

**Supporting Statement for Form SSA-561-U2**  
**Request for Reconsideration**  
**20 CFR 404.907-404.921, 416.1407-416.1421, 418.1009, and 418.1325**  
**OMB No. 0960-0622**

**A. Justification**

- 1. Introduction/Authoring Laws and Regulations** - *Section 205(b)(1)* of the *Social Security Act* (the *Act*) states that the Social Security Administration (SSA) provides an evidentiary hearing at the reconsideration level of appeal. Upon request by any such individual or upon request by an applicant who shows in writing that his or her rights have been disadvantaged, the Commissioner shall give such applicant reasonable notice and an opportunity for a hearing with respect to such decision, and if a hearing is held, shall on the basis of the evidence adduced at the hearing, affirm, modify or reverse the Commissioner's findings of the fact and such decision.

SSA extends this hearing process to comparable cases under Title XVI of the *Act* in 20 *CFR* 404.907 through 404.921 and 416.1407 through 416.1421 of the *Code of Federal Regulations*. In addition, *section 251(a)* of *Public Law 106-169* creates a new Title VIII, *Section 809 (a)(1)* of this Title, and extends this hearing process to comparable cases under Title VIII.

*Section 1869(b)* of the *Act* states that any individual who is dissatisfied with an initial determination regarding Medicare entitlement, benefits, or coverage, is entitled to a reconsideration of that determination. *Section 105(a)(2)(B)* of *Public Law 103-296* (the Social Security Independence and Program Improvements Act, which established SSA as an independent agency) stipulated that SSA and the Department of Health and Human Services (HHS) would share responsibility for the Medicare (*Title XVIII*) appeals process. The process provided for under this statute was that SSA would continue to perform the hearings function for determinations made by SSA about Medicare Part A and Part B entitlement. As required by the *Public Law 103-296*, SSA and HHS continued to negotiate transfer of some of the Medicare appeals functions; in 1995, the two agencies signed an agreement that transferred to the Medicare Appeals Council within HHS the Medicare appellate review functions that the SSA Appeals Council had been performing. *Section 931* of *Public Law 108-173* required transfer of the functions of administrative law judges (ALJs) responsible for hearing appeals under *Title XVIII* of the *Act* from SSA to HHS. However, SSA continues to conduct reconsiderations of initial determinations regarding Medicare entitlement. Additionally, since January 2007, SSA makes the determinations regarding Medicare Part B income-related monthly adjustment amount (IRMAA) required under *section 1839(i)* of the *Act* (*Public Law 108-173*). Consistent with the procedure for Medicare entitlement issues, SSA will conduct

reconsiderations of initial determinations as provided in *20 CFR 418-1325*.

2. **Description of Collection** - Form SSA-561-U2 is used by the claimant to initiate and document the request for reconsideration of entitlement to Social Security benefits (Title II), Supplement Security Income payments (Title XVI), Special Veterans Benefits (Title VIII), Medicare (Title XVIII) and for initial determinations regarding Medicare Part B IRMAA subsidy reductions. The respondents are individuals filing for reconsideration.
3. **Use of Information Technology to Collect the Information** - Form SSA-561-U2 is available in electronic form. Individuals who wish to file an appeal may do so using an internet version of the SSA-561-U2. The information propagates into SSA's Modernized Claims Systems (MCS/MSSICS). We also make this collection available through MCS/MSSICS to those individuals who file an appeal by mail or through a personal interview in a field office.
4. **Why We Cannot Use Duplicate Information** - The nature of the information SSA is collecting and the manner in which we are collecting it duplication. There is no other collection instrument SSA uses that collects 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** - If SSA did not use this form, claimants would not be able to explain their reasons for requesting reconsideration, including recent information in the evaluation, or having SSA's determination of the Medicare Part B income-related monthly adjustment amount reconsidered. Therefore, we cannot collect 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 collect this information 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 advance Federal Register Notice on March 30, 2010 at 75 FR 15761, and we received no public comments. We published the 30-day Notice on June 7, 2010 at 75 FR 32233. If we receive any comments on the second Notice, we will forward them to OMB.

We did not consult with the public on this information collection.

9. **Payment or Gifts to Respondents** - SSA provides no payment or gift to 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 1,461,700 respondents use Form SSA-561-U2 annually. The estimated average completion time is 8 minutes for the paper version and 20 minutes for the Internet version. SSA estimates that about half of our current respondents will use the Internet version through the iAppeals program. Therefore, the annual reporting burden is as follows:

<b>Collection Method</b>	<b>Number of Respondents</b>	<b>Frequency of Response</b>	<b>Estimated Completion Time</b>	<b>Total Burden Hours</b>
Paper & Modernized Claims System	730,850	1	8 minutes	97,447
i561 Internet	730,850	1	20 minutes	243,617
<b>Totals</b>	<b>1,461,700</b>			<b>341,064</b>

The total burden reflects 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 the Federal Government** - The annual cost to the Federal Government is approximately \$6,105,942 as a projection of the costs for printing and distributing the collection instrument and for collecting the information. The costs to the Federal Government will be minimal upkeep costs, which are shared with all of SSA’s other Internet applications.
15. **Program Changes or Adjustment to the Information Collection Request** – There is no change in 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 that SSA would not have to destroy stocks of otherwise useable forms with expired OMB approval dates, avoiding Government waste.
18. **Exemption 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.