

**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, 405.317**  
**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, or show good cause as to why they could not object within this time period (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 to the time and place set for the hearing no later than five days prior to the hearing or 30 days after they receive the Notice of Hearing, or show good cause as to why they could not object prior to this deadline (sections 404.938, 405.317, and 416.1438 of the *Code*). We are also including new regulations requiring claimants to submit evidence verifying their new address if they change their residence (sections 404.936, 405.317, and 416.1436). Finally, our new regulations extend the respondents right to request not to receive a Notice of Hearing to our Part 405 regulations (section 20 CFR 405.316 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. The cover letter for the HA-55, the HA-L2 also explains the good cause stipulation for opting out of a VTC after the 30-day

period passes, and includes the new change for verifying a new residence address if the claimant moved since submitting the request for hearing. SSA will then schedule the claimant's appearance via an in-person hearing, unless we need to schedule a phone teleconference due to extraordinary circumstances, 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.

We will also send a truncated version of the HA-L2 along with the HA-55 to notify all claimants who have pending hearing requests at the time the new regulations become effective of their right to opt out of video teleconferencing, unless we have already scheduled the claimant's hearing. We listed a separate one-time burden for this group of cases in #12 below, as we will only conduct this collection once, as soon as our new regulations become effective. These individuals will follow the same guidelines outlined above. This provides efficiency in that all claimants will be subject to the same set of rules at the time these new regulations become effective.

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 in extraordinary circumstances when it is not possible to schedule an appearance in-person or through video teleconferencing. 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 to the time and place set for the hearing no later than five days prior to the hearing or 30 days after they receive the HA-504. The HA-L83 also explains the good cause stipulation for missing the deadline for objecting to the time and place of the hearing. In addition, the HA-L83 will explain to the claimants how to submit in writing any additional evidence they would like the ALJ to consider during their hearing, or any objections they have to the issues on their claim.

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 June 25, 2014 at 79 FR 35926. If we receive any comments in response to these final rules, we will forward them to OMB.

**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:

<b>Modality of Completion</b>	<b>Number of Respondents</b>	<b>Frequency of Response</b>	<b>Average Burden Per Response (minutes)</b>	<b>Total Annual Burden (hours)</b>
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); 405.317(b); 416.1436(e)	900,000	1	30	450,000
Good cause for missing deadline - 404.936(e)(1); 405.317(b)(1); 416.1436(e)(1)	5,000	1	5	417
HA-510 - 404.938(a); 405.316(a); 416.1438(a)	4,000	1	2	133
Verification of New Residence 404.936(c)(1); 405.317(a)(1); 416.1436(d)(1)	45,000	1	5	3,750
Notification of objection to video teleconference more than 30-	13,500	1	10	2,250

days after receipt of notice showing good cause 404.936(c)(2); 405.317(a)(2); 416.1436(d)(2)				
Objection stating issues in notice are incorrect – sent 5 days prior to hearing 405.317(c)	45,000	1	5	3,750
<b>Totals</b>	<b>2,762,500</b>			<b>981,133</b>

One-Time Notice for Pending Claims

<b>Modality of Completion</b>	<b>Number of Respondents</b>	<b>Frequency of Response</b>	<b>Average Burden Per Response (minutes)</b>	<b>Total Annual Burden (hours)</b>
HA-55 – 404.936; 404.938; 416.1436; 416.1438	500,000	1	5	41,667

<b>Grand Total</b>	<b>3,262,500</b>			<b>1,022,800</b>
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The total burden for this ICR is **1,022,800** hours. However, after we conduct the one-time additional burden of **41,667**, this burden will reduce to the **981,133** listed in the first burden chart above. These figures represent 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”), modified the HA-L2 acknowledgement letter, 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, and we are adding a one-time collection using the new HA-55 to allow claimants who have hearing requests pending to object to video conferencing.

**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.