

Supporting Statement for Function Report – Adult Third Party
20 CFR 404.1512 and 20 CFR 416.912
Form SSA-3380-BK
OMB No. 0960-0635

A. Justification

1. Introduction/Authoring Laws and Regulations

Sections 205(a), 223(d)(5)(A), 1631(d)(1), and 1631(e)(1) of the *Social Security Act* (the *Act*) require claimants for Social Security disability benefits to provide medical and other evidence of their disability, with evidence requirements to be established by the Commissioner of Social Security. These sections of the *Act* also grant the Social Security Administration (SSA) the authority to establish procedures for collecting and verifying this evidence. 20 CFR 404.1512 and 416.912 of the *Code of Federal Regulations* require claimants to provide the following information: evidence of age, education and training, work experience, daily activities, efforts to work, and any other evidence demonstrating how their impairment affects their ability to work.

2. Description of Collection

Individuals receiving or applying for Social Security Disability Insurance (SSDI) or Supplemental Security Income (SSI) provide SSA with medical evidence and other proof SSA requires to prove their disability. SSA, and Disability Determination Services (DDS) on our behalf, collect this information using Form SSA-3380-BK. We use the information to document how claimant's disabilities affect their ability to function, and to determine eligibility for SSI and SSDI claims. The respondents are third parties familiar with the functional limitations (or lack thereof) of claimants who apply for SSI and SSDI benefits.

3. Use of Information Technology to Collect the Information

Form SSA-3380 is available as a print-only PDF on SSA's website, which the respondent prints, completes, and mails to the DDS or brings to a SSA field office. The DDS also mails the form to the respondent to complete and mail back.

SSA did not create an electronic version of form SSA-3380 under the agency's Government Paperwork Elimination Act (GPEA) plan because the DDS does not have the systems access that will accept this Internet data.

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 affect small businesses or other small entities.

6. Consequence of Not Collecting Information or Collecting it Less Frequently

If we did not collect this information, it would be impossible to determine whether claimants are disabled or beneficiaries are still disabled, and SSA would not be able to discharge its mandate to pay benefits to those who are disabled. Since the form is completed only once for an initial application and on an occasional basis if a beneficiary is selected for a continuing disability review or appeals our decision, the information cannot be collected 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, July 09, 2012 at 77 FR 40401, and we received no public comments. The 30-day FRN published on September 24, 2012 at 77 FR 58903 X. If we receive any comments in response to this Notice, we will forward them to OMB.

Note: The first Federal Register Notice shows incorrect burden information for the SSA-0635. We have corrected for this in the second Notice, in #12 below and on ROCIS. The FRN title shows Form SSA-338-BK, and it should be SSA-3380-BK, however; the body of the FRN has the correct form number.

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-130130.

11. Justification for Sensitive Questions

The information collection does not contain any questions of a sensitive nature.

12. Estimates of Public Reporting Burden

Collection Method	Number of Respondents	Frequency of Response	Average Burden Per Response (minutes)	Estimated Total Annual Burden (hours)
SSA-338-BK (Individuals)	527,000	1	61	535,783
SSA-338-BK (Private Sector)	527,000	1	61	535,783
Totals	1,054,000			1,071,566

The total burden for this ICR is 1,071,566. 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 \$14,608,440. 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

There has been an increase in burden hours. This change stems from an increase in the number of respondents filing claims for disability benefits.

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 does not use statistical methods for this information collection.