

**Supporting Statement for Petition for Authorization to Charge and Collect a Fee for  
Services before the Social Security Administration  
Form SSA-1560-U4  
OMB No. 0960-0104 SSA-1560-U4**

**A. Justification**

**1. Introduction/Authoring Laws and Regulations**

SSA requires a representative to file either a fee petition or a fee agreement with the Social Security Administration (SSA) to charge a fee for representing a claimant in proceedings before the agency. The statutory authority for requiring this information is found in the *Social Security Act (Act)*, Sections 206(a)(1) and 1631(d)(2)(A). The implementing regulations are at 20 CFR 404.1720, 404.1725, 416.1520 and 416.1525 of the *Code of Federal Regulations*. If the representative files a fee petition (Form SSA-1560-U4) to obtain approval of a fee for representing a claimant, SSA reviews the information to determine a reasonable fee the representative may charge. Section 206(a)(1)(4)(A) of the *Act* further provides that when the person representing the claimant is an attorney, the Commissioner shall certify payment out of past-due benefits for a fee equal to as much as 25 percent of past-due benefits. The implementing regulations are at 20 CFR 404.1720 and 404.1725. The *Social Security Disability Applicants' Access to Professional Representation Act of 2010, Public Law No. 111-142*, also provides for certification for payment of the fee from past-due benefits to qualified non-attorney representatives who meet certain prerequisites.

**2. Description of Collection**

A Social Security claimant's representative, whether an attorney or a non-attorney uses Form SSA-1560-U4 to petition SSA for authorization to charge and collect a fee. A claimant may also use the form to agree or disagree with the requested fee amount or other information the representative provides on the form. The SSA official responsible for setting the fee uses the information from the form to determine a reasonable fee amount representatives may charge for their services. The respondents are attorneys and non-attorneys who represent Social Security claimants.

**3. Use of Information Technology to Collect the Information**

Form SSA-1560-U4 is available as a fillable portable document format accessible on the SSA's website. SSA did not create an electronic version of Form SSA-1560-U4 under the agency's Government Paperwork Elimination Act (GPEA) plan because only 44,365 respondents complete the form. This is less than the GPEA cut-off of 50,000.

**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-1560-U4, representatives would have no way to charge and collect fees from claimants they represent before SSA. Because we only collect the information once, we cannot collect it less frequently. 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**  
The 60-day advance Federal Register Notice published on November 17, 2016, at 81 FR 81224, and we received no public comments. The 30-day FRN published on January 12, 2017 at 82 FR 3838. If we receive any comments in response to this Notice, we will forward them to OMB.
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**

<b>Modality of Collection</b>	<b>Number of Respondents</b>	<b>Frequency of Response</b>	<b>Average Burden Per Response (minutes)</b>	<b>Estimated Total Annual Burden (hours)</b>
SSA-1560-U4	44,365	1	30	22,183

Approximately 44,365 respondents take 30 minutes each to complete Form SSA-1560-U4 each year. Accordingly, the burden is 22,183 hours. This figure represents burden hours. 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 \$450. 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 has been a decrease in burdens, the change stems fewer respondents filing petitions.
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).