

Supporting Statement for
Form HA-504, Acknowledgement of Receipt (Notice of Hearing)
Form HA-L83, Acknowledgement of Receipt (Notice of Hearing) Cover Letter
Form HA-55, Objection to Appearing by Video Teleconferencing
Form HA-510, Waiver of Written Notice of Hearing
20 CFR 404.936, 404.938, 416.1436, 416.1438, 405.316
OMB No. 0960-0671

A. Justification

1. Introduction/Authoring Law and Regulations

Sections 205(b)(1) and 1631(c)(1)(A) and (B) of the *Social Security Act (Act)* and 20 CFR 404.936, 404.938, 416.1436 and 416.1438 of the *Code of Federal Regulations (Code)* authorize the Social Security Administration (SSA) to collect the information on Form HA-504, Form HA-55, and Form HA-510. The Act and the regulations require claimants to: (1) acknowledge receipt of the Notice of Hearing and (2) indicate whether they will attend their hearing at the time and date shown on the notice. Sections 205(d) and 1631(c) of the *Act*, and 20 CFR 404.936(d), (e), (f), 404.950(a), 416.1436(d), (e), (f), and 416.1450(a) of the *Code* authorize SSA to: (1) establish the time and place of the hearing and (2) ask claimants to present evidence during the hearing.

We are publishing new regulations that will require claimants to object to a potential appearance via video teleconferencing (VTC) within 30 days of receiving notice and prior to SSA scheduling their hearing (sections 404.936, 404.938, 416.1436, and 416.1438 of the *Code*). In addition, our new regulations will also require claimants to notify SSA of their wish to object no later than five days prior to the hearing or 30 days after they receive the Notice of Hearing (sections 404.936 and 416.1436 of the *Code*). Finally, our new regulations also establish the respondents right to request not to receive a Notice of Hearing (sections 20 CFR 404.938, 405.316, and 416.1438 of the *Code*).

2. Description of Collection

We use the information obtained on these completed forms to manage the means by which SSA conducts the hearing before an administrative law judge (ALJ) and the scheduling of the hearing with the ALJ.

SSA will use Form HA-55 as a way for the claimants to opt-out of an appearance via VTC for their hearing with the ALJ. If they choose not to make their appearance via video teleconferencing, they must return the HA-55 to SSA within 30 days of receiving the notice, prior to SSA scheduling the hearing. SSA will then schedule the claimant's appearance via an in-person hearing, unless we need to schedule a phone teleconference due to location, or the claimant changes residences while the request for hearing is pending. If the claimant changes residences, we will retain the right to determine if the claimant will appear at the hearing via video teleconferencing. SSA conducts approximately 20 percent of all our hearings via video teleconferencing.

SSA uses Form HA-504 (both versions) to acknowledge the claimants will appear for their hearing with an ALJ; establish the time and place of the hearing; and remind claimants to gather evidence in support of their claim. The difference between the HA-504 and the HA-504-OP1 is the language used for the selection checkboxes as determined by the type of appearance for the hearing (in-person or phone teleconference). SSA determines which version of the form to use based on where the claimant lives, and the location of the ALJ and experts involved in the case. We schedule a claimant's appearance by phone if it is not possible to schedule an appearance in-person or through video teleconference (because the respondent already opted out of the video teleconference). Depending on the claimant's response, the ALJ will either: 1) prepare for the hearing as scheduled; or 2) reschedule the hearing for a different date or location. The cover letter for the HA-504, the HA-L83, will also explain the claimants' need to notify SSA of their wish to object no later than five days prior to the hearing or 30 days after they receive the HA-504.

SSA uses Form HA-510 for the claimant to document that they waive their right to receive the Notice of Hearing as specified in the HA-L83 cover letter for the HA-504, Notice of Hearing. We typically use this form when there is a last minute available opening on the ALJ's schedule due to a cancellation or postponement of a hearing. If the claimants agree to fill the time slot to have their hearings earlier, then the claimants would also agree to waive the requirement to receive the hearing notice 20 days (or 75 days in Region 1) prior to the scheduled hearing. In those cases, the claimant fills out Forms HA-510 and HA-504 prior to the hearing.

The respondents are applicants for Social Security disability payments who request a hearing to appeal an unfavorable entitlement or eligibility determination.

3. Use of Information Technology to Collect the Information

SSA did not make Forms HA-504, HA-55, or HA-510 available electronically under the Government Paperwork Elimination Act. SSA prioritizes collections that will become electronic; higher volume collections, as well as legally mandated collections, take precedence to this one. However, representatives who have applied for the Appointed Representative Services (ARS) suite may submit electronic responses through SSA's web-based application, Electronic Records Express Third-Party (0960-0767), or via facsimile.

4. Why We Cannot Use Duplicate Information

The information the ALJ collects on these forms does not duplicate information already presented by the claimant, nor is it information easily provided by any source other than the claimant. The information we collect is essential for the orderly functioning of the hearing process and safeguards claimants' rights under the law and regulations.

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 collect the information, it would disrupt the hearing process for both the claimant and the agency, and could violate statutory and regulatory requirements relating to fair hearings and due process. Therefore, we 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
SSA published a notice of proposed rulemaking (NPRM) in the Federal Register on June 27, 2013, at 78 FR 38610. We published the final rules on _____ at 78 FR _____. If we receive any comments in response to these final rules, we will forward them to OMB.

We made a slight revision to the burden for the HA-510 [404.938(a); 405.316(a); 416.1438(a)]. The published NPRM shows the number of respondents as 1,600 and the average burden per response as 5 minutes; however, we revised that information in #12 below to more accurately show the number of respondents and response time for Form HA-510. The changes do not affect the overall burden for the collection even though we increased the number of annual respondents to 4,000, since our current data shows it only takes an estimated 2 minutes for respondents to fill out the form. The Estimated annual burden of 133 hours which we show in the PRA chart for the NPRM remains accurate for the HA-510.

9. Payment or Gifts to Respondents
SSA provides no payment or gifts to the respondents.

10. Assurances of Confidentiality
SSA protects and holds confidential the information 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

The chart below shows the burden for the two forms in this information collection:

Modality of Completion	Number of Respondents	Frequency of Response	Average Burden Per Response (minutes)	Total Annual Burden (hours)
HA-504	898,000	1	30	449,000
HA-504-OP1	2,000	1	30	1,000
HA-55 – 404.936; 404.938; 416.1436; 416.1438	850,000	1	5	70,833
HA-L83 - 404.936(e); 416.1436(e)	900,000	1	30	450,000
HA-510 - 404.938(a); 405.316(a); 416.1438(a)	4,000	1	2	133
Totals	2,654,000			970,966

The total burden for this ICR is 970,966 hours. This figure represents burden hours, and we did not calculate a separate cost burden.

13. Annual Cost to the Respondents

This collection does not impose a known cost burden to the respondents.

14. Annual Cost to the Federal Government

The annual cost to the Federal Government is approximately \$264,786 as 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

To accommodate the new regulations, we revised the HA-504, removed the HA-504-OP1, renamed the current HA-504-OP2 (changed to “HA-504-OP1”), created a new form, the HA-55, and added the HA-510, which is currently in-use without OMB approval, to this information collection request (see Addendum for further details). The new Form HA-55 and the Form HA-510, which covers revised regulation citations *404.938(a)*; *405.316(a)*; and *416.1438(a)*, increase the public reporting burden, as do new Regulation citations *404.936(e)*, *416.1436(e)*, which we will cover under revised language in the HA-504 cover letter, the HA-L83. Through this information collection request, we are also bringing the HA-510 into compliance with the Paperwork Reduction Act. See #12 above for updated burden figures. In addition, we increased the burden for

the HA-504 due to an increase in the number of annual respondents.

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.