

**Supporting Statement**  
**Request for Accommodation in Communication Method**  
**Form SSA-9000**  
**45 CFR 85.51**  
**OMB No. 0960-0777**

**A. Justification**

**1. Introduction/Authoring Laws and Regulations** - In *American Council of the Blind, et al v. Michael Astrue and Social Security Administration*, class plaintiffs representing Social Security applicants, beneficiaries, recipients, and representative payees who are blind or visually impaired challenged the adequacy of the communication methods used by the Social Security Administration (SSA) in its notices and other communications. Prior to the Court's Order of October 20, 2009 (*Order*) in *American Council of the Blind*, SSA had offered three modes of communications for blind and visually impaired Social Security recipients: (1) a standard print notice by first-class mail; (2) a standard print notice by first-class mail with a follow-up telephone call; and (3) certified mail. In *American Council of the Blind*, the Court required SSA to begin offering two new additional modes of communication to blind or visually impaired applicants, beneficiaries, recipients, and representative payees: (4) Braille and (5) Microsoft Word files (on data compact discs).

In addition, the Court ordered SSA to follow Section 504 of the Rehabilitation Act, 29 U.S.C. § 794. Section 504 of 29 U.S.C. § 794 states "no otherwise qualified individual with a disability in the United States . . . shall, solely by reason of her or his disability, be excluded from the participation in, be denied the benefits of, or be subjected to discrimination under any program or activity conducted by any Executive agency or by the United States Postal Service." In *Alexander v. Choate*, the Supreme Court determined that Section 504 entitles individuals with disabilities to reasonable accommodations to ensure meaningful access to agency programs (469 U.S. 287 (1985)).

In *American Council of the Blind*, the Court ordered SSA to implement Section 504 through 45 CFR 85.51<sup>1</sup> of the *Code of Federal Regulations* (CFR). Under 45 CFR 85.51, SSA must "take appropriate steps to ensure effective communication with applicants, participants, personnel of other Federal entities, and members of the public." Further, the regulation states that SSA must "furnish appropriate auxiliary aids where necessary to afford an individual with handicaps an equal opportunity to participate in, and enjoy the benefits of, a program or activity conducted by the agency" (45 CFR 85.51 (a)(1)). Under the Court's Order, SSA began processing 45 CFR 85.51 accommodation requests on April 15, 2010.

To meet the Court's mandates, SSA developed Form SSA-9000, Request for Accommodation in Communication Method, to gather information from blind or visually impaired individuals about why their particular accommodation, other than the five accommodations already offered by the agency, will allow SSA to effectively communicate with them.

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<sup>1</sup> SSA has not enacted regulations implementing the Rehabilitation Act at this time. However, SSA was previously a part of the U.S. Department of Health and Human Services (HHS), and when SSA became an independent agency on March 31, 1995, it was directed to follow HHS' rules and regulations until these rules and regulations are modified, terminated, suspended, set aside, or repealed. 42 U.S.C. § 901(b); P.L. No. 103-296 § 106(b).

- 2. Description of Collection** - As of January 1, 2010, affected parties could call a designated SSA telephone number and tell SSA which of the following five methods of communication they wanted us to use for their notices and other communications: 1) standard print notice by first-class mail, 2) standard print mail with a follow-up telephone call, 3) certified mail, 4) Braille, or 5) Microsoft Word. This call did not require OMB clearance.

However, respondents who want to receive notices from SSA by a communication method other than the five methods listed above use Form SSA-9000. This form asks respondents to describe the type of accommodation they want, to disclose the condition they have that necessitates the need for a different type of accommodation, and to explain why none of the five methods described above are sufficient for their needs.

SSA uses the information collected on Form SSA-9000 to determine whether to grant an individual's request for an accommodation based on their blindness or other visual impairment. SSA plans to collect information in one of two ways: 1) via a paper form, if respondents call and ask us to mail them the form; or 2) by having an SSA employee key in the information on Intranet screens during a field office (or telephone service center (TSC)) interview (either in person or on the phone). SSA will review the information provided on the form and determine, based on Section 504 and 45 CFR 85.51, whether to grant an individual's request for an accommodation.

On March 1, 2010, SSA received emergency clearance to conduct this information collection. This is the full Information Collection Request for that emergency request.

- 3. Use of Information Technology to Collect the Information** - Respondents can complete Form SSA-9000 during a field office or TSC interview, which allows them to avoid completing a paper form. We have not developed an Internet-based version of the form under SSA's Government Paperwork Elimination Act plan because of the low volume of use (less than 50,000). However, we will re-examine this option in the future if respondents express a desire for an online form.
- 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. 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. Consequences of Not Conducting Information or Collecting it Less Frequently** - If SSA did not conduct this information collection, we would have no uniform means of determining whether to grant an individual's request for an additional accommodation. Since we will collect the information only when an individual wishes to request an alternative accommodation, we cannot collect it less frequently. There are no technical or legal obstacles to 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 June 2, 2010 at 75 FR 30897, and received no public comment. We published the 30-day advance Federal Register Notice on August 12, 2010 at 75 FR 49013. 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.

- 9. **Payment or Gifts to the Respondents**- SSA provides no payment or gifts to the respondents.
- 10. **Assurances of Confidentiality** - SSA protects and holds confidential the information we collect 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 Questions of a Sensitive Nature** - The information collection does not contain any questions of a sensitive nature.
- 12. **Estimates of Public Reporting Burden** - Approximately 2,500 respondents will use the SSA-9000 each year. Of this total, we estimate that 10 percent of the respondents will complete the paper form, and 90 percent will respond via personal or telephone interview. Shown below is the breakdown of burden. The total burden reflects burden hours, and we did not calculate a separate cost burden.

<b>Method of Collection</b>	<b>Number of Respondents</b>	<b>Response Time (minutes)</b>	<b>Burden (hours)</b>
Personal interview (over the phone or in-person)	2,250	10	375
Form (printed from the Internet, taken from field office, or received in Braille or Microsoft Word Data CD)	250	15	63
	2,500	-	<b>438</b>

- 13. **Annual Cost to the Respondents** - There is no known cost burden to the respondents.
- 14. **Cost to the Federal Government** - The annual cost to the Federal Government for this collection is approximately \$188,387. This estimate is a projection of the costs for printing and distributing the collection instrument and for processing the information.
- 15. **Changes to the Public Reporting Burden** - Since OMB approved the emergency clearance for this new ICR in February 2010, we have revised the burden estimate based on actual requests and the method of response used by the public. Where we estimated 20 percent of the respondents would use the paper form, we found, based on actual data, only 10 percent of the respondents are using the paper form. We have adjusted the total burden accordingly to account for the difference in response time between the two collection methods.
- 16. **Publication of the Results of the Information Collection** - SSA will not publish the results of the

information collection.

**17. Displaying the OMB 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. OMB Certification Requirements**

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 will not use statistical methods for this information collection.