

**Supporting Statement for Request to Decision Review Board to Vacate the
Administrative Law Judge Dismissal of Hearing
Form SSA-525
20 CFR 405.427
OMB No. 0960-0755**

A. Justification

1. Introduction/Authoring Laws and Regulations

Regulations of the Social Security Administration (SSA) at *20 CFR 405.427* dictate that the Decision Review Board (Board) may vacate an action by an Administrative Law Judge (ALJ) under *20 CFR 405.382* ordering dismissal of a hearing request. The claimant must request in writing to have the dismissal vacated. *Sections 205(a) and 1631(e)* of the *Social Security Act (Act)*, as amended, provide authority for SSA to require submission of this information before it proceeds with the claim. The respondents are the claimants requesting vacation of the ALJ's dismissal.

2. Description of Collection

When an ALJ dismisses a hearing for a claim for Social Security benefits or Supplemental Security Income payments, the claimant may request to vacate or stop this decision by completing and submitting Form SSA-525 to the Board. The Board uses this information to: (1) establish the continued involvement of the requestor in the claim; (2) consider the claimant's arguments for vacating the dismissal; and (3) vacate or decline to vacate the ALJ's dismissal order. The completion of the form is voluntary; however, the claimant must complete the form to request that a hearing decision be vacated by the Board.

The SSA-525 is a paper form completed and submitted by claimants or their representatives. If the claimant needs assistance in completing the form, SSA employees can assist in the completion of the form either during a field office visit or via telephone.

3. Use of Information Technology to Collect the Information

SSA has not scheduled this form for electronic submission of information due to the low number of respondents (less than 50,000).

4. Why We Cannot Use Duplicate Information

The nature of the information SSA is collecting and the manner in which we are collecting it preclude duplication. There is no other collection instrument we use 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 collect this information, we may deny individuals who may have good cause to pursue their claim based on their request for a hearing. Because we collect this information only 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 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 June 7, 2010 at 75 FR 32231, and SSA has received no public comments. We published the 30-day Notice on August 12, 2010 at 75 FR 49013. If we receive any comments on the second Notice, we will forward them to OMB. We did not consult with members of the public.
- 9. Payment or Gifts to Respondents**
SSA provides no payment 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 30,000 respondents use Form SSA-525 annually. The estimated average completion time is 10 minutes. The total burden for this ICR is 5,000 hours. This figure represents burden hours, and we did not calculate a separate cost burden.
- 13. Annual Cost to the Respondents**
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 \$29,940 as 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**
There is no change 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 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.