

Supporting Statement for Form SSA-820-BK
Work Activity Report - Self-Employment
20 CFR 404.1520(b), 404.1571-404.1576, 404-1584-404.1593, and 416-971-416.976
OMB No. 0960-0598

A. Justification

1. Introduction/Authoring Laws and Regulations

Social Security Title II disability recipients and Title XVI Supplemental Security Income (SSI) claimants receive payments based on their inability to engage in substantial gainful activity (SGA) because of a physical or mental condition. When Title II disability or SSI recipients resume work, they must report the work so SSA can evaluate and determine if they continue to meet the disability requirements of the law. Sections 223(d)(4) and 1633 of the *Social Security Act (Act)* show SSA's authority for collecting this data. These sections direct the Commissioner to provide regulations for administering the disability provisions of the law. Sections 20 CFR 404.1520(b), 404.1571-404.1576, 404.1584-404.1593, and 416.971-416.976 of the *Code of Federal Regulations* contain the regulations codifying these requirements.

2. Description of Collection

SSA uses Form SSA-820-BK to determine initial or continuing eligibility for (1) Title II Social Security disability payments or (2) Title XVI Supplemental Security Income (SSI) payments. Under Titles II and XVI of the Social Security Act, recipients receive disability or SSI payments based on their inability to engage in substantial gainful activity (SGA) due to a physical or mental condition. Therefore, when the recipients resume work, they must report their work so SSA can evaluate and determine by law whether they continue to meet the disability requirements. SSA uses Form SSA-820-BK to obtain information on self-employment activities of Social Security Title II and XVI disability applicants and recipients. We use the data we obtain to evaluate disability claims, and to help us determine if the claimant meets current disability provisions under Titles II and XVI. Since applicants for disability or SSI payments must prove an inability to perform any kind of SGA generally available in the national economy for which we expect them to qualify based on age, education, and work experience, any work an applicant performed until, or subsequent to, the date the disability allegedly began, affects our disability determination. The respondents are applicants and claimants for SSI payments or Social Security disability payments.

3. Use of Information Technology to Collect the Information

SSA has not, yet, scheduled Form SSA-820-BK for electronic implementation under the Government Paperwork Elimination Act due to agency priorities to create electronic versions of higher volume forms, and our limited resources. The public may print out a PDF version of the form from our website, but if they

chose to do so, they must complete the form and mail it to SSA.

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 affect small businesses or other small entities.

6. Consequence of Not Collecting Information or Collecting it Less Frequently

We use Form SSA-820-BK whenever claimants or beneficiaries perform work after the alleged onset of their disability. Since this work could be SGA, we cannot obtain the information any less frequently, as this could cause an incorrect initial disability decision, or result in overpayments to a claimant who was 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 us to collect this information 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 November 15, 2016 at 81 FR 80159, and we received no public comments. SSA published the second Notice on February 14, 2017 at 82 FR 10623. If we receive comments in response to the 30-day Notice, we will forward them to OMB. We did not consult with the public in the revision of this form.

9. Payment or Gifts to Respondents

SSA does not provide payment 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 collected does not contain any questions of a sensitive nature.

12. Estimates of Public Reporting Burden

Approximately 100,000 individuals use Form SSA-820-BK, on an annual basis. The estimated average response time is 30 minutes, for 50,000 burden hours. The total burden reflects burden, and we did not calculate a separate cost burden.

13. Annual Cost to the Respondents (Other)

There is no known cost burden to the respondents.

14. Annual Cost To Federal Government

The annual cost to the Federal Government is approximately \$200,000. 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 or adjustments to the number of respondents; however, we noted that all the respondents fill out the entire form each time, so we removed the burden data for respondents who fill out only part of the form. This resulted in an increase in burden hours, which reflects actual management information data.

16. Plans for Publication Information Collection Results

We 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

We are 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

We do not use statistical methods for this information collection.