution of Party Upon Death of Claimant—HA-539
20 CFR 404.957(c)(4) and 416.1457(c)(4)
OMB No. 0960-0288**

A. Justification

1. Introduction/Authoring Laws and Regulations

Regulations of the Social Security Administration (SSA) at *20 CFR 404.957(c)(4)* and *416.1457(c)(4)* of the *Code of Federal Regulations* provide that an Administrative Law Judge (ALJ) may dismiss a request for hearing on a pending claim of a deceased individual unless another individual makes a written request showing that he or she may be adversely affected by dismissal of the request. *Sections 205(a)* and *1631(e)* of the *Social Security Act (the Act)*, as amended, provide authority for SSA to require submission of this information before it proceeds with the claim.

2. Description of Collection

SSA collects this information, using form HA-539, when a claimant for Social Security or Supplemental Security Income benefits dies while his or her request for a hearing is pending. The information collected establishes a written record of the request of any individual who asks to be made a substitute party for a deceased claimant, and it facilitates a decision by SSA on whom, if anyone should become a substitute party for the deceased.

The ALJ and the hearing office support staff use this information to: (1) establish the relationship of the requester to the deceased claimant; (2) determine the substituted individual's wishes regarding an oral hearing or decision on the record; and (3) admit the data into the claimant's official record as an exhibit.

3. Use of Information Technology to Collect the Information

The HA-539 is available as a print-only PDF on the SSA's website within the Forms and Publications menu. Due to the low volume of respondents, SSA has not currently scheduled electronic implementation under the Government Paperwork Elimination Act.

4. Why We Cannot Use Duplicate Information

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. Minimizing Burden on Small Respondents

This collection does not have a significant impact on a substantial number of small businesses or other small entities.

- 6. Consequence of Not Collecting Information or Collecting it Less Frequently**
If SSA did not collect this information, we may inadvertently deny individuals who qualify for benefits under the claim of a deceased individual the right to pursue the claim on the basis of the claimant's request for a hearing. Because we only collect this information under certain circumstances, we cannot collect it less frequently. There are no technical or legal obstacles that prevent burden reduction.
- 7. Special Circumstances**
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. Solicitation of Public Comment and Other Consultations with the Public**
The 60-day advance Federal Register Notice published on September 24, 2009 at 74 FR 48795, and SSA has received no public comments. The second Notice published on December 8, 2009, at 74 FR 64801. 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**
The information provided on this form 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. Justification for Sensitive Questions**
The information collection does not contain any questions of a sensitive nature.
- 12. Estimates of Public Reporting Burden**
Approximately 4,000 respondents will use form HA-539 annually. The estimated response time is 5 minutes for a total of 333 burden hours. The total burden reflects as burden hours, and SSA calculated no 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 annual cost to the Federal Government is approximately is \$254.41. This cost estimate is a projection of cost based on the estimated number of annual respondents for the HA-539, and for collecting the information.

Since SSA provides a PDF version available for download on our website, we reduced the cost of printing. Therefore, we are correcting the previously stated

cost to the Federal Government and estimating a small amount to cover the event that it may cost money to print the form within the next three years.

- 15. Program Changes or Adjustments to the Information Collection Request**
The decrease in the public reporting burden was a result of recalculating the incidence of requests from individuals who ask to be made a substitute party for a deceased claimant, based on current 2008 fiscal year statistical data.
- 16. Plans for Publication Information Collection Results**
SSA will not publish the results of this 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 does not use statistical methods for this information collection.