

**Supporting Statement for Methods for Conducting Personal Conferences When
Waiver of Recovery of a Title II or Title XVI Overpayment Cannot Be Approved
20 CFR 404.506(e)(3), 404.506(f)(8), 416.557(c)(3), and 416.557(d)(8)**

OMB No. 0960-0769

A. Justification

- 1. Introduction/Authoring Laws and Regulations** – The Social Security Administration (SSA) conducts personal conferences when we cannot approve a waiver of recovery of title II or title XVI overpayments. SSA conducts these conferences face-to-face, by telephone, or by video teleconference.

The authorizing citations for this information collection request (ICR) are as follows: *Sections 1631(a)-(d) and (g) of the Social Security Act (Act)(42 U.S.C. 902(a)(5),1320b-17, 1381, 1381a, 1382(c) and (e), and 1383(a)-(d) and (g)); 31 U.S.C. 3720A*. These sections require SSA to recover overpayments we make to recipients of Federal Retirement, Survivors, Disability Insurance Benefits, Health Insurance Benefits or Supplemental Security Income (SSI) payments. SSA is also required to give overpaid individuals the right to request waiver of recovery. When we cannot approve a request for waiver of overpayment, the regulations require we schedule a personal conference with recipients who still contend they are without fault in causing the overpayment and/or do not have the ability to repay the debt.

This ICR is for the collection of information associated with respondents' preparing for and attending the personal conference as stated in *20 CFR 404.506(e)(3), 404.506(f)(8) and 416.557(c)(3) and 416.557(d)(8) of the Code of Federal Regulations*.

The respondents are overpaid beneficiaries or SSI recipients whom SSA has denied their initial request for a waiver of recovery of an overpayment, thus requiring a personal conference with them when SSA cannot approve the waiver.

2. Description of Collection

These personal conferences are one-time interviews conducted by SSA employees face-to-face, by telephone, or by video conference. At the time of the conference, the overpaid recipients may provide documents to support their contention they are without fault in causing the overpayment and do not have the ability to repay the debt. They may submit a personal statement and/or gather and present during their conference, any previously submitted documentation or forms related to their case, like the SSA-795-Statement of Claimant or Other Person (OMB #0960-0045); or the SSA-632-Request for Waiver of Overpayment Recovery or Change in Repayment Rate (OMB #0960-0037).

If respondents decide not to attend the personal conference, SSA makes a final waiver decision based on available information.

3. Use of Information Technology to Collect the Information

In most cases, we collect the information through various SSA forms approved by OMB. The ICRs for the forms (SSA-795-Statement of Claimant or Other Person (OMB #0960-0045); or the SSA-632-Request for Waiver of Overpayment Recovery or Change in Repayment Rate (OMB #0960-0037) provide information on the use of information technology to collect the information.

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

Individuals who do not provide the information required will not meet SSA's requirements for waiver of recovery of an overpayment, will be unable to pursue further levels of administrative appeal, and will be obligated to accept SSA's previous determination we made on their claims.

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 December 22, 2010, at 75 FR 80563, and we did not receive any public comments. SSA published the 30-day Federal Register Notice on March 4, 2011 at 76 FR 12208. 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

The following chart shows the annual burden for the requirements of the regulation citations. The total annual hour burden for the public is 58,666 hours.

Title/Section & Collection Description	Number of Respondents	Frequency of Response	Response Time (minutes)	Burden (hours)
Personal Conference 404.506(e)(3) and 404-506(f)(8) submittal of documents, additional mitigating financial information, and verifications for consideration at personal conferences.	50,000	1	30	25,000
Personal Conference 416.557(c)(3) and 416-557(d)(8) submittal of documents, additional mitigating financial information, and verifications at personal conferences.	67,332	1	30	33,666
Totals	117,332			58,666

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

SSA has already accounted for the costs to collect the information in the OMB approved forms (e.g. SSA-632, SSA-795).

15. Program Changes or Adjustments to the Information Collection Request

When this ICR last cleared in 2008, it was a new ICR. As there was little to no hard data figures available, the agency over-estimated the burden hours. Since then, the agency has been collecting the data and has adjusted the burden accordingly.

16. Plans for Publication Information Collection Results

SSA will not publish the results of the information collection.

17. Displaying the OMB Approval Expiration Date

We have already accounted for the OMB Approval Expiration Dates in the various ICRs for the OMB approved forms (e.g. SSA-632, SSA-795).

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.