

**Supporting Statement for Form SSA-2032-BK
Request for Waiver of Special Veterans Benefits (SVB) Overpayment Recovery
Or Change in Repayment Rate
20 CFR 408.900–408.950
OMB Control No. 0960-0698**

A. Justification

1. Introduction/Authoring Laws and Regulations

Title VIII of the *Social Security Act (Act)* provides for the payment of benefits to certain World War II veterans who reside outside the United States. Section 808 of the *Act* deals with the recovery of overpayments under the Special Veterans Benefits (SVB) program. Section 210 of *Pub.L 108-203 (H.R. 743)* expands the “Authority for Cross-Program Recovery of Benefit Overpayments.” The provision covers benefits under *Title II* benefits, Supplemental Security Income (SSI), and SVB. It gives SSA the authority to recover an overpayment from any of these three programs, unless we waive the recovery of the overpayment. We waive the recovery of an overpayment only if: (1) the person is not at fault in causing the overpayment and (2) the adjustment or recovery would defeat the purpose of this title or would be against equity and good conscience.

SSA set forth the policies for implementing the pertinent sections of the *Act* in 20 *CFR 408.900–408.950* of the *Code of Federal Regulations*. 20 *CFR 408.923(b)* provides an overpaid individual with the opportunity to request a different rate of withholding from his or her SVB payments to recover an overpayment. 20 *CFR 408.931(b)* and 408.932(c), (d), and (e) provide overpaid individuals with an opportunity to request a different rate of withholding from their *Title II* benefits to recover an SVB overpayment. In addition, the individual may ask SSA to review the determination that an overpayment balance still exists and to waive collection of the balance. 20 *CFR 408.941(b)* and 408.942 require that an overpaid individual who is subject to Federal income tax refund offset either send SSA evidence that the overpayment is not past due or legally enforceable or request waiver of the overpayment.

2. Description of Collection

SSA uses Form SSA-2032-BK, Request of Waiver of Special Veterans Benefits (SVB) Overpayment Recovery or Change in Repayment Rate, to obtain the information necessary to determine whether the respondent meets the provisions of the *Act* regarding waiver of recovery of the overpayment. SSA collects the information on form SSA-2032-BK to determine a repayment rate if we cannot waive an overpayment. The collection of the information is regulatory mandated and the collection is voluntary for the respondents. Personnel in SSA field offices, U.S. Embassies or consulates, or the Veterans Affairs Regional Office in the Philippines collect the information. The respondents are beneficiaries who have overpayments on

their *Title VIII* record and wish to file a claim for waiver of recovery of an overpayment or change in repayment rate.

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3. Use of Information Technology to Collect the Information

SSA did not create an electronic version of form SSA-2032-BK under the agency's Government Paperwork Elimination Act (GPEA) plan because only 450 respondents complete this form. This is less than the GPEA cut-off of 50,000. The form SSA-2032-BK is available as a print-only PDF on SSA's website. We cannot directly enter the information collected on the form into an SSA Intranet system during an in-office interview.

4. Why We Cannot Use Duplicate Information

The nature of the requested information and the manner in which it is collected preclude duplication. The SSA-632-BK (0960-0037) collects data similar to that collected here. However, the SSA-632-BK is more generic whereas the design of the SSA-2032-BK is specific for *Title VIII* SVB overpayments or change in repayment rate for SVB beneficiaries.

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-2032-BK, SVB beneficiaries would have no way to request a waiver of an overpayment or a different rate of withholding to repay the overpayment. This would be a violation of regulations at *20 CFR 408.900-408.950*. Because we only collect the information based on the need of the applicant, 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 August 26, 2010 at 75 FR 52578, and SSA received no public comments. The second Notice published on November 17, 2010 at 75 FR 70339. If we receive any comments in response to the 30-day Notice, we will forward them to OMB. SSA did not consult members of the public in the development or maintenance of this form.

9. Payment or Gifts to Respondents

SSA does not provide payments 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 450 respondents take 120 minutes each to complete form SSA-2032-BK annually. Accordingly, the burden is 900 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 \$1,242. This estimate is a projection of the costs for printing, distributing, collecting, and inputting the collection instrument.

15. Program Changes or Adjustments to the Information Collection Request

There are no changes in 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.