

**Supporting Statement for the SSA-L707
Request for Proof(s) from Custodian of Records
20 CFR 404.703, 404.704, 404.720, 404.721, 404.723, 404.725, 404.728**

OMB No. 0960-0766

A. Justification

1. Introduction/Authoring Laws and Regulations

The Social Security Administration (SSA) collects this information by authority of Section 205(a) of the *Social Security Act (Act)* which gives the Commissioner of SSA the authority to make rules, regulations, and establish procedures for requesting and furnishing necessary evidence as it relates to Social Security benefits. Under 20 CFR 404.703 of the *Code of Federal Regulations*, SSA may ask claimants to supply evidence in support of their claim for benefits. We may also request evidence from claimants as described below by authority of the following statutes:

- 20 CFR 404.720 and 20 CFR 404.721 – when we need evidence of death; describes acceptable evidence of a person’s death;
- 20 CFR 404.723 - when we need evidence of marriage;
 - o 20 CFR 404.725 discusses evidence of a valid ceremonial marriage; and,
 - o 20 CFR 404.728 discusses when and what kind of acceptable evidence that a marriage has ended.
- 20 CFR 404.704 assigns the claimant’s responsibility for obtaining and providing SSA with the necessary evidence to prove eligibility to receive, or the right to continue to receive, benefits; however, SSA recognizes that some individuals may need assistance in obtaining evidence of death, marriage, or divorce.

2. Description of Collection

SSA sends records custodians Form SSA-L707, Request for Proof(s) from Custodian of Records, on behalf of individuals who need help obtaining evidence of death, marriage, or divorce in connection with claims for benefits. SSA uses the information from the SSA-L707 to determine benefits eligibility. The respondents are records custodians including statistics and religious entities, coroners, funeral directors, attending physicians, and State agencies.

Form SSA-L707 is available in paper form only. An SSA employee completes the form on behalf of the claimant and sends the request for records information.

Form SSA-L707 is an agency-initiated letter that requires the claimant’s signature and usually payment, often in the form of a check from the claimant.

- 3. Use of Information Technology to Collect the Information**

Form SSA-L707 is not available electronically due to the low number of respondents. SSA did not create an electronic version of Form SSA-L707 under the agency's Government Paperwork Elimination Act plan because only 600 respondents complete the form.
- 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 we did not use Form SSA-L707, SSA would be unable to establish death, marriage, or divorce information as it pertains to a claimant's eligibility for benefits. Because we only collect the information on an as-needed basis, 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 60-day advance Federal Register Notice on July 26, 2013 at 78 FR 45283, and we received no public comments. We published the 30-day Notice on October 22, 2013 at 78 FR 62932. If we receive any public 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 pays the entities, in accordance with their fee schedules, from which it requests evidence of death, marriage, or divorce. SSA pays on behalf of a claimant in situations meeting the requirements of SSA's operating instructions. The circumstances under which SSA will pay on behalf of the claimant vary depending on the section of the Act under which we pay the benefits. The circumstances are:

SSA Payment Criteria For Title 2 or 18:
To enable SSA to pay for evidence, the claimant must meet the following conditions:

 - a. The claimant must have submitted one or more pieces of affirmative evidence supporting eligibility. It is not necessary that the file be free of

discrepancy, only that all of the available evidence establishes a reasonable likelihood of eligibility.

Example: A surviving divorced wife who submits proof establishing a 10-year marriage to the number holder has submitted affirmative evidence of eligibility even though a divorce record must be obtained as well.

- b. SSA needs additional evidence to assure a correct determination of eligibility; i.e., to satisfy our evidentiary and adjudicative requirements, we may need to verify or corroborate the evidence in file;
- c. The claimant is unable to submit additional verifying evidence; and,
- d. The purchase of the evidence is a more economical and reasonable way to obtain it (e.g., the evidence may be purchased by mail but requires a visit to the source to obtain it without payment).

SSA Payment Criteria for Title 16

SSA may purchase certified copies of documentary evidence for any eligibility requirement under title XVI if both of the following are met:

- The applicant cannot be expected to obtain the evidence; and,
- The evidence cannot be obtained without payment of a fee, or purchase of the evidence is the most economical method of obtaining it.

SSA Payment Criteria for Concurrent Title 2/16

The rules for purchasing evidence for title XVI cases apply.

Lost Evidence

Sometimes a claimant or Social Security number (SSN) applicant may complain that evidence provided to SSA was lost in the mail or lost in SSA's handling process. If there is an indication that SSA had the evidence, e.g., SSA took action based on the documentation; SSA would then replace the document. In these instances, if duplicate evidence can only be obtained by paying a fee, SSA may pay for the evidence.

Enumeration

It is the responsibility of the applicant for an SSN card to submit the evidence required to establish eligibility for an SSN. SSA does not purchase evidence for any eligibility requirement for enumeration purposes.

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

Modality of Collection	Number of Respondents	Frequency of Response	Average Burden per Response (minutes)	Estimated Annual Burden (hours)
State or Local Government	501	1	10	84
Private Sector	99	1	10	17
Totals	600			101

The total burden for this information collection is 101 hours. This figure represents burden hours, and we did not calculate a separate burden cost.

13. Annual Cost to the 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 \$924. This estimate is a projection of costs for printing and distributing the form 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.