

**Supporting Statement for Notice Regarding
Substitution of Party Upon Death of Claimant – HA-539
20 CFR 404.957(c)(4) and 416.1457(c)(4)
OMB No. 0960-0288**

A. Justification

1. Introduction/Authoring Laws and Regulations

Sections 20 CFR 404.957(c)(4) and 416.1457(c)(4) of the Code of Federal Regulations provide that an Administrative Law Judge (ALJ) may dismiss a request for hearing on a pending claim of a deceased individual, unless other individuals make a written request showing that they may be adversely affected by dismissal of the request. *Sections 205(a) and 1631(e) of the Social Security Act (the Act)*, provide authority for SSA to require submission of this information before it proceeds with the claim.

2. Description of Collection

An ALJ may dismiss a request for a hearing on a pending claim of a deceased individual for Social Security benefits or Supplemental Security Income (SSI) payments. Individuals who believe they may be adversely affected by the dismissal may ask to be substitute parties for the deceased claimant by completing Form HA-539. The ALJs and the hearing office support staff use this form to (1) maintain a written record of the request; (2) establish the relationship of the requester to the deceased claimant; (3) determine the substituted individual's wishes regarding an oral hearing or decision on the record; and (4) admit the data into the claimant's official record as an exhibit. The respondents are individuals requesting to be substitute parties for a deceased claimant.

3. Use of Information Technology to Collect the Information

Form HA-539 is available as a print-only PDF on the SSA's website within the Forms and Publications menu. SSA did not create an electronic version of form HA-539 under the agency's Government Paperwork Elimination Act (GPEA) plan because only 4,000 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 affect small businesses or other small entities.

6. **Consequence of Not Collecting Information or Collecting it Less Frequently**
If we did not use Form HA 539, we might inadvertently deny individuals who qualify for benefits under the claim of a deceased individual the right to pursue the claim. Because we only collect this information on an as needed basis, we cannot collect it 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**

The 60-day advance Federal Register Notice published on September 17, 2012, at 77 FR 57178 and we received no public comments. The 30-day FRN published on November 29, 2012 at 77 FR 71204. 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 payment 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**

Modality of Completion	Number of Respondents	Frequency of Response	Average Burden Per Response (minutes)	Estimated Total Annual Burden (hours)
HA-539	4,000	1	5	333

The total burden for this ICR is 333 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 \$254. This estimate is a projection of costs for printing and distributing the collection instrument, 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.
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.