

**FORM SSA-308 Modified Benefit Formula Questionnaire – Foreign Pension**  
*Greenberg, et al. v. Colvin, et al.*, Case No. 1:13-cv-01837-RMC

**OMB No. 0960-0561**

**Justification for Non-Substantive Change**

**Background**

On August 8, 2014, the United States District Court for the District of Columbia, certified the case, *Greenberg, et al. v. Colvin, et al.*, Case No. 1:13-cv-01837-RMC, as a class action for settlement purposes under Federal Rule of Civil Procedure 23(b)(3). The class, as defined in the settlement agreement, is comprised of Social Security beneficiaries whose Social Security old age, survivors, and disability insurance benefits payments (OASDI Benefits) were reduced (or who were assessed overpayments) since September 3, 2004, through application of the Windfall Elimination Provision (WEP), based on their receipt of Old Age Benefits from the National Institute of Israel (NII Old-Age Benefits). The WEP provision is found in Section 113 of the Social Security Amendments of 1983, Pub. L. 98-21, 97 Stat. 65 (Apr. 20, 1983), as amended, (*codified at* 42 U.S.C. §§ 415(a)(7), 415 (d)(3), and 415(f)(9)), and/or 20 C.F.R. § 404.213. The Court has designated a law firm (“Class Counsel”) in the District of Columbia to represent all the Class members of the Settlement Class.

As part of settlement, the Social Security Administration (hereinafter, “SSA” or “agency”) has agreed to pay the full amount of all reductions or refund the full amount of all sums that SSA made to, or collected from, the Class member’s OASDI Benefits, due to the application of the WEP to those OASDI Benefits based on the receipt of NII Old Age Benefits. The agency has also agreed to rescind its policy of applying the WEP to the receipt of NII Old Age Benefits and to correct the misapplication of WEP to recipients of NII Old Age Benefits. The agency has identified approximately 1,666 potential Class members who may be eligible for past-due relief or additional benefits. Within ten business days of the Court’s preliminary approval date of the settlement agreement, the agency must issue notices to the approximately 1,666 individuals whom it identified as potential Class members. The Notice informs the potential Class member of the general nature of the lawsuit, and instructs each potential Class member – unless the potential Class member opts-out of the agreement - to contact the agency by calling the toll-free number or submitting a Settlement Claim Review Request form, in order for the agency to begin the process of reviewing the potential Class member’s record.

The notices themselves are not subject to the PRA, as they only ask for basic identifying information (the notices are provided on ROCIS for information purposes). However, after sending the notices, the agency will use form SSA-308 for the purpose of determining both eligibility for Class relief and the amount of the past-due benefits to which the Class member may be entitled.

**Timeframe for collecting information pursuant to Form SSA-308**

Because the deadline for submitting the settlement agreement to the Court is October 31, 2014, and under the terms of the agreement, the agency must issue Notices to the potential Class members by November 14, 2014, we are requesting approval to use or modify SSA-308 to

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collect requisite information from the beneficiaries in order to determine Class eligibility and payment of past-due benefits.

**Description of the Process**

SSA will use the information collected by the SSA-308 form to determine whether the Class member is eligible for relief and to calculate the accurate amount of past-due benefits or payment to which the Class member may be entitled. SSA plans to collect information relating to the Class member’s pension(s) in the following ways: 1) via a dedicated PO Box which will be used as a repository for the submission of all documents, including the Settlement Review Request form, mailed by the Class member with respect to his or her request for a review of their record; 2) by responding to phone calls via the dedicated toll-free line with respect to his or her request for a review of their record; 3) by having an SSA employee key in information on Intranet and secure systems’ screens, should the Class member visit his or her local field office; and 4) via correspondence or communication from Class Counsel on behalf of the Class member. SSA will review the information provided by the Class member and determine, based on the terms of the settlement agreement, whether the Class member is entitled to relief and the specific amount of relief owed to the Class member.

**Burden Information:**

Approximately 1,666 potential Class members may respond to the Notice by contacting SSA to request a review of their record for potential Class relief. SSA will conduct phone interviews, including follow-ups, with the Class members who affirmatively responded to the Notice, to procure information relating to their eligibility for Class relief. Shown below is the breakdown of burden. The total burden reflects burden hours, and SSA has not calculated a separate cost burden.

We will add this burden to the total burden for 0960-0561 during the time the class respondents complete the form (estimated to be over a two-year period).

<b>Method of Collection</b>	<b>Number of Respondents</b>	<b>Response Time (minutes)</b>	<b>Burden (hours)</b>
Phone Interview	1666	60	1666