

**Supporting Statement for Form SSA-765
Response to Notice of Revised Determination
20 CFR 404.913-.914, 404.992(b), 416.1413-.1414, and 416.1492(d)**

OMB No. 0960-0347

A. Justification

- 1. Introduction/Authoring Laws and Regulations** - When the Social Security Administration (SSA) determines (1) claimants for initial disability benefits do not actually have a disability or (2) current records indicate the disability recipients' disability ceased, SSA notifies the disability claimants or recipients of this decision. In response to this notice, the affected claimants and disability recipients have the following recourse: (1) they may request a disability hearing to contest SSA's decision, and (2) they may submit additional information or evidence for SSA to consider. The legal authority governing these actions is the *Social Security Act*, sections 205 (b); and the *Code of Federal Regulations*, sections 20 CFR 404.913-.914, 416.1413-.1414, 404.992(b), and 416.1492(d). Disability claimants, recipients, and their representatives use Form SSA-765, the Response to Notice of Revised Determination, to accomplish these two actions. The respondents are disability claimants, current disability recipients, or their representatives.
- 2. Description of Collection** - Disability recipients and claimants or their representatives use Form SSA-765 to (1) request a hearing on their claim or (2) submit additional information and evidence for SSA to consider in making our determination. If respondents request the first option, SSA's Disability Hearings Unit uses the form to schedule a hearing; ensure an interpreter is present, if required; and ensure the disability recipients or claimants and their representatives receive a notice about the place and time of the hearing. If respondents choose the latter option, SSA uses the form and other evidence to re-evaluate the claimant's case and determine if the new information or evidence will change SSA's decision.
- 3. Use of Information Technology to Collect the Information** - Because of the relatively low volume of respondents, SSA did not create an electronic version of this form under the agency's Government Paperwork Elimination Act plan.
- 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.

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- 6. Consequence of Not Collecting Information or Collecting it Less Frequently -** If SSA did not conduct this information collection, denied disability applicants and current disability recipients whose payments SSA plans to stop would have no means of requesting a hearing or submitting additional information, which would be a violation of the regulations cited in question #1. Because SSA only collects this information when the above circumstances arise, 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 -** SSA published the advance 60-day Federal Register Notice on October 15, 2012, at 77 FR 62593, and we did not receive any public comments. We published the 30-day Federal Register Notice on December 28, 2012, at 77 FR 76591. If we receive any comments in response to the 30-day Notice, we will forward them to OMB. SSA did not consult with the public in the maintenance of this form.
- 9. Payment or Gifts to Respondents -** SSA provides no payments or gifts to the respondents, other than disability payments, where applicable.
- 10. Assurance of Confidentiality -** SSA protects and holds confidential the information it is requesting 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 sensitive questions.
- 12. Estimates of Public Reporting Burden -** Approximately 1,925 respondents take 30 minutes each to complete Form SSA-765 annually, for an estimated total annual burden of 963 hours. The total burden reflects burden hours, and we did not calculate a separate cost burden.
- 13. Annual Cost to the Respondent -** There is no known cost burden to the respondents.
- 14. Annual Cost to the Federal Government -** The annual cost to the Federal Government for this collection is \$2,965. This figure represents the costs of printing, distributing, and processing the information.
- 15. Program Changes or Adjustments to the Information Collection Request -** There are no changes to the public reporting burden.

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16. Plans for Publication Information Collection Results - SSA will not publish the results of this information collection.

17. Displaying the OMB Approval Expiration Date - OMB granted SSA an exemption from the requirement to print the OMB approval expiration date on our 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 otherwise useable editions of forms with expired OMB approval, thus avoiding Government waste.

18. Exception 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.