

Supporting Statement for Form HA-L90
Request to Show Cause for Failure to Appear
20 CFR 404.938, 20 CFR 416.1438, and 20 CFR 404.957(a)(ii)
OMB No. 0960-0794

A. Justification

1. Introduction/Authoring Laws and Regulations

Sections 20 CFR 404.938, 416.1438, and 404.957(a)(ii) of the *Code of Federal Regulations* provide the authority for the Social Security Administration (SSA) to collect the information requested on Form HA-L90. Section 205 of the Social Security Act sets forth the procedures and policies for implementing these regulations.

2. Description of Collection

When claimants who requested a hearing before an administrative law judge (ALJ) fail to appear at their scheduled hearing, the ALJ may reschedule the hearing if the claimants establish good cause for missing the hearings. To establish good cause, claimants must show one of the following: (1) SSA did not properly notify the claimant of the hearing, or (2) an unexpected event occurred without sufficient time for the claimant to request a postponement. The claimants can use paper Form HA-L90 to provide their reason for not appearing at their scheduled hearings, or the claimants' representatives can use Electronic Records Express to submit the HA-L90 online. If the ALJ determines the claimants established good cause for failure to appear at the hearing, the ALJ will schedule a supplemental hearing; if not, the ALJ will make a claims eligibility determination based on the claimants' evidence of record. Respondents are claimants, or their representatives, seeking to establish good cause for failure to appear at a scheduled hearing before an ALJ.

3. Use of Information Technology to Collect the Information

Under the aegis of the Government Paperwork Elimination Act plan, SSA did not create an electronic version of this form for claimants. However, claimants who appoint a representative may have their appointed representatives submit a completed Form HA-L90 via Electronic Records Express (OMB No. 0960-0753). Approximately 80 percent of claimants have appointed representatives.

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 collect similar data.

5. Minimizing Burden on Small Respondents

This collection does not affect small businesses or other small entities.

6. Consequences of Not Collecting Information or Collecting it Less Frequently

To comply with Federal law, SSA must collect the information on the HA-L90. If SSA did not collect the information when necessary, the ALJ would dismiss the claimant's

case when the claimant did not appear at their scheduled hearing. Since we only collect this information on an as needed basis, we cannot collect it 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 September 26, 2014, at 79 FR 58022, and we received no public comments. SSA published the second Notice on December 5, 2014, at 79 FR 72237. 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 provides no payment or gifts to the respondents.

10. Assurances of Confidentiality

SSA protects and holds confidential the information we collect 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 40,000 respondents will use Form HA-L90 annually either through Electronic Records Express or the paper version. The estimated average response time is 10 minutes, for 6,667 burden hours.

13. Annual Cost to Respondents

There is no known cost burden to the respondents.

14. Annual Cost to Federal Government

The annual cost to the Federal Government is approximately \$36,000. 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

The increase in the annual reporting burden is due an adjustment increase in the number of respondents since 2013.

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 is not using statistical methods for this collection.