

Supporting Statement for Form SSA-3105
Important Information About Your Appeal, Waiver Rights,
and Repayment Options
20 CFR 404.502-.521
OMB No. 0960-0779

A. Justification

• **Introduction/Authoring Laws and Regulations**

Sections 204, 1631(b), and 1879 of the *Social Security Act (Act)* require the Social Security Administration (SSA) to recover overpayments mistakenly made on Federal Retirement, Survivors, Disability Insurance, Health Insurance Benefits, or Supplemental Security Income (SSI) payments to claimants, unless SSA waives recovery of the overpayment. SSA also informs overpaid claimants of the following rights:

- Right to reconsideration of the overpayment determination;
- Right to request waiver of recovery and the automatic scheduling of a personal conference if SSA cannot approve a request for waiver; and
- Availability of a different rate of withholding when SSA proposes the full withholding rate.

Form SSA-3105, Important Information About Your Appeal, Waiver Rights, and Repayment Options, explains these rights to overpaid individuals and allows them to notify us of their decision(s) regarding these rights. Sections 20 CFR 404.502-404.502a, 404.506-404.515, 404.521-404-.522 and 20 CFR 416.537, 416.550-416.570 of the *Code of Federal Regulations* set forth the policies for implementing the pertinent sections of the *Act*. We overpaid the respondents and they are requesting a waiver of recovery for the overpayment, reconsideration of the fact of the overpayment, or a lesser rate of withholding of the overpayment.

2. Description of Collection

When SSA accidentally overpays beneficiaries, the agency informs them of the following rights: (1) The right to reconsideration of the overpayment determination; (2) the right to request a waiver of recovery and the automatic scheduling of a personal conference if SSA cannot approve a request for waiver; and (3) the availability of a different rate of withholding when SSA proposes the full withholding rate. SSA uses Form SSA-3105, Important Information About Your Appeal, Waiver Rights, and Repayment Options, to explain these rights to overpaid individuals and allow them to notify SSA of their decision(s) regarding these rights. The respondents are overpaid claimants requesting a waiver of recovery for the overpayment; reconsideration of the fact of the overpayment; or a lesser rate of withholding of the overpayment.

3. Use of Information Technology to Collect the Information

In accordance with the agency's Government Paperwork Elimination Act plan, respondents have the option of providing the information via telephone and we

electronically enter the information in the Debt Management System (DMS). Based on our data, we estimate approximately 25 percent of all respondents under this OMB number telephone us with the information.

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-3150, we may preclude a waiver or reconsideration request, thus resulting in incorrect overpayment recovery. Therefore, incorrect payments to SSI recipients and Social Security beneficiaries could result. Because we collect the 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 July 23, 2015, at 80 FR 43828, and we received no public comments. The 30-day FRN published on October 15, 2015 at 80 FR 62148. If we receive any comments in response to this Notice, we will forward them to OMB. We did not consult with the public in the revision of this form.

Note: *The first Federal Register Notice shows incorrect burden information for the SSA-3105. We corrected for this in the second Notice, in #12 below, and on ROCIS.*

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-3105 Paper form	600,000	1	15	150,000
DMS	200,000	1	15	50,000
Totals	800,000			200,000

The total burden for this ICR is 200,000 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 \$5,048,000. 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

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.