

**Supporting Statement for the Automated Scheduling Application (ASA)**  
**20 CFR 404.929, 404.936, 404.950, 416.1429, 416.1436, 416.1450-416.1451**  
**OMB Control No. 0960-NEW**

**A. Justification**

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

Social Security Administration (SSA) hearing offices (HOs) schedule hearings at the request of claimants or their appointed representatives, if the claimants are dissatisfied with one of the determinations or decisions regarding employees' benefits. The scheduling of a hearing depends upon the availability of an administrative law judge (ALJ), the claimants, their appointed representatives, and the experts we call upon to testify.

Sections 205(a), 205(b), and 1631(c) of the *Social Security Act* empower the Commissioner of Social Security to make findings of fact and decisions as to the rights of any individual applying for payments under title II, title VIII, title XVI, and title XVIII. These sections require the Commissioner to give claimants an opportunity for a hearing when they allege their rights may be prejudiced by a determination or decision. These sections also empower the Commissioner to make rules and regulations and to establish procedures to carry out the provision. The *Code of Federal Regulations* codifies these regulations and procedures as follows:

- 20 CFR 404.929 and 416.1429 – empowers the Associate Commissioner for Hearings and Appeals, or his or her delegate, to appoint an ALJ to conduct a hearing if the claimant is dissatisfied with one of the determinations or decisions listed in 20 CFR 404.930 and 416.1430.
- 20 CFR 404.936 and 416.1436 – sets forth the rules for scheduling a time and place for a hearing before an ALJ, and establishes that the ALJ will determine whether the participants will appear in person or participate by video teleconferencing.
- 20 CFR 404.950 and 416.1450 – sets forth procedures for claimants and witnesses appearing and presenting evidence at hearings. A claimant may also make his or her appearance by means of an appointed representative. (The law does not specify the types of experts, but these are typically vocational experts or medical experts.)
- 20 CFR 416.1451 – states that the ALJ shall make a complete record of the hearing proceedings. (The law does not specify the means of making the recording, but we usually use a verbatim hearing recorder.)

**2. Description of Collection**

SSA is creating an online-based scheduling tool, the Automated Scheduling Application (ASA), to document the availability and special needs of participants for hearings before administrative law judges (ALJ). The respondents are disability applicants or recipients,

ALJ staff, SSA Hearing Office employees, appointed representatives, medical experts, vocational experts, and verbatim hearing recorders who need to schedule or request special needs related to an ALJ hearing. All respondents will use the ASA system (via SSA's Intranet for SSA employees, and a public-facing Internet site for members of the public) to document their hearings availability and needs, and to view scheduled hearings in an electronic calendar. SSA staff will provide technical support to external users via our 800 number. The respondents will be SSA Hearing Office employees, appointed representatives, medical experts, vocational experts, and verbatim hearing recorders who need to schedule a hearing with an ALJ.

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

The method of collection of the information is electronic for external and internal hearing participants. If the external hearing participants choose to use external ASA, they use an Internet-based system. If external hearing participants do not choose to use external ASA, they may provide availability information to the HO by phone, email, fax, postal mail, or through an in-person interview. The HO records the availability of ALJs or external participants electronically via internal ASA.

In accordance with the agency's Government Paperwork Elimination Act plan, SSA created an Internet method to collect availability of external hearing participants. Based on our data, we estimate approximately 90% of external participants under this OMB number will use the external ASA. We expect all HOs to use the internal ASA.

**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 do not collect the availability of hearing participants, the agency will be unable to schedule hearings in a timely and efficient manner. Since we only require this information on an as-needed basis, 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 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 May 11, 2012, at 77 FR 27829, and we received one public comment.

*On July 10, 2012, the National Organization of Social Security Claimants' Representatives sent the following concerns regarding ASA:*

1. *The calendar screen only seems to allow a representative to block out an entire day rather than certain hours.*
2. *Will ASA include a way to indicate travel time? How would ASA handle a representative that needs to be in two hearings at two different offices in one day?*
3. *If an attorney does not update ASA immediately and the hearing office schedules the hearing first, this may lead to postponements.*
4. *If one hearing office uses ASA but another does not the representative could be scheduled for two hearings simultaneously.*
5. *How will ASA integrate schedules when a representative handles hearings on a contractual basis for another firm?*

*NOSSCR concluded with the following recommendation: ASA should be rolled out on a limited basis as a pilot to ensure it works efficiently and effectively for all parties involved.*

*SSA sent the following responses:*

1. *ASA will allow the option for representatives to block out their calendar by A.M. or P.M.; however, if the representatives indicate in their profiles that there are multiple associates for their account, the calendar will only present the option to block out an entire day.*
2. *ASA will not eliminate the need for interaction with a scheduler to process a case. Rather it will be a tool for the schedulers to review and make changes to proposed cases scheduled through ASA. SSA recognizes the need to make appropriate adjustments. We will consider adding a way to record travel time when working on future enhancements for ASA.*
3. *SSA acknowledges NOSSCR's concern regarding postponements. As with any new process, we expect to encounter some challenges with ASA, which is why we plan to pilot this in only one hearing office. If the pilot is a success, we will expand to additional sites. Our goal for ASA is to allow hearing offices to schedule cases in a timely manner, and allow the representative access to the scheduled hearings.*
4. *As mentioned in #2 above, ASA will not eliminate the need for interaction with a scheduler. If we inadvertently schedule a representative for two simultaneous hearings, the representative will need to call the hearing offices and let SSA know of the error. As with any pilot program, we acknowledge this could be an issue; however, if ASA works, we will eventually use it in all offices.*

5. *In order to gain efficiencies with this new tool, SSA will expect representatives to be responsible for maintaining their calendars. Even so, we expect there will be times when representatives need to contact a scheduler (as mentioned previously).*

*In response to NOSSCR's final comment, SSA sent the following: Our current plan is to pilot ASA in one hearing office. If after careful review of the data, we determine the pilot a success, we will expand to additional sites. We also plan to enhance ASA will better features, and correct any flaws through feedback we receive during the pilot. We will not expand nation-wide until we correct any issues, and implement any additional features we may need.*

SSA published the second Notice on August 9, 2012, at 77 FR 47688. If we receive comments in response to the 30-day Notice, we will forward them to OMB.

**Consultation with the Public:**

We consulted with appointed representatives, vocational experts, and medical experts before designing the screens and screen flow for external ASA. We asked this group for their thoughts on the screens and screen flow, since we believed their experience gave them a unique perspective on the usability of the external ASA. Based on their feedback, we updated screens and screen flow. We did not consult with more than nine members of the public to obtain this information.

**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**

The respondent will use the external ASA to supply or change availability so that he or she will be scheduled to attend hearings and/or view calendars listing scheduled hearings. We estimate that 3,300 Medical Experts, Vocational Experts and Hearing Reporters will provide and update availability and/or view calendars once per week, for a total of 171,600 responses. The average response time will be 8 minutes, for an annual reporting burden of 22,880 hours. We estimate that 16,600 Appointed Representatives will provide and update availability and/or view calendars once per week, for a total of 863,200 responses. The average response time will be 8 minutes, for an annual reporting burden of 115,093 hours.

The respondent may also provide and update availability by calling the hearing office who will use the internal ASA to record availability. We estimate that the hearing offices may record availability for 3,300 Medical Experts, Vocational Experts and Hearing Reporters 6 times a year for a total of 19,800 responses. The average response time will be 8 minutes, for an annual reporting burden of 2,640 hours. We estimate that the

hearing offices may record availability for 85,000 Appointed Representatives 6 times a year, for 510,000 responses. The average response time will be 8 minutes, for an annual reporting burden of 68,000 hours.

<b>Respondent Type</b>	<b>Number of Respondents</b>	<b>Frequency of Response</b>	<b>Number of Responses</b>	<b>Average Burden Per Response (minutes)</b>	<b>Total Annual Burden (hours)</b>
Medical Experts, Vocational Experts, Hearing Reporters – Availability Reporting Using External ASA	3,300	52	171,600	8	22,880
Appointed Representatives – Availability Reporting Using External ASA	16,600	52	863,200	8	115,093
Medical Experts, Vocational Experts, Hearing Reporters – Requests to HO to Change Availability Using Internal ASA	3,300	6	19,800	8	2,640
Appointed Representatives – Requests to HO to Change Availability Using Internal ASA	16,600	6	99,600	8	13,280
<b>Totals</b>	<b>39,800</b>		<b>1,154,200</b>		<b>153,893</b>

The total burden for this collection is **153,893** 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 estimated cost to the Federal Government to collect the information 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 Adjustments to the Information Collection Request**

This new collection will increase the public reporting burden. We previously collected this information via telephone, fax, mail or other manual method with no standardized questions. See #12 for annual 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**

SSA is not requesting an exception to the requirement to display the OMB approval 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.