

Supporting Statement
Request for Hearing By Administrative Law Judge SSA-HA-501-U5
20 CFR 404.929, 404.933, 416.1429, 416.1433, 42 CFR 405.722, 20 CFR 418.1350
OMB No. 0960-0269

A. Justification

1. Introduction/Authoring Laws and Regulations

When SSA denies applicants' or beneficiaries' requests for new or continuing benefits, those applicants or beneficiaries are entitled to request a hearing to appeal the decision. The statutory authority is in the *Social Security Act* (the *Act*) at *Sections 205(b), 1155, 1631(c), and 1869*. The implementing regulations are at *20 CFR 404.929, 404.933, 416.1429, 416.1433, 405.722, and 418.1350* of the *Code of Federal Regulations*. Additionally, the *Foster Care Independence Act of 1999*, Section 251 of *Public Law (Pub L.) 106-169* established Title VIII of the *Act* for providing special case 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.

Section 105 (a)(2)(B) of *Pub L. 103-296* (the *Social Security Independence and Program Improvements Act*, which established SSA as an independent agency) stipulates that SSA and the Department of Health and Human Services (HHS) would share responsibility for the Medicare (*Title XVIII*) appeals process. The process provides SSA would continue to perform the hearings function for determinations made by SSA about Medicare Part A and Part B entitlement.

Pub L. 103-296, requires SSA and HHS to continue negotiating transfer of some of the Medicare appeal functions; in 1995, the two agencies signed an agreement transferring the Medicare appellate review functions previously performed by the SSA Appeals Council, to the Medicare Appeals Council within HHS.

Section 931 of *Pub L. 108-173* requires transfer of the functions of Administrative Law Judges (ALJ) responsible for hearing appeals under *Title XVIII* of the *Act* from SSA to HHS. Additionally, effective since January 2007, HHS makes determinations regarding Medicare Part B premium subsidy reductions required under section 1839 (I) of the *Act (Pub L. 108-173)*.

2. Description of Collection

SSA uses the information from Form HA-501 to determine if the individual filed the request within the prescribed time, is the proper party, and has taken the steps necessary to obtain the right to a hearing. SSA also uses the information to:

1. determine the individual's reason(s) for disagreeing with SSA's prior determinations in the case;

2. if the individual has additional evidence to submit;
3. if the individual wants an oral hearing or a decision on-the-record;
4. and whether the individual has (or wants to appoint) a representative.

The respondents are Social Security benefit applicants and recipients who want to appeal SSA's denial of their request for new or continued benefits and Medicare Part B recipients who must pay the Medicare Part B Income-Related Monthly Adjustment Amount.

The respondents can complete Form HA-501 on their own using the paper or internet version. Respondents can also complete the form via an in-office interview where an SSA field office employee enters the information into SSA's Modernized Claims Systems (MCS/MSSICS).

3. Use of Information Technology to Collect the Information

In accordance with the agency's Government Paperwork Elimination Act plan, SSA created an Internet version of Form SSA-HA-501-U5. Based on our data, we estimate approximately 95% of respondents under this OMB number use the electronic version.

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 Form HA-501-U5, the public would have no way of appealing their claim and request a hearing by the ALJ. Because we only collect the information once, 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 March 03, 2011, at 76 FR 11835, and SSA has received no public comments. The second Notice published on May 26, 2011 at 75 FR 30749, and SSA has received no public comments. If we receive any comments in response to this Notice, we will forward them to OMB.

We did not consult with the public in the revision of this form.

**The first Federal Register Notice shows incorrect burden information for the SSA-HA-501-U5. We made corrections to this in the second Notice, in #12 below and on ROCIS. In both the Federal Register Notices, the system name was i501, which is a part of iAppeals. We are changing the language in ROCIS and #12 below to show iAppeals.*

9. Payment of 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

Collection Method	Number of Respondents	Frequency of Response	Estimated Completion Time (Minutes)	Total Burden (Hours)
Paper & Modernized System (MCS, MSSICS)	33, 473	1	10	5579
iAppeals	635,996	1	19	201,399
Totals:	669,469			206,978

The total burden for this ICR is 161,788. This figure represents burden hours, and we did not calculate a separate cost burden.

13. Annual Cost to the Respondents

This collection does not impose a known cost burden on the respondents.

14. Annual Cost to the Federal Government

The annual cost to the Federal Government is approximately \$55,000. This estimate is a projection of the costs for printing and distributing the collection instrument and for collecting the information.

The estimated cost to the Federal Government to collect the information for the internet application iAppeals is negligible. Because the cost of maintaining the system which collects this information is accounted for within the cost of maintaining all of SSA's automated systems, it is not possible to calculate the cost associated with just one Internet application.

15. Program Changes or Adjustment to the Information Collection Request

There are no changes to the public reporting burden.

16. Plans for Publication or Adjustments to the Information Collection Request

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.

For the internet application iAppeals, SSA is not requesting an exception to the requirement to display the OMB approval expiration date.

18. Exception 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.