

**Justification for the Non-Substantive Changes to the HA-L90
Request to Show Cause for Failure to Appear
OMB No. 0960-0794**

Background:

Form HA-L90 is the instrument that allows a claimant to provide an explanation (i.e., show good cause) to a Social Security Administration (SSA) adjudicator for the failure to appear at a scheduled hearing. If the adjudicator determines the claimant established good cause for failure to appear at the hearing, the adjudicator schedules another hearing. If not, the adjudicator makes a decision on the claimant's case based upon the evidence already in the record. The adjudicator may also dismiss a request for hearing when the claimant who requested the hearing, or the claimant's representative, fails to appear at a scheduled hearing and fails to show good cause for his or her absence.

SSA is updating its procedures for processing requests for hearing by an administrative law judge. Consistent with previous practice, the form currently refers to the adjudicator as "administrative law judge" and "ALJ." However, under *20 CFR 404.956* and *416.1456* of the *Code of Federal Regulations*, the Appeals Council may assume responsibility for holding a hearing by requesting that the administrative law judge send the hearing request to it. The Appeals Council may exercise this authority in certain cases, which requires a change to the language in the HA-L90.

SSA will implement the following change to the HA-L90 upon OMB approval. Our final version showing the change will continue to be a fillable version, although our attached mocked-up version does not show the fillable cells.

Revision to the HA-L90:

SSA is making the following changes to the HA-L90:

- **Change #1:** Change "administrative law judge" and "ALJ" to "judge" throughout.

Justification #1: Because our regulations authorize the Appeals Council to assume responsibility for holding a hearing, we are changing "administrative law judge" and "ALJ" to the more general "judge" to include both administrative law judges and the administrative appeals judges of the Appeals Council.