

Supporting Statement for Form SSA-3441

Disability Report-Appeal

20 CFR 404.1512, 416.912, 404.916(c), 416.1416(c), 422.140, 404.1713, 416.1513, 404.1740(b)

(4), 416.1540(b)(4), and 20 CFR 405, Subpart C

OMB No. 0960-0144

A. Justification

1. Introduction/Authoring Laws and Regulations

Sections 205(a), 223(d), and 1631(e) of the *Social Security Act* (*Act*), as well as 20 CFR 404.1512 and 416.912 of the *Code of Federal Regulations* (*Code*) require individuals filing for Social Security or Supplemental Security Income (SSI) benefits based on disability to provide evidence showing how their impairment(s) affect their ability to work or function. 20 CFR 404.916(c) and 416.1416(c) state that SSA will include any new evidence applicants submit in connection with their request for reconsideration in this review. Section 205(b) of the *Act* as well as 20 CFR 405, *Subpart C*, and 20 CFR 422.140 of the *Code*, requires the Social Security Administration (SSA) to provide a reconsideration of an initial denial at the State Disability Determination Services (DDS) level, and an evidentiary hearing at the reconsideration appeal level, for individuals who appeal an unfavorable disability determination. SSA denies the claim when we find the physical or mental impairment for which such benefits are payable to have ceased, not to have existed, or not to be disabling. 20 CFR 404.1713 and 416.1513, which include mandatory use of electronic services, as well as 20 CFR 404.1740(b)(4) and 416.1540(b)(4) require a representative requesting direct fee payment to conduct business with us electronically at the times and in the manner we prescribe.

This ICR accounts for the new requirement for these representatives to use SSA's iAppeals Internet application (see Addendum to the Supporting Statement for further explanation).

2. Description of Collection

SSA requires disability applicants who wish to appeal an unfavorable disability determination to complete the SSA-3441. This form allows claimants to disclose any changes to their disability or resources that might influence SSA's unfavorable determination. SSA may use the information to: (1) reconsider and review an initial disability determination; (2) review a continuing disability; and (3) evaluate a request for a hearing. The information SSA requests on the SSA-3441 facilitates collecting medical information to support the applicant's request for reconsideration; request for benefits cessation appeal; and request for a hearing before an administrative law judge (ALJ).

The information we collect also assists the State DDSs and administrative law judges (ALJs) in: (1) preparing for the appeals and hearings, and (2) issuing a determination or decision on an individual's entitlement (initial or continuing) to disability benefits.

We collect the information via the SSA-3441-BK (paper form), Electronic Disability Collect System (EDCS), and i3441 (Internet). The respondent completes the SSA-3441

by themselves either in paper or online. If the respondent completes the paper form, they mail it ahead of time or bring it into the field office (FO) when they have an appointment for an interview and a claims representative keys the information into EDCS. If the respondent completes the i3441 the information is used by the Field Office to file the claim. Respondents are individuals who appeal denial, reduction, or cessation of Social Security disability income and Supplemental Security Income (SSI) payments, who are requesting a hearing before an ALJ, or their representatives.

3. Use of Information Technology to Collect the Information

In accordance with the agency's Government Paperwork Elimination Act plan, SSA created two electronic versions of form SSA-3441 (as mentioned above). SSA designed the electronic methods to collect the same information as the paper form, but they may be formatted differently and may include certain enhancements (e.g., instructions for claims representatives, help screens, dynamic pathing, etc.) to guide the interviewer or applicant through the appeal process.

Currently, approximately 99.7% of the total responses are either collected through EDCS screens or via an Internet version of this form (i3441).

- **Electronic Disability Collect System (EDCS SSA-3441)** – Applicants can call or go to an SSA field office to provide the information required by the collection. In these cases, a claims representative interviews applicants and enters their answers into the EDCS SSA-3441 screens. Based on our data approximately 31.2% of respondents under this OMB number use the EDCS version.
- **Internet 3441 (i3441)** – The i3441 is a fully electronic version of the paper form. The SSA-3441 can be accessed, completed, and submitted electronically by applicants or, if they wish, their representatives. SSA designed the i3441 to walk users through this information collection. It contains numerous help screens and explanations about why we ask certain information on the form. Based on our data, approximately 68.5% of respondents under this OMB number use the i3441.

4. Why We Cannot Use Duplicate Information

The nature of the information we collect and the manner in which we collect 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-3441, the public would have no way to apply for reconsideration, benefits cessation appeal, or for a hearing before an ALJ. This would violate sections 221(c) and (d) of the Act. 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

The 60-day advance Federal Register Notice published on May 9, 2014 at 26798, and we received one public comment:

The commenter suggested we add more contact methods to the Internet screens.

Our Policy component responded letting the commenter know we considered the suggestion; however, we will not adopt it. Currently, these forms ask for daytime phone numbers for the appellant and a contact person. We believe this is sufficient. If our technicians are unable to reach a party by telephone, our procedures require we send a request for information notice. This provides for good record-keeping and protects the rights of our customers.

SSA published the second Notice on August 7, 2014, at 46293. 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

Listed below for FY 2013 is a breakdown of the burden hours associated with each collection method. All respondents are individuals.

Modality of Completion	Number of Respondents	Frequency of Response	Average Burden Per Response (minutes)	Estimated Annual Burden (hours)
SSA-3441-BK (Paper Form)	2,396	1	45	1,797
Electronic Disability Collect System (EDCS)	476,771	1	45	357,578
i3441 (Internet Form)	1,046,938	1	28	488,571
Totals	1,526,105			847,946

The total burden for these IC instruments is **847,946** 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 to the respondents.

14. Annual Cost to Federal Government

The annual cost to the Federal Government is approximately \$53,870. This estimate is a projection of the cost for printing and distributing the collection instrument.

15. Program Changes or Adjustments to the Information Collection Request

Overall, the burden for this collection has increased since the last clearance cycle. These updated figures, represent a decrease in the paper and EDCS versions of the form, but an increase in completion of the i3441. Since the regulatory requirements we published on March 16, 2012 (77 FR 13968), SSA requires representatives, who request and are eligible for direct fee payment, to electronically file the reconsideration or hearing appeal along with the i3441 on medically denied Title II and Title XVI disability or blindness claims. Implementation of this regulation increased claimant compliance with the agency requirement to complete this information collection when appealing a disability determination. This is the first service required under the regulations we published on September 12, 2011 (76 FR 56107), Requiring Use of Electronic Services by Certain Claimant Representatives. We expect this trend will continue as more people use the easier information technology methods and because of the mandate requiring representative requesting direct fee payment to conduct business with us electronically at the times and in the manner we prescribe.

16. Plans for Publication Information Collection Results

SSA will not publish the results of the information collection.

17. Displaying the OMB Approval Expiration Date

For the paper Form SSA-3441-BK, SSA will not publish 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 the OMB approval date. Since SSA does not periodically (e.g., on an annual basis), revise and reprint its public-use forms, OMB granted this exemption so SSA would not have to destroy stocks of otherwise useable forms with expired OMB approval dates, thereby avoiding Government waste.

For the electronic versions of form (EDCS-3441 and i3441), SSA is not requesting an exception to the requirement to display the OMB approval expiration date.

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 IC instrument.