

**Supporting Statement Work Activity Report – Employee
Form SSA-821-BK
20 CFR 404.1520(b), 404.1576, 404.1584-.1593 and 416.971-.976
OMB No. 0960-0059**

A. Justification

1. Introduction/Authoring Laws and Regulations

Social Security Disability and Supplemental Security Income (SSI) applicants or recipients receive payments based on their inability to engage in substantial gainful activity (SGA) because of a physical or mental condition. When a beneficiary resumes work, he or she must report the work so we can evaluate it to determine if the beneficiary continues to meet the disability requirements of the law. We require applicants to complete Form SSA-821-BK for all work issues continuing disability review (CDR) cases, appeals, and for initial application cases involving employment. Section 223(d)(4) and section 1633 of the *Social Security Act (Act)* provides the Commissioner of the Social Security Administration (SSA) with the authority to provide regulations for administering the disability provisions of the law. Sections 20 CFR 404.1520(b), 404.1571-.1576, 404.1584-.1593, and 416.971-.976 of the *Code of Federal Regulations* contain the correlating regulations.

2. Description of Collection

SSA uses the SSA-821-BK to collect recipient employment information to determine whether recipients worked after becoming disabled and, if so, whether the work is substantial gainful activity. SSA's field offices use Form SSA-821-BK to obtain work information during the initial claims process, the continuing disability review process, and for SSI claims involving work issues. SSA's processing centers and the Office of Disability and International Operations use the form to obtain post-adjudicative work issue from recipients. SSA reviews and evaluates the data to determine if the applicant or recipient meets the disability requirements of the law. The respondents are applicants and recipients of Title II Social Security and SSI disability payments.

3. Use of Information Technology to Collect the Information

SSA did not create an electronic version of form SSA-821-BK under the agency's Government Paperwork Elimination Act (GPEA) plan due to other agency priorities and limited resources.

4. Why We Cannot Use Duplicate Information

The nature of the information we collect and the manner in which we collect it precludes duplication. SSA does not use another collection instrument to obtain similar data.

5. **Minimizing Burden on Small Respondents**
This collection does not significantly 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-821-BK, we would have no way to determine whether an applicant or beneficiary's work is SGA, which could cause an incorrect initial disability decision, or result in overpayments to beneficiaries who were receiving payments despite engaging in SGA. 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**
We did not consult with the public in the revision/maintenance 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**

Modality of Completion	Number of Respondents	Frequency of Response	Average Burden Per Response (minutes)	Estimated Total Annual Burden (hours)
SSA-821-BK	300,000	1	30	150,000

The total burden for this ICR is 150,000 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 on the respondents.
14. **Annual Cost To Federal Government**
The annual cost to the Federal Government is approximately \$232,000. This estimate is a projection of the costs for local printing and distributing the collection

instrument and for collecting the information.

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

There are no changes to the public reporting burden.

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.