

Supporting Statement for Form SSA-769
Request for Change in Time/Place of Disability Hearing
20 CFR 404.914 (c) (2) and 416.1414 (c) (2)
OMB No. 0960-0348

A. Justification

1. **Introduction/Authoring Laws and Regulations** - Section 205 (b) of the Social Security Act (the Act) requires the Social Security Administration (SSA) to provide an evidentiary hearing at the reconsideration level of appeal for claimants who have received an initial or revised determination that a disability did not exist or has ceased. In addition, 20 CFR 404.914 (c) (2) and 416.1414 (c) (2) of the Code of Federal Regulations call for the claimant to request at the earliest possible date that the time or place of the hearing be changed if the scheduled date or location poses difficulties.
2. **Description of the Collection** - Claimants use Form SSA-769 to request a change in time/place of a scheduled disability hearing. Disability hearing officers (DHO) also use the form to determine if they should grant the request. When DHOs grant the request, they use the form to reschedule and document the hearing. Respondents are claimants who wish to request a change in time and/or place of their hearing.
3. **Use of Information Technology to Collect the Information** - SSA will not be implementing an electronic version of the form under the agency's Government Paperwork Elimination Act due to the low number of respondents (less than 50,000).
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** – SSA cannot collect this less frequently. We use the form only when a claimant has requested a reconsideration hearing and wants to change the time and/or place of the hearing. If we did not collect this information, we would be depriving claimants of their right to have a disability hearing at a time and place they can attend. There are no technical or legal obstacles to 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 advance Federal Register Notice on May 13, 2010 at 75 FR 27036, and we received no public comments. We published the 30-day Federal Register Notice on August 2, 2010 at 75 FR 45190. If we receive any comments in response to the 30-day Notice, we will forward them to OMB. SSA has had no outside consultations with members of the public.
9. **Payment of Gifts to Respondents** – SSA does not provide payments or gifts to respondents.
10. **Assurances of Confidentiality** – SSA protects and holds confidential the information from this collection 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** - This information collection does not contain any questions of a sensitive nature.
12. **Estimates of Public Reporting Burden** – Approximately 7,483 respondents use Form SSA-769 annually. The estimated response time is 8 minutes, for a total of 998 burden hours. The total burden reflects burden hours, and we did not calculate a separate cost burden.
13. **Annual Cost to the Respondents** - 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 \$46,095. This estimate is a projection of the costs for printing and distributing the collection instrument and for processing the information.
15. **Program Changes or Adjustment to the Information Collection Request** - There are no changes to 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 for OMB on its program forms. SSA produces millions of public-use forms with a life cycle exceeding those of an OMB approval. SSA does not periodically revise and reprint its public-use forms (e.g., on an annual basis), so OMB granted

this exemption so SSA would not have to destroy stocks of otherwise usable 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 CFR 1320.8(b)(3).

B. Collections of Information Employing Statistical Methods

SSA does not use statistical methods for this information collection.

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