

Supporting Statement for Form SSA-1560-U4
Petition to Obtain Approval of a Fee for Representing a Claimant Before the Social Security
Administration
20 CFR 404.1720 and 404.1725; 20 CFR 416.1520 and 416.1525
OMB No. 0960-0104

A. Justification

1. Introduction/Authoring Laws and Regulations

A representative must file either a fee petition or a fee agreement with the Social Security Administration (SSA) to charge a fee for representing a claimant in proceedings before the agency. The statutory authority for requiring this information is found in the *Social Security Act (the Act)*, sections 206(a)(1) and 1631(d)(2)(A). The implementing regulations are at 20 CFR 404.1720, 404.1725, 416.1520 and 416.1525 of the *Code of Federal Regulations*. If the representative files a fee petition (Form SSA-1560-U4) to obtain approval of a fee for representing a claimant, SSA reviews the information to determine a reasonable fee the representative may charge. Section 206(a)(1)(4)(A) of the *Act* further provides that when the person representing the claimant is an attorney, the Commissioner shall certify payment out of past-due benefits for a fee equal to as much as 25 percent of past-due benefits. The implementing regulations are at 20 CFR 404.1720 and 404.1725. The Social Security Disability Applicants' Access to Professional Representation Act of 2010, Public Law No. 111-142, also provides for certification for payment of the fee from past-due benefits to qualified non-attorney representatives who meet certain prerequisites.

2. Description of Collection

A Social Security claimant's representative, whether an attorney or a non-attorney, uses Form SSA-1560-U4 to petition SSA for authorization to charge and collect a fee. A claimant may also use the form to agree or disagree with the requested fee amount or other information the representative provides on the form. The SSA official responsible for setting the fee uses the information from the form to determine a reasonable fee amount representatives may charge for their services. Primary respondents are attorneys and non-attorneys who represent Social Security claimants.

Once the form is complete, the respondent gives a copy to the claimant, keeps the representative copy, and the Office of Hearing and Appeals sends their copies back to the appropriate SSA office. When SSA receives the SSA-1560-U4, we evaluate the representative's request to charge a fee, make a decision on how much the representative can charge, and notify the claimant and the representative of that amount. The representative and claimant are given a chance to disagree with the amount we authorize the representative to charge. If there is a disagreement, we take another look at the SSA-1560-U4. Once we establish the amount, if the representative is eligible for direct payment of the final authorized fee, we'll pay the authorized amount from the claimant's past-due benefits. If the representative

is not eligible for direct payment of the fee we authorized from the claimant's past-due benefits, then payment of the fee we authorize is a matter between the claimant and the representative. SSA keeps the SSA-1560-U4 as part of the official claims file.

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

SSA-1560-U4 is available as a print only PDF on the SSA's website. SSA did not create an electronic version of form SSA-ABC under the agency's Government Paperwork Elimination Act (GPEA) plan because only 24,055 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 significantly 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-1560-U4, representatives would have no way to charge and collect fees from claimants they represent before SSA. Because we only collect the information once, we cannot collect it less frequently.

There are no technical or legal obstacles that prevent 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 January 20, 2011, at 76 FR 3688, and we received no public comments. SSA published the second Notice on March 31, 2011 at 76 FR 17977. 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 of this form.

9. **Payment or Gifts to Respondents**

SSA does not provide payment 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 48,110 respondents take 30 minutes each to complete form SSA-1560-U4 each year. Accordingly, the burden is 24,055 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 on the respondents.
14. **Annual Cost To Federal Government**
The annual cost to the Federal Government is approximately \$12,509. 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**
There has been an increase in the burden hours. This change stems from an increase in the volume of representatives requesting fees.
16. **Plans for Publication Information Collection Results**
SSA will not publish 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.