

**Supporting Statement for  
Filing Claims Under the Federal Tort Claims Act  
20 C.F.R. Part 429, Subpart 100  
OMB No. 0960-0667**

**A. Justification**

**1. Introduction/Authoring Laws and Regulations**

The Federal Tort Claims Act (FTCA) is the legal mechanism for compensating persons injured by negligent or wrongful acts that occur during the performance of official duties by Federal employees. The FTCA, 28 U.S.C. §§ 2671-2680 of the United States Code, authorizes the collection of this information. One can also find authorization in the Code of Federal Regulations, 20 C.F.R. §§ 429.101-110.

**2. Description of Collection**

The Social Security Administration (SSA) accepts monetary claims filed under the Federal Tort Claims Act for damages against the United States, loss of property, personal injury, or death resulting from an SSA employee's wrongful act or omission. The regulation sections cleared under this information collection request require claimants to provide information SSA can use to investigate and determine whether to make an award, compromise, or settlement under the FTCA. The respondents are individuals or entities making a claim under the Federal Tort Claims Act.

In accordance with the law, SSA accepts claims for money damages filed under the FTCA against the United States for the following:

- 20 C.F.R. §§ 429.102 - .103: Filing a Claim. To file a claim, an individual or entity must complete the Department of Justice's Standard Form (SF)-95 or submit written notification of the incident accompanied by a claim for money damages in a sum certain for damage to or loss of property caused by the incident.
- 20 C.F.R. § 429.104 (a): Damage to or loss of property. To claim property damage, the individual or entity may submit the following types of evidence: proof of ownership; itemized statements of the amount claimed; itemized receipt of payment for necessary repairs; statements listing purchase, purchase price, market value, and salvage value; or any other evidence bearing on the responsibility of the United States for the injury to or loss of property.

- 20 C.F.R. § 429.104 (b): Personal injury. To claim personal injury, the individual or entity may submit a written report from a physician explaining the nature and extent of injury, nature and extent of treatment, any degree of temporary or permanent disability, the prognosis, period of hospitalization, any diminished earning capacity, itemized bills for treatment expenses, and a statement of expected duration of and expenses for treatment. We may also require the individual to submit a written statement from the individual's employer showing actual time lost from employment, or, if self-employed, documentary evidence showing the amount of earnings actually lost. The individual may also submit any other evidence bearing on the responsibility of the United States for the personal injury or damages claimed.
- 20 C.F.R. § 429.104 (c): Death that a negligent or wrongful act or omission an SSA employee caused. To assert that an SSA employee caused a death, the claimant must submit evidence and information such as the following: an authenticated death certificate showing cause of death, date of death, and age at time of death; the employment or occupation at time of death, including the deceased's monthly or yearly salary or earnings (if any), and the duration of last employment or occupation. We may also require information regarding the deceased's survivors; the deceased's general health before death; itemized bills for medical and burial expenses; a physician's detailed statement specifying the injuries suffered; and the deceased's physical condition. In addition, the individual may submit any other evidence or information bearing on the responsibility of the United States for the death or damages claimed.

All of the above regulatory requirements pertain to the claims individuals or entities submit to SSA along with the appropriate evidence or information pertaining to their claims. For the United States to be liable under the FTCA, the federal employee must cause the loss, damage, injury, or death in the performance of official duties, under circumstances in which the United States, if a private person, would be liable in accordance with the law of the place where the act or omission occurred.

If SSA denies the claim, before filing suit and before the expiration of the six-month period after the date of mailing the denial notice, the claimant may take the following action:

- 20 C.F.R. § 429.106 (b): File a written request with SSA for reconsideration. The individual must send this written request via certified or registered mail.

The claimants or respondents are individuals or entities making a claim under the FTCA.

3. **Use of Information Technology to Collect the Information**  
SSA collects the information through OMB-approved standard form(s), chiefly the SF-95. SSA did not create an electronic under the agency's Government Paperwork Elimination Act (GPEA) plan because only 62 respondents complete the form. This is less than the GPEA cut-off of 50,000.
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. **Consequences of Not Collecting Information or Collecting it Less Frequently**  
If we did not collect this information, SSA would be unable to investigate and determine whether to make an award, compromise, or settlement under the FTCA. Because we 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 collect this information in a manner inconsistent with 5 C.F.R. § 1320.5.
8. **Solicitation of Public Comment and Other Consultations with the Public**  
The 60-day advance Federal Register Notice published on October 31, 2014, at 79 FR 64872, and we received no public comments. The 30-day FRN published on January 23, 2015 at 80 FR 3713. If we receive any comments in response to this Notice, we will forward them to OMB.
9. **Payment or Gifts to Respondents**  
We provide settlement payments where SSA determined to be liable for the damages alleged under the FTCA and where the amount is under \$2,500, SSA makes no payments to respondents. SSA does not provide 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 C.F.R. §§ 401, 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 sometimes contains questions or information of a sensitive nature. Those agency employees who need the information in the scope of their official duties are the only ones who use the information to make decisions in accordance with the law.

12. **Estimates of Public Reporting Burden**

<b>Modality of Completion</b>	<b>Number of Responses</b>	<b>Frequency of Response</b>	<b>Average Burden Per Response (minutes)</b>	<b>Estimated Total Annual Burden (hours)</b>
429.102; 429.103 <sup>1</sup>	1	-	-	<sup>1</sup>
429.104(a)	11	1	5	1
429.104(b)	43	1	5	4
429.104(c)	1	1	5	0
429.106(b)	6	1	10	1
<b>Totals</b>	<b>62</b>			<b>7</b>

The 1 hour represents a placeholder burden. We are not reporting a burden for this collection because respondents complete OMB-approved Form SF-95.

The total burden for this ICR is 7 hours. This figure represents burden hours, and we did not calculate a separate cost burden.

13. **Cost to Respondents**

There is no known cost burden to the respondents.

14. **Annual Cost to the Federal Government**

The annual cost to the Federal Government is approximately \$550. This estimate is a projection of the costs for collecting the information. The Department of Justice supplies Form SF-95.

15. **Program Changes or Adjustments to the Information Collection**

There are no changes in the public reporting burden. There was a decrease in the number of respondents for one of the regulations sections; however, it was not enough to affect the overall public reporting burden.

16. **Plans for Publication Information Collection Results**

SSA will not publish the results of the information collection.

---

<sup>1</sup> The 1 hour represents a placeholder burden. We are not reporting a burden for this collection because we did not want to double count the burden—respondents complete OMB-approved, Department of Justice Form SF-95. SSA estimates 165 SF-95s submitted over the last 3-year period.

17. **Displaying the OMB Expiration Date**

SSA is not requesting an exemption from the requirement to display an expiration date.

18. **Exception to Certification Statement**

SSA is not requesting an exception to the certification requirements at 5 C.F.R. § 1320.9 and related provisions at 5 C.F.R. § 1320.8(b)(3).

**B. Collections of Information Employing Statistical Methods**

SSA did not use statistical methods for this information collection.