

**Supporting Statement for Form HA-L90**  
**Request to Show Cause for Failure to Appear**  
**20 CFR 404.938, 20 CFR 416.1438, and 20 CFR 404.957(a)(ii)**  
**OMB No. 0960-NEW**

**A. Justification**

1. **Introduction/Authoring Laws and Regulations** – Sections 20 CFR 404.938, 416.1438, and 404.957(a)(ii) of the *Code of Federal Regulations* provide the authority for the Social Security Administration (SSA) to collect the information requested on Form HA-L90. Section 205 of the Social Security Act sets forth the procedures and policies for implementing these regulations.
2. **Description of Collection** - Form HA-L90 is the instrument that allows a claimant to provide an explanation (i.e., show good cause) to the administrative law judge (ALJ) for failure to appear at a scheduled hearing. If the ALJ determines the claimant established good cause for failure to appear at the hearing, the ALJ will schedule a supplemental hearing. If not, the ALJ will make a decision on the claimant's case based upon the evidence on record. The ALJ may also dismiss a request for a hearing when the claimant who requested the hearing, or the claimant's representative, fails to appear at a scheduled hearing, and fails to show good cause for their absence.

To establish good cause for failure to attend a scheduled hearing, a claimant must show that SSA did not properly notify the claimant of the hearing, or that an unexpected event occurred that precluded sufficient time for the claimant to request a postponement. Respondents are claimants, or representatives on their behalf, seeking to establish good cause for failure to appear at a scheduled hearing before an ALJ.

This is an information collection inadvertently in use without OMB approval.

3. **Use of Information Technology to Collect the Information** - Under the aegis of the Government Paperwork Elimination Act plan, SSA did not create an electronic version of this form for claimants. However, claimants who appoint a representative may have their appointed representatives submit a completed Form HA-L90 via Electronic Records Express (OMB No. 0960-0753). Approximately 80 percent of claimants have appointed representatives.
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 collect similar data.
5. **Minimizing Burden on Small Respondents** - This collection does not affect small businesses or other small entities.
6. **Consequences of Not Collecting Information or Collecting it Less Frequently** - To comply with Federal law, SSA must collect the information on the HA-L90. If

SSA did not collect the information when necessary, the ALJ would dismiss the claimant’s case when the claimant did not appear at their scheduled hearing. Therefore, we cannot collect the information 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** - SSA published the 60-day advance Federal Register Notice on January 13, 2012 at 77 FR 2114, and SSA received no public comments. SSA published the 30-day advance Federal Register Notice on March 19, 2012 at 77 FR 16113. SSA had no outside consultations with members of the public.
9. **Payment or Gifts to Respondents** - SSA provides no payment or gifts to the respondents.
10. **Assurances of Confidentiality** - SSA protects and holds confidential the information we collect 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 35,000 respondents will use Form HA-L90 annually. The estimated average response time is 10 minutes, for a total of 5,833 burden hours. The total burden represents burden hours, and SSA did not calculate a separate cost 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>
HA-L90 Paper form	7,000	1	10	1,167
Electronic Records Express	28,000	1	10	4,666
<b>Total</b>	<b>35,000</b>			<b>5,833</b>

13. **Annual Cost to Respondents** - There is no known cost burden to the respondents.
14. **Annual Cost to Federal Government** - The annual cost to the Federal Government is approximately \$36,000. 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** - This is a new information collection request.
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 is not using statistical methods for this collection.