

Justification
Financial Disclosure Statement
RRB Form DR-423

1. Circumstances of information collection – Section 2(d) of the Railroad Unemployment Insurance Act (45 U.S.C. § 352(d)) and Section 10 of the Railroad Retirement Act (45 U.S.C. § 231f (b)(5) provide the Railroad Retirement Board (RRB) with the authority to recover overpayments in benefits and annuities. Section 12(l) of the Railroad Unemployment Insurance Act (45 U.S.C. § 362 (l)) and Section 7(b)(6) of the Railroad Retirement Act (45 U.S.C. § 231f(b)(6)) provide the RRB with the authority to collection information necessary to adjudicate a debtor's request that the RRB waive its right to recover overpayments or otherwise adjust the amount owed. Waiver of recovery of all or part of an overpayment may be made if the overpaid beneficiary or annuitant is without fault in causing the overpayment to occur and is able to demonstrate financial hardship. When waiver of recovery is not warranted, a demonstration of financial hardship may allow the liberalization of repayment agreements. For example, monthly partial withholding and installment amounts may be lowered or compromise offers may be accepted. In certain instances, overpayment recovery action may be terminated if financial hardship is shown.

Regulations providing for the recovery and waiver of erroneous payments made under the Railroad Retirement Unemployment Act and the Railroad Retirement Act are found in 20 C.F.R. Part 340 and 20 C.F.R. Part 255, respectively.

2. Purposes of collecting/consequences of not collecting the information –Form DR-423, Financial Disclosure Statement, is solicited by the RRB when an overpaid beneficiary or annuitant claims an inability to repay the debt due to financial hardship. Form DR-423 requests information regarding the income, expenses, assets and liabilities of the overpaid individual. The RRB uses the information to determine if recovery of the overpayment might be waived. If the overpayment is not waived in full, the information is used to establish a repayment plan, including a compromise agreement. The information may also be used to determine if the overpayment recovery action should be terminated.

Completion of Form DR-423 is self-explanatory.

Generally, Form DR-423 is mailed by an RRB field office in response to an overpaid beneficiary's request for waiver consideration. The form may be released directly from Headquarters if the overpaid beneficiary or annuitant wishes to either re-negotiate a previously arranged partial withholding or installment agreement or propose a compromise settlement. In addition, if an overpayment is appealed and the Form DR-423 initially obtained is over 1 year old, another Form DR-423 is requested to ascertain the beneficiary's or annuitant's current financial situation. The information requested by items 1 and 2 is entered by the RRB prior to the release of the form.

The RRB proposes no changes to Form DR-423.

Form DR-423 is comparable to the Social Security Administration's Form SSA-632-BK, Request for Waiver of Overpayment Recovery or Change in Repayment Rate, OMB No. 0960-0037.

3. Planned use of improved information technology or technical/legal impediments to further burden reduction - None at present as it is impractical, since the respondent must attach copies of income tax returns with Form DR-423.
4. Efforts to identify duplication - This information collection does not duplicate any other information collection.
5. Small business respondents - N.A.
6. Consequences of less frequent collection - Form DR-423 is initially completed when an overpaid beneficiary or annuitant requests that the overpayment be waived. Should there be an appeal and the DR-423 initially obtained is over 1 year old, another DR-423 is requested to ascertain the beneficiary or annuitant's current financial situation.
7. Special circumstances - N.A.
8. Public comments/consultations outside the agency - In accordance with 5 CFR 1320.8(d), comments were invited from the public regarding the information collection. The notice to the public was published on page 8384 and 8385 of the February 14, 2011, Federal Register. No comments or requests for additional information were received from the public.
9. Payments or gifts to respondents - None
10. Confidentiality - Privacy Act System of Records, RRB-21, Railroad Unemployment and Sickness Insurance Benefit System, and RRB-22, Railroad Retirement, Survivor, and Pensioner Benefit System.
11. Sensitive questions - N.A.
12. Estimate of respondent burden - The current estimated annual burden for this collection is unchanged as follows:

Current Burden

Form Number	Annual Responses	Time (Minutes)	Burden (Hours)
DR-423	1,200	85	1,700
Total	1,200		1,700

13. Estimate of annual cost to the respondents or record keepers - N.A.
14. Estimated cost to the Federal Government - N.A.
15. Explanation for change in burden - N.A.
16. Time schedule for data collection and publication -The results of this collection will not be published.
17. Request not to display OMB expiration date - The DR-423 is seldom revised. Given the costs associated with redrafting, reprinting and distributing the form in order to keep the appropriate OMB expiration date in place, the RRB requests the authority to not display the expiration date on the form.
18. Exceptions to Certification Statement - None