

**Supporting Statement for Form SSA-821-BK  
Work Activity Report (Employed Person)  
20 CFR 404.1520(b), 404.1571-.1576, 404.1584-.1593 and 416.971-.976  
OMB No. 0960-0059**

**A. Justification**

**1. Introduction/Authoring Laws and Regulations**

Social Security Disability and Supplemental Security Income (SSI) applicants or recipients receive payments based on their inability to engage in substantial gainful activity (SGA) because of a physical or mental condition. When a beneficiary resumes work, he or she must report the work so that we can evaluate it to determine if the beneficiary continues to meet the disability requirements of the law.

*Section 223(d) (4) and Section 1633 of the Social Security Act (the Act) provides the Commissioner of the Social Security Administration (SSA) with the authority to provide regulations for administering the disability provisions of the law. The appropriate regulations are contained in Sections 20 CFR, 404.1520(b), 404.1571-.1576, 404.1584-.1593, and 416.971-.976 of the Code of Federal Regulations.*

**2. Description of Collection**

SSA uses Form SSA-821-BK to collect employment information to determine whether recipients have worked after becoming disabled and, if so, whether the work is substantial gainful activity. SSA field offices use form SSA-821-BK to obtain work information during the initial claims process, the continuing disability review process, and for SSI claims involving work issues. SSA's processing centers and the Office of Disability and International Operations use the form to obtain post-adjudicative work issues from recipients. SSA reviews and evaluates the data to determine if the applicant or recipient continues to meet the disability requirements of the law. The respondents are applicants and recipients of Title II Social Security and SSI disability payments.

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

Form SSA-821-BK is available on SSA's website as a print-only PDF. SSA did not create an electronic version of form SSA-821-BK under the agency's Government Paperwork Elimination Act (GPEA) plan due to agency priorities and limited resources.

**4. Why We Cannot Use Duplicate Information**

The nature of the information collected and the manner in which it is collected preclude duplication. We do not use any other collection instrument that collects data similar to that collected here.

**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-821-BK, we would have no way to determine whether an applicant or recipient's work is SGA, which could cause an incorrect initial disability decision, or result in overpayments to beneficiaries who were receiving payments despite engaging in SGA.

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 November 07, 2011, at 76 FR 68805, and we received no public comments. The 30-day FRN published on January 13, 2012 at 77 FR 2114. If we receive any comments in response to this Notice, we will forward them to OMB.

**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. Assurances of Confidentiality**

The information collection does not contain any questions of a sensitive nature.

**12. Estimates of Public Reporting Burden**

<b>Collection Instrument</b>	<b>Number of Respondents</b>	<b>Frequency of Response</b>	<b>Average Burden Per Response (minutes)</b>	<b>Estimated Total Annual Burden (hours)</b>
SSA-821-BK	300,000	1	30	150,000

The total burden for this ICR is 150,000 hours. This figure represents burden hours, and we did not calculate a separate cost burden.

**Note:** The first Federal Register Notice shows incorrect burden information for the SSA-821-BK. We have corrected for this in the second Notice, in #12 below and on ROCIS.

**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 \$232,000. This estimate is a projection of the costs for local printing and distributing the collection instrument and for collecting the information.

**15. Program Changes or Adjustments to the Information Collection Request**

There has been a decrease in burden hours. The decrease in hours stems from SSA making changes to the form to make it clearer, and easier to complete.

**16. Plans for Publication 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 does not use statistical methods for this information collection.