

**Supporting Statement for
Important Information About Your Appeal, Waiver Rights,
and Repayment Options, SSA-3105
20 CFR 404.502-.521
OMB No. 0960-NEW**

A. Justification

1. Introduction/Authoring Laws and Regulations - Sections 204, 1631(b), and 1879 of the *Social Security Act (the Act)* require the Social Security Administration (SSA) to recover overpayments of Federal Retirement, Survivors, Disability Insurance, Health Insurance Benefits, or Supplemental Security Income payments made to a claimant, unless SSA waives recovery of the overpayment. SSA must also inform overpaid individuals of the following rights:

- Right to reconsideration of the overpayment determination;
- Right to request waiver of recovery and the automatic scheduling of a personal conference if a request for waiver cannot be approved; and,
- The availability of a different rate of withholding when SSA proposes full withholding rate.

Form SSA-3105, Important Information About Your Appeal, Waiver Rights, and Repayment Options, explains these rights to overpaid individuals and allows them to notify SSA of their decision(s) regarding these rights.

Sections 20 CFR 404.502-404.502a, 404.506-404.515, 404.521-404-.522 and 20 CFR 416.537, 416.550-416.570 of the Code of Federal Regulations set forth the policies for implementing the pertinent sections of the Act. The respondents are Social Security beneficiaries and/or claimants whom SSA has mistakenly overpaid and who are requesting a waiver of recovery for the overpayment, reconsideration of the fact of the overpayment, or a lesser rate of withholding of the overpayment.

This is an existing information collection in use without an OMB number.

2. Description of Collection - The purpose of this voluntary collection is for overpaid Social Security claimants/beneficiaries to inform SSA they do not agree with the initial overpayment determination or they are unable to repay the money to SSA. SSA does not require these individuals to complete the collection (i.e., the form) to obtain or keep a specific benefit. They can instead contact SSA via telephone or visit their local Social Security office to relay their decision. SSA needs this information collection to determine if an overpaid Social Security benefits recipient wishes to stop automatic collection of the overpayment from their benefit check and request an alternative action.

Respondents can complete this form on their own or they can receive help from a SSA employee. They will not need information from someone else to complete the form. SSA will include the form with each initial overpayment notice sent to a recipient. SSA employees will be collecting the information.

3. **Use of Information Technology to Collect the Information** - SSA has not been able to make this form available electronically due to budget constraints and the prioritizing of higher-volume forms. Since we have larger volume forms that take precedence in the queue, we cannot convert the SSA-3105 at this time. SSA will reassess making this form available electronically when funds become available. Although this information collection is paper only, respondents also have the option of giving SSA this information via telephone. We estimate 25 percent of all respondents telephone the information to SSA where we electronically record the information via SSA's Debt Management System (DMS).
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 affect small businesses or other small entities.
6. **Consequence of Not Collecting Information or Collecting it Less Frequently** - The collection must take place based upon the need of the applicant. If SSA did not collect the information, we may preclude a waiver or reconsideration, thus resulting in incorrect overpayment recovery. Therefore, incorrect payments to claimants and beneficiaries could result if we collected the information 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 inconsistent with 5 CFR 1320.5.
8. **Solicitation of Public Comment and Other Consultations with the Public** – SSA published the 60-day Federal Register Notice on November 17, 2009 at 74 FR 59336 and we received no public comments. We published the second Federal Register Notice on January 22, 2010 at 75 FR 3778. If we receive any comments in response to the 30-day Notice, we will forward them to OMB. We did not consult with the public in the development of this form.
9. **Payment or Gifts to Respondents** - SSA does not provide payments 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** - Approximately 800,000 individual respondents will take 15 minutes each to complete Form SSA-3105 or telephone the information to SSA annually. Accordingly, the burden is 200,000 hours.

Collection Method	Number of Respondents	Frequency of Response	Average Burden per Response	Estimated Annual Burden Hours
Paper Form	600,000	1	15	150,000
DMS	200,000	1	15	50,000
Totals	800,000			200,000

This figure represents burden hours, and we did not calculate a separate cost burden.

- 13. **Annual Cost to Respondents (Other)** - This collection does not impose a known cost burden to the respondents.
- 14. **Annual Cost To Federal Government** - The annual cost to the Federal Government is approximately \$4,386,120. This estimate is a projection of the costs for printing and distributing the collection instrument and for collecting the information.
- 15. **Program Changes or Adjustments to the Information Collection Request** - This is a new form that increases the public reporting burden.
- 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 does not use statistical methods for this information collection.