

Supporting Statement for Form SSA-3105
Important Information About Your Appeal, Waiver Rights,
and Repayment Options
20 CFR 404.502-.521
OMB No. 0960-0779

A. Justification

1. Introduction/Authoring Laws and Regulations - Sections 204, 1631(b), and 1879 of the *Social Security Act (Act)* require the Social Security Administration (SSA) to recover overpayments mistakenly made on Federal Retirement, Survivors, Disability Insurance, Health Insurance Benefits, or Supplemental Security Income (SSI) payments to claimants, unless SSA waives recovery of the overpayment. SSA also informs overpaid claimants of the following rights:

- Right to reconsideration of the overpayment determination;
- Right to request waiver of recovery and the automatic scheduling of a personal conference if SSA cannot approve a request for waiver; and
- Availability of a different rate of withholding when SSA proposes the full withholding rate.

Form SSA-3105, Important Information About Your Appeal, Waiver Rights, and Repayment Options, explains these rights to overpaid individuals and allows them to notify SSA of their decision(s) regarding these rights.

Sections 20 CFR 404.502-404.502a, 404.506-404.515, 404.521-404-.522 and 20 CFR 416.537, 416.550-416.570 of the *Code of Federal Regulations* set forth the policies for implementing the pertinent sections of the *Act*. The respondents are Social Security beneficiaries or SSI recipients whom SSA has mistakenly overpaid who are requesting a waiver of recovery for the overpayment, reconsideration of the fact of the overpayment, or a lesser rate of withholding of the overpayment.

2. Description of Collection - The purpose of this collection is for overpaid Social Security beneficiaries and SSI recipients to inform SSA if they do not agree with the initial overpayment determination or they are unable to repay the money to SSA. SSA does not require these individuals to complete the collection (i.e., the form) to obtain or keep a specific benefit or SSI payment. They can instead contact SSA via telephone or visit their local Social Security office to relay their decision. SSA needs this information collection to determine if an overpaid Social Security benefits or SSI recipient wishes to stop automatic collection of the overpayment from their benefits or SSI payment and request an alternative action.

Respondents can complete the form on their own or they can receive help from an SSA employee. They will not need information from someone else to complete

- the form. SSA will include the form with each initial overpayment notice sent to a recipient. SSA employees collect the information.
3. **Use of Information Technology to Collect the Information** - Although this information collection is paper only, respondents have the option of giving SSA the information via telephone. We estimate 25 percent of all respondents telephone the information to SSA where we electronically record the information via SSA's Debt Management System (DMS).
 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** - The collection must take place based upon the need of the applicant. If SSA did not collect the information, we may preclude a waiver or reconsideration, thus resulting in incorrect overpayment recovery. Therefore, incorrect payments to SSI recipients and Social Security beneficiaries could result if we did not collect the information or collected 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** - SSA published the 60-day advance Federal Register Notice on November 9, 2012 at 77 FR 67435, and SSA received no public comments. We published the 30-day Federal Register Notice on January 8, 2013 at 78 FR 1296. If we receive any comments in response to the 30-day Notice, we will forward them to OMB. There have been no outside consultations with members of the public.
 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** - Approximately 800,000 individual respondents take 15 minutes each to complete Form SSA-3105 or telephone the information to SSA annually. Accordingly, the burden is 200,000 hours.

Modality of Collection	Number of Respondents	Frequency of Response	Average Burden per Response (minutes)	Estimated Total Annual Burden (hours)
SSA-3105 Paper Form	600,000	1	15	150,000
DMS	200,000	1	15	50,000
Totals	800,000			200,000

This figure represents burden hours, and we did not calculate a separate cost burden.

- 13. Annual Cost to Respondents (Other)** - This collection does not impose a known cost burden to the respondents.
- 14. Annual Cost To Federal Government** - The annual cost to the Federal Government is approximately \$4,486,500. 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 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.