

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 (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.

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)*.

20 CFR 404.1713 and 416.1513 mandate that claimant representatives use our electronic services at the times and in the manner we prescribe on matters for which they request direct fee payment. The *Requiring Electronic Filing of Appeals for certain Representatives* rules mandate the use of the i501 by claimant representatives who file a hearing request on a client's behalf and request direct fee payment on the matter. In this ICR, we are accounting for the requirement for representatives to use the electronic version of this collection (see Addendum for more details).

2. Description of Collection

SSA uses the information from Form HA-501-U5 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 determine:

1. 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.

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 the Form SSA-HA-501-U5, the i501. Information from the i501 propagates into SSA's Modernized Claims Systems and Modernized Supplemental Security Income Claims Systems (MCS and MSSICS). The collection instrument is also available through MCS and MSSICS to respondents who file a hearing request by mail or through a personal interview in a field office. SSA estimates that 96% of the respondents will use the i501 to file a hearing request.

4. Why We Cannot Use Duplicate Information

The nature of the information we are collecting and the manner in which we are collecting it precludes 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 to request a hearing. 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 informa-

tion 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 December 1, 2011, at 76 FR 74838, and SSA has received no public comments. The second Notice published on January 31, 2012, at 77 FR 4857, and SSA has received no public comments. If we receive any comments in response to this Notice, we will forward them to OMB.

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

Approximately 669,469 respondents file a request for hearing annually. The estimated average completion time is 10 minutes for using the MCS, MSSICS, or the paper SSA-501-U5, and 5 minutes for the i501. There is no difference in time estimate for MCS, MSSICS, and the paper form, so we show them all in one line on the chart below. The annual reporting burden is as follows:

Collection Method	Number of Respondents	Frequency of Response	Estimated Completion Time (Minutes)	Total Burden (Hours)
Paper & Modernized System (MCS, MSSICS)	25,953	1	10	4,326
iAppeals (i501)	643,516	1	5	53,626
Totals:	669,469			57,952

The total burden reflects 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**
When we last cleared the i501 portion of this IC in November 2011, the burden was 53,000 hours. This change stemmed from a decrease in the number of minutes it takes to complete the i501 due to screen changes that reduced and clarified the instructions. When we cleared the entire IC collection in September 2011, the burden was 206,978 hours. However, we are currently reporting a burden of 57,952 hours. This change stems from the decreased time due to the screen changes in November 2011 as well as the projected increase in the number of respondents who will complete the i501. We also expect a decrease in the burden hours because claimant representatives who file a request for hearing by an administrative law judge and request direct fee payment on the matter will be required to use the i501, which takes less time to complete.
- 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.

