

Supporting Statement for Form SSA-770
Notice Regarding Substitution of Party Upon Death of Claimant
Reconsideration of Disability Cessation
20 CFR Sections 404.907-.921 and 416.1407-.1421
OMB 0960-0351

A. Justification

1. Introduction/Authoring Laws and Regulations

Section 205 (b) of the *Social Security Act* and 20 CFR 404.907-.921 and 416.1407-.1421 of the *Code of Federal Regulations* require the Social Security Administration (SSA) to provide an evidentiary hearing at the reconsideration level of appeal for claimants who have received an initial or revised determination that a disability did not exist or has ceased.

2. Description of Collection

When a claimant dies before we make a determination about that person's request for reconsideration of a disability cessation, SSA seeks a qualified substitute party to pursue the appeal by conducting a search through the applicant's records on the master beneficiary record (MBR). We will search for a widow or widower of the deceased, or a surviving divorced spouse, a child, a disabled child, a parent, the administrator or executor of the estate of the deceased, or any person whom we could consider qualified to pursue the appeal.

If SSA locates a qualified substitute party, we send that party Form SSA-770 to collect information about whether to pursue or withdraw the reconsideration request. The substitute applicant's qualifying party will complete Form SSA-770 and mail it back to SSA so we can begin the appeal process.

The information we collect on Form SSA-770 forms the basis of our decision to continue or discontinue the appeals process. Respondents are substitute applicants who are pursuing a reconsideration request for a deceased claimant.

3. Use of Information Technology to Collect the Information

SSA did not create an electronic version of Form SSA-770 under the agency's Government Paperwork Elimination Act (GPEA) plan because only 1,200 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 significantly affect small businesses or other small entities.
- 6. Consequence of Not Collecting Information or Collecting it Less Frequently**

If we did not use Form SSA-770, we would not have a structured format for establishing substitute parties who wish to pursue reconsideration requests on behalf of deceased applicants. Because we only collect the information once, 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**

We published the 60-day advance Federal Register Notice on November 29, 2012, at 77 FR 71204, and we received no public comments. SSA published the second Notice on February 7, 2013 at 78 FR 9102. If we receive comments in response to the 30-day Notice, we will forward them to OMB.
- 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 we collect 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 1,200 respondents take 5 minutes each to complete Form SSA-770 each year. Accordingly, the burden is 100 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 \$1,848. 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.
- 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.