

**Supporting Statement for Form SSA-789-U4
Request for Reconsideration – Disability Cessation
20 CFR 404.909 and 416.1409
OMB #0960-0349**

A. **Justification**

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

If the Social Security Administration (SSA) finds that an applicant's or claimant's disability (1) has ceased, (2) does not exist, or (3) is no longer disabling, the applicants or claimants may request SSA to reconsider a determination. *Section 205(b)* of the *Social Security Act* (the *Act*) requires SSA to provide an evidentiary administrative hearing at the reconsideration continuing disability review level of appeal for applicants or claimants who received an initial or revised determination. The regulatory requirements for implementing *Section 205(b)* of the *Act* are set forth in *404.909* and *416.1409* of the *Code of Federal Regulations*.

2. **Description of Collection**

SSA uses Form SSA-789-U4 to arrange for a hearing or to prepare a decision based on the evidence of record. Specifically, claimants or their representatives use Form SSA-789-U4 to (1) ask SSA to reconsider a determination; (2) indicate if they wish to appear at a disability hearing; (3) submit any additional information or evidence for use in the reconsidered determination; and (4) indicate if they will need an interpreter for the hearing. The respondents are applicants or claimants for Social Security benefits or Supplemental Security Income payments, who are requesting a hearing.

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

Form SSA-789-U4 is available through the Internet in a PDF format, which individuals can download, print out, fill in, and send to SSA for processing. Currently there is no electronic version of this form due to the low volume of usage and the agency's limited resources.

SSA did not create an electronic version of form SSA-ABC under the agency's Government Paperwork Elimination Act (GPEA) plan because only 6,500 respondents complete the form. This is less than the GPEA cut-off of 50,000.

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 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-789-U4, we would be depriving claimants of their due process right to have the most recent information including claimant-submitted evidence considered in their reconsideration evaluations. The information we collect also provides the claimant with the opportunity to state the need for an interpreter. Because we collect the information on an as needed basis, we cannot collect it less frequently

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 February 09, 2011, at 77 FR6853, and we received no public comments. The 30-day FRN published on May 11, 2012, at 77 FR 27829. 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. **Justification for Sensitive Questions**
 The information collection does not contain any questions of a sensitive nature.

12. **Estimates of Public Reporting Burden**

Collection Instrument	Number of Responses	Frequency of Response	Average Burden per Response (minutes)	Estimated Total Annual Burden (hours)
SSA-789-U4	30,000	1	13	6,500

The total burden for this ICR is 6,500 hours. This figure represents burden hours, and we did not calculate a separate cost burden.

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 \$9,085.80. This estimate is a projection of the cost for printing and distributing the form, and for collecting the information.

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

There are no changes to the public reporting burden.

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.

SSA is not requesting an exception to the requirement to display an expiration date.

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.