

Supporting Statement for Form HA-520
Request for Review of Hearing Decision/Order
20 CFR 404.967-404.981, 20 CFR 416.1467-416.1481
OMB 0960-0277

A. Justification

1. **Introduction/Authorizing Laws and Regulations**—The statutory authority for this information collection is in the *Social Security Act* (Act) at sections 205(a) and 1631(d)(1). Section 205(a) of the Act authorizes the Commissioner to make rules necessary to implement Social Security programs. Section 1631(d)(1) of the Act incorporates section 205(a) and applies it to title XVI of the Act. The Commissioner published regulations at 20 CFR 404.967-404.981 and 20 CFR 416.1467-416.1481 creating an Appeals Council review process. Additionally, The Foster Care Independence Act of 1999, section 251 of Public Law (Pub.L.) 106-16, established a new title VIII of the Act for providing special cash benefits to certain World War II veterans. Section 809 of Pub.L. 106-169 establishes hearing and review rights, and the procedural protocol to administer this program. The Commissioner published regulatory guidance for this program at 20 CFR 408.1050. Form HA-520, Request for Review of Hearing Decision/Order, provides a means for individuals to request a review by the Appeals Council of an administrative law judge’s (ALJ) hearing decision or dismissal of a hearing request. The form also discloses who must file a written request and provide specific information to the Social Security Administration (SSA) as cited above.

2. **Description of Collection** - Claimants for Social Security, Supplemental Security Income (SSI), or special cash benefits to certain World War II veterans who are dissatisfied with an ALJ’s hearing decision or dismissal of a hearing request, and who want a review of the decision by the Appeals Council can complete Form HA-520. Claimants may also request an Appeals Council review by filing a written request with SSA. A completed Form HA-520 documents the claimant’s request for review is within the regulatory prescribed time, and ensures the claimant has completed the requisite steps to permit a review by the Appeals Council. The Appeals Council also uses the information on the HA-520 to 1) document the claimant’s reason(s) for disagreeing with the ALJ’s decision or dismissal; 2) determine whether the claimant has additional evidence to submit; and 3) determine whether the claimant has a representative or wants to appoint one. Respondents can complete the form themselves. Although many claimants retain representation at this level of the claims process, they do not need information from anyone else to complete the form.

3. **Use of Information Technology to Collect the Information** - Currently, there is no Appeals Council level in the Modernized Claim System (MCS); therefore, SSA field offices and processing centers do not have a means of electronically entering title II Appeals Council level cases. SSA can enter data on title XVI Appeals Council level cases directly into the Modernized Supplemental Security Income Claims System. MCS will not be updated to include the Appeals Council level data until some later date. Consequently, SSA has not yet created an electronic version of Form HA-520 under the agency's Government Paperwork Elimination Act plan. Respondents can access the HA-520 as a portable document format (PDF) file on SSA's internet site.
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 SSA uses 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 would be violating regulatory requirements and depriving claimants of their right to appeal a denied claim to the next level of adjudication. Since we can only collect this 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** - SSA published the 60-day advance Federal Register Notice on November 12, 2010, at 75 FR 69515, and we did not receive any public comments. SSA published the 30-day Federal Register Notice on January 20, 2011 at 76 FR 3688. If we receive any public comments in response to the 30-day Notice, we will forward them to OMB. SSA did not consult with 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 145,000 respondents take 10 minutes each to complete the HA-520 each year. Accordingly, the burden is 24,167 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 \$889,575. This estimate is 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** - The burden hour projection has increased based on an expected increase in the number of appeals we expect claimants to file within the next fiscal year (FY). SSA has based this projection on current information regarding the number of appeals filed in FY 2009 and to date filings in FY 2010.
16. **Plans for Publication of 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 did not use statistical methods for this information collection.

