

**SUPPORTING STATEMENT FOR FORM SSA-765
RESPONSE TO NOTICE OF REVISED DETERMINATION**

20 CFR 404.913-.914, 404.992(b), 416.1413-.1414, and 416.1492(d)

OMB No. 0960-0347

A. Justification

1. When SSA determines that 1) claimants for initial disability benefits do not actually have a disability or 2) current disability recipients' disability ceased, the agency must notify the disability claimants/recipients of this decision. In response to this notice, the affected claimants and disability recipients have the following recourse: 1) they may request a disability hearing to contest SSA's decision and 2) they may submit additional information or evidence for SSA to consider (the legal authority for these actions stem from sections *Section 205 (b)* of the *Social Security Act* and sections *20 CFR 404.913-.914, 416.1413-.1414, 404.992(b), and 416.1492(d)* of the *Code of Federal Regulations*). Disability claimants, recipients, and their representatives can use form SSA-765, the Response to Notice of Revised Determination, to accomplish these two actions. The respondents are disability claimants, current disability recipients, or their representatives.
2. Disability recipients/claimants or their representatives can use form SSA-765 to 1) request a hearing or 2) submit additional information/evidence for SSA to consider. If respondents request the first option, SSA's Disability Hearings Unit uses the form to schedule the hearing, ensure an interpreter is present, if required, and ensure that the disability recipient/claimants and their representatives receive a notice about the place and time of the hearing. If respondents choose the latter option, SSA uses the form and other evidence to re-evaluate the case and determine if the new information or evidence will change the agency's decision.
3. Because of the relatively low volume of respondents, SSA did not create an electronic version of this form under the agency's Government Paperwork Elimination Act plan. Moreover, the affected public has not expressed an interest in an online version of this form.
4. 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. This collection does not significantly affect small businesses or other small entities.

0960-0347 (SSA-765) supporting statement
2/3/2021

6. If SSA did not conduct this information collection, current disability recipients whose payments SSA plans to stop and denied disability applicants would have no means of requesting a hearing or submitting additional information, which would be a violation of the regulations cited in question #1. Because SSA only collects this information when the above circumstances arise, we cannot collect it less frequently.

There are no technical or legal obstacles to burden reduction.

7. There are no special circumstances that would cause SSA to conduct this information collection in a manner inconsistent with 5 CFR 1320.5.
8. SSA published the advance 60-day Federal Register Notice on October 6, 2009, at 74 FR 51353, and we did not receive any public comments. We published the 30-day Federal Register Notice on December 8, 2009, at 74 FR 64801. If we receive any public comments in response to the 30-day Notice, we will forward them to OMB.

SSA did not consult with the public in the maintenance of this form.

9. SSA provides no payments or gifts to the respondents, other than disability payments, where applicable.
10. 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. The information collection does not contain sensitive questions.
12. Approximately 1,925 respondents will take 30 minutes each to complete form SSA-765 annually, for a total burden of 963 hours. The total burden reflects burden hours, and we did not calculate a separate cost burden.
13. There is no known cost burden to the respondents.
14. The annual cost to the Federal Government for this collection is \$2,965. This figure represents the costs of printing, distributing, and processing the information.
15. There are no changes to the public reporting burden for form SSA-765.
16. SSA will not publish the results of this information collection.
17. OMB granted SSA an exemption from the requirement that we print the OMB approval expiration date on our program forms. SSA produces millions of public-use forms, many of which have a life cycle exceeding that of an OMB approval.

0960-0347 (SSA-765) supporting statement
2/3/2021

Since SSA does not periodically revise and reprint its public-use forms (e.g. on an annual basis), this exemption allows us to avoid destroying otherwise useable editions of forms with old expiration dates. In this manner, this exemption prevents Government waste.

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 does not use statistical methods for this information collection.