

Justification
**Appeal Under the Railroad Retirement and
Railroad Unemployment and Sickness Insurance Act**
RRB Form HA-1

1. Circumstances of the collection - Under Section 7(b)(3) of the Railroad Retirement Act (RRA), and Section 5(c) of the Railroad Unemployment Insurance Act (RUIA) any person aggrieved by a decision on his or her application for an annuity or other benefit under that Act shall have the right to appeal to the Railroad Retirement Board (RRB). This right is prescribed in 20 CFR 260 and 20 CFR 320.

The notification letter sent to the individual at the time of the original action on the application informs the applicant of such right. When an individual protests a decision, the concerned office reviews the entire file and any additional evidence submitted and sends the applicant a letter explaining the basis of the determination. The applicant is then notified that if he or she wishes to protest further, the applicant can appeal to the Bureau of Hearings and Appeals. The procedure pertaining to the filing of such an appeal is prescribed in 20 CFR 260.5 and 260.9 and 20 CFR 320.12 and 320.38.

2. Purposes of collecting/consequences of not collecting the information - The form prescribed by the RRB for filing an appeal under the RRA or RUIA is Form HA-1, Appeal Under the Railroad Retirement Act or Railroad Unemployment Insurance Act. The form asks the applicant to explain the basis for their request for an appeal and, if necessary, to describe any additional evidence they wish to submit in support of the appeal. The Bureau of Hearings and Appeals evaluates the information and may, if necessary, make further investigations through RRB field representatives, designated medical examiners, and others who may be in a position to furnish information pertinent to the appellant's claim. If necessary, the hearings officer may hold an oral hearing.

Should the appellant be dissatisfied with the decision rendered by the Bureau of Hearings and Appeals, the appellant can then appeal to the three-member Board using Form HA-1. This new appeal must be filed within 60 days from the date of the decision notice the hearings officer mailed to the appellant. 20 CFR 260.9 and 320.39 provide that the appellant have an opportunity to request an extension of time to file if the appellant had been prevented, unavoidably and for good cause, from filing an appeal within the allowable time period. This request must be in writing; explain why the final appeal was not filed within the time limit prescribed by the RRB, and accompany the HA-1.

Form HA-2, Filing Appeals Under the Railroad Retirement Act and the Railroad Unemployment Insurance Act, serves as an instructional sheet for completion of Form HA-1.

The RRB proposes minor editorial and formatting changes to the first page of Form HA-1 and updated language to the Paperwork Reduction Act/Privacy Act notice on the second page.

3. Planned use of improved information technology/technical or legal impediments to further burden reduction – Form HA-1 is available for downloading at the RRB's web site at

<http://www.rrb.gov/pdf/ha1.pdf>. There are no plans to automate the form at this time due to low volume.

4. Efforts to identify duplication - This information collection do not duplicate any other information collection.
5. Small business respondents - N.A.
6. Consequences of less frequent collection - Not applicable since the information is solicited only once for each level of appeal.
7. Special Circumstances - None
8. 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 63959 of the October 14, 2011, Federal Register. No comments or requests for additional information were received.
9. Payments or gifts to respondents - None
10. Confidentiality - Privacy Act System of Records, RRB-17, Appeal Decisions from Initial Denials for Benefits Under the Provisions of the Railroad Retirement Act or the Railroad Unemployment Insurance Act.
11. Sensitive questions - N.A.
12. Estimate of respondent burden - The current and estimated burden for this collection is as follows.

Current Burden

| Form Number | Annual Responses | Time (Minutes) | Burden (Hours) |
|---|------------------|----------------|----------------|
| HA-1 (Appeals to Bureau of Hearings and Appeals) | 550 | 20 | 184 |
| HA-1 (Appeals to Board Members) | 100 | 20 | 33 |
| Total | 650 | | 217 |

Estimated Burden

| Form Number | Annual Responses | Time (Minutes) | Burden (Hours) |
|---|------------------|----------------|----------------|
| HA-1 (Appeals to Bureau of Hearings and Appeals) | 500 | 20 | 167 |
| HA-1 (Appeals to Board Members) | 100 | 20 | 33 |

| Total | 600 | | 200 |
|---------------------|------------|------------|-----|
| | Responses | Hours | |
| Total burden Change | <u>-50</u> | <u>-17</u> | |
| Adjustment | -50 | -17 | |

- 13. Estimated annual cost to respondents or record keepers - N.A.
- 14. Estimate of cost to Federal Government - N.A.
- 15. Explanation for changes in burden – The burden decrease of 50 responses and 17 burden hours is due to a revised estimate based on the most recent data available. We have shown the decrease as an adjustment.
- 16. Time schedule for data collection and publication - The results of this collection will not be published.
- 17. Request to not display OMB expiration date - Given the costs associated with redrafting, reprinting, and distributing the form associated with this collection in order to keep the appropriate OMB expiration date in place, the RRB requests the authority to not display the OMB expiration date.
- 18. Exceptions to Certification Statement - None