

**Supporting Statement for Form HA-4608,
Waiver of Your Right to Personal Appearance Before an
Administrative Law Judge
20 CFR, 404.948(b)(1)(i) and 416.1448(b)(1)(i)
OMB No. 0960-0284**

A. Justification

1. Introduction/Authoring Laws and Regulations

20 CFR 404.948(b)(1)(i) and *416.1448(b)(1)(i)* of the *Code of Federal Regulations* authorize the Social Security Administration (SSA) to collect the information Form HA-4608 requests. Applicants for Social Security, Old Age, Survivors, and Disability Insurance (OASDI) benefits and Supplemental Security Income (SSI) payments have the statutory right to appear in person (or through a representative) and present evidence about their claims at a hearing before an administrative law judge (ALJ). The regulations require a claimant filing for OASDI or SSI based on disability to provide SSA with a signed written waiver of their right to personal appearance before an ALJ. The information the form requests facilitates the processing of the case and supports the claimant's application for benefits based on disability.

2. Description of Collection

Form HA-4608 serves as a waiver for the claimant's right to a personal appearance before an ALJ. The ALJ uses the information we collect on Form HA-4608 to continue processing the case even though the claimant is not appearing in front of an ALJ. The ALJ makes the completed form a part of the documentary evidence of record by placing it in the official record of the proceedings as an exhibit. Respondents are applicants or claimants for OASDI and SSI benefits or their representatives who request to waive their right to appear in person before an ALJ.

3. Use of Information Technology to Collect the Information

Form HA-4608 is currently available as a downloadable PDF on the SSA website for respondents to print, fill out, and send to SSA for processing. Claimant representatives can also use the Electronic Records Express website to submit evidence to SSA in lieu of, or in addition to, appearing in front of an ALJ. However, SSA did not create an electronic version of the HA-4608 under the Government Paperwork Elimination Act (GPEA) as the volume of respondents for this form is significantly less than the 50,000 cut-off for the agency's GPEA program.

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 the agency does not collect this information, we may inadvertently deprive individuals of the right to present evidence pertaining to their benefit claims, which would violate statutory and regulatory requirements relating to fair hearings and due process. Since we only collect the information as needed, SSA cannot collect this information 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 May 23, 2013, at 78 FR 30952, and we received no public comments. SSA published the second Notice on August 2, 2013, at 78 FR 47045. If we receive comments in response to the 30-day Notice, we will forward them to OMB. We did not consult with the public in the revision of this form.
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 12,000 respondents take 2 minutes each to complete Form HA-4608 each year. Accordingly, the burden is 400 hours. This figure represents burden hours, and SSA 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 the Federal Government**
The annual cost to the Federal Government is approximately \$308,000. 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.