

Supporting Statement for Form SSA-L106-F3 and SSA-L706
Letter to Custodian of School Records
Letter to Custodian of Birth Records
20 CFR, 404.704, 404.716, 416.802 and 422.107
OMB No. 0960-0693

A. Justification

1. Introduction/Authorizing 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 collection and furnishing of necessary evidence.

20 CFR 404.716 and *20 CFR 416.802* of the Code of Federal Regulations state that a claimant must submit a public or religious record of birth established before the age of five, if one is available, and that SSA will ask for other evidence of age if the claimant cannot obtain this evidence.

20 CFR 404.704 of the Code of Federal Regulations assigns to the individual 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 proof of their age.

20 CFR 422.107 of the Code of Federal Regulations provides that Social Security number (SSN) applicants must submit convincing documentary evidence of age, identity, and citizenship to the Commissioner of Social Security.

2. Description of Collection

SSA prepares Form SSA-L106 (Letter to Custodian of School Records) and SSA-L706 (Letter to Custodian of Birth Records) for individuals who need help in obtaining evidence of their age in connection with Social Security number (SSN) card applications and claims for benefits. SSA uses the SSA-L106 to determine the existence of primary evidence of age for SSN applicants. SSA also uses both letters to verify with the issuing entity, when necessary, the authenticity of the record submitted by the SSN applicant or claimant. The respondents are schools, states, and local bureaus of vital statistics and religious entities.

Form SSA-L106 and SSA-L706 are available in paper form only. The SSA employee completes the form on behalf of the claimant and sends the request for record information. Both the SSA-L106 and SSA-L706 are agency-initiated letters that require the claimant's signature and usually payment, often in the form of a check.

3. Use of Information Technology to Collect the Information

Forms SSA-L106 and SSA-L706 are not available electronically due to the low number of respondents. SSA did not create an electronic version of forms SSA-L106-F3 and SSA-L706 under the agency's Government Paperwork Elimination

Act (GPEA) plan because only 7,200 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 Forms SSA-L106 and SSA-L706, SSA would not be able to verify the claimant's age and therefore would not be able to grant 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 June 22, 2010, at 75 FR 35512, and we received no public comments. SSA published the second Notice on, September 03, 2010, at 75 FR 54211. If we receive comments in response to the 30-day Notice, we will forward them to OMB.

Note: *The first Federal Register Notice does not show the breakdown of burden hours for Private, State, Local and Tribal Governments. We made corrections for this in the second Notice, in #12 below, and on ROCIS.*

We did not consult with the public on the revision of these forms.

9. **Payment or Gifts to Respondents**

When payment is required, the requester pays the schools, in accordance with their fee schedules, from which he or she requests school record information. 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**

SSA-L106:

Type of Respondents	Number of Respondents	Frequency of Response	Average Burden Per Response (minutes)	Total Annual Burden (hours)
Private Sector	1,800	1	10	300
State/Local/Tribal Government	1,800	1	10	300
Totals	3,600			600

SSA-L706

Type of Respondents	Number of Respondents	Frequency of Response	Average Burden Per Response (minutes)	Total Annual Burden (hours)
Private Sector	1,800	1	10	300
State/Local/Tribal Government	1,800	1	10	300
Totals	3,600			600

The total burden for this ICR is 1,200 hours. This figure represents burden hours, and we did not calculate a separate cost burden.

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 \$22,176. This estimate is a projection of the costs for printing and distributing the collection instrument.
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.