

**Supporting Statement for the SSA-L707  
Request for Proof(s) from Custodian of Records  
20 CFR 404.703, 404.704, 404.720, 404.721, 404.723, 404.725, 404.728  
OMB # 0960-0766**

**A. Justification**

**1. Introduction/Authoring Laws and Regulations**

*Section 205(a) of the Social Security Act* gives the Commissioner of the Social Security Administration (SSA) broad authority to make rules and regulations and to establish procedures that provide for the requesting and furnishing of necessary evidence. *20 CFR 404.703* of the *Code of Federal Regulations* states that SSA will ask claimants for evidence that they are entitled to the benefits. *20 CFR 404.720* and *20 CFR 404.721* state when evidence of death is needed and describe acceptable evidence of a person's death; *20 CFR 404.723* states when evidence of marriage is needed, and *20 CFR 404.725* discusses evidence of a valid ceremonial marriage; and *20 CFR 404.728* discusses when and what kind of evidence is needed that a marriage has ended. *20 CFR 404.704* assigns the responsibility of obtaining and providing to SSA evidence necessary to prove eligibility to receive, or the right to continue to receive, benefits; however, SSA recognizes that some individuals need assistance in obtaining evidence of death, marriage, or divorce.

**2. Description of Collection**

SSA sends records custodians the SSA-L707 on behalf of individuals who need help obtaining evidence of death, marriage, or divorce in connection with claims for benefits. SSA uses the information from the SSA-L707 to determine eligibility for benefits. The respondents are records custodians including statistics and religious entities, coroners, funeral directors, attending physicians, and state agencies.

Form SSA-L707 is available in paper form only. The SSA employee completes the form on behalf of the claimant and sends the request for record information. Form SSA-L707 is an agency-initiated letter that requires the claimant's signature and usually payment, often in the form of a check from the claimant.

**3. Use of Information Technology to Collect the Information**

Form SSA-L707 is not available electronically due to the low number of respondents. SSA did not create an electronic version of form SSA-L707 under the agency's Government Paperwork Elimination Act (GPEA) plan because only 600 respondents complete the form. This is less than the GPEA cut-off of 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**

If we did not use Form SSA-L707, SSA would be unable to establish death, marriage, or divorce as they pertain to a claimant's eligibility for benefits. Because we only collect the information on an as-needed basis, 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 conduct this information collection in a manner inconsistent with 5 CFR 1320.5.

8. **Solicitation of Public Comment and Other Consultations with the Public**

The 60-day advance Federal Register Notice published on July 09, 2010, at 75 FR 39611, and we received no public comments. SSA published the second Notice on, September 27, 2010 at 75 FR 59318. If we receive comments in response to the 30-day Notice, we will forward them to OMB.

We did not consult with the public in the revision/maintenance of this form.

9. **Payment or Gifts to Respondents**

SSA pays the entities, in accordance with their fee schedules, from which it requests evidence of death, marriage, or divorce. SSA pays on behalf of a claimant in situations meeting the requirements of the agency's operating instructions. The circumstances under which SSA will pay on behalf of the claimant vary depending on the Title under which we pay the benefits. The circumstances are:

SSA Payment Criteria For Title 2 or 18:

To enable SSA to pay for evidence, the claimant must meet the following conditions:

- a. The claimant must have submitted one or more pieces of affirmative evidence supporting eligibility. It is not necessary that the file be free of discrepancy, only that all of the available evidence establishes a reasonable likelihood of eligibility.

**EXAMPLE:** A surviving divorced wife who submits proof establishing a 10 year marriage to the NH has submitted affirmative evidence of eligibility even though a divorce record must be obtained as well.

- b. SSA needs additional evidence to assure a correct determination of eligibility; i.e., it is necessary to verify or corroborate the evidence in file to satisfy SSA's evidentiary and adjudicative requirements;

- c. The claimant is unable to submit additional verifying evidence; and
- d. The purchase of the evidence is a more economical and reasonable way to obtain it (e.g., the evidence may be purchased by mail but requires a visit to the source to obtain without payment).

#### SSA Payment Criteria for Title 16

SSA may purchase certified copies of documentary evidence for any eligibility requirement under Title XVI if both of the following are met:

- The applicant cannot be expected to obtain the evidence; and
- The evidence cannot be obtained without payment of a fee or purchase of the evidence is the most economical method of obtaining it.

SSA Payment Criteria for Concurrent Title 2/16 The rules for purchasing evidence for Title XVI cases apply.

#### Lost Evidence

Sometimes a claimant or social security number applicant may complain that evidence provided to SSA was lost in the mail or lost in SSA's handling process. If there is an indication that SSA had the evidence, e.g., SSA took action based on document, then SSA should replace the document. In these instances, if duplicate evidence can only be obtained by paying a fee, SSA may pay for the evidence.

#### Enumeration

It is the responsibility of the applicant for an SSN card to submit the evidence required to establish eligibility for an SSN. SSA does not purchase evidence for any eligibility requirement for enumeration purposes.

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**

Type of Respondents	Number of Respondents	Frequency of Response	Average Burden per Response	Total Annual Burden
State or Local Government	501	1	10 minutes	84
Private Sector	99	1	10 minutes	17
<b>Totals</b>	<b>600</b>			<b>101</b>

The total burden for this ICR is 101 hours. This figure represents burden hours, and we did not calculate a separate burden cost.

13. **Annual Cost to the Respondents (Other)**

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 \$924.00. This estimate is a projection of costs for printing and distributing the form and for collecting the information.

15. **Program Changes or Adjustments 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 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.