

Supporting Statement for Form HA-520
Request for Review of Hearing Decision/Order
20 CFR 404.967-404.981, 20 CFR 416.1467-416.1481
OMB 0960-0277

A. Justification

1. Introduction/Authorizing Laws and Regulations

The statutory authority for this information collection is in the *Social Security Act (Act)* at Sections 205(a) and 1631(d)(1). Section 205(a) of the *Act* authorizes the Commissioner to make rules necessary to implement Social Security programs. Section 1631(d)(1) of the *Act* incorporates Section 205(a) and applies it to Title XVI of the *Act*. The Commissioner published regulations at 20 *CFR* 404.967-404.981 and 20 *CFR* 416.1467-416.1481 creating an Appeals Council review process. Additionally, The Foster Care Independence Act of 1999, Section 251 of *Public Law (Pub.L.) 106-16*, established a new Title VIII of the *Act* for providing special cash benefits to certain World War II veterans. Section 809 of *Pub.L. 106-169* establishes hearing and review rights, and the procedural protocol to administer this program. The Commissioner published regulatory guidance for this program at 20 *CFR* 408.1050. Form HA-520, Request for Review of Hearing Decision/Order, provides a means for individuals to request a review by the Appeals Council of an administrative law judge's (ALJ) hearing decision or dismissal of a hearing request. The form also discloses who must file a written request and provide specific information to the Social Security Administration (SSA) as cited above.

2. Description of Collection

Claimants have a statutory right under the *Act* and current regulations to request review of an ALJ's hearing decision or dismissal of a hearing request on Title II and Title XVI claims. Claimants may request Appeals Council review by filing a written request using Form HA-520. SSA uses the information to establish the claimant filed the request for review within the prescribed time, and to ensure the claimant completed the requisite steps permitting the Appeals Council review. The Appeals Council uses the information to: (1) Document the claimant's reason(s) for disagreeing with the ALJ's decision or dismissal; (2) determine whether the claimant has additional evidence to submit; and (3) determine whether the claimant has a representative or wants to appoint one. The respondents are claimants requesting review of an ALJ's decision or dismissal of hearing.

3. Use of Information Technology to Collect the Information

Currently, there is no Appeals Council level in the Modernized Claim System (MCS); therefore, SSA field offices and processing centers do not have a means of electronically entering Title II Appeals Council level cases. SSA can enter data on Title XVI Appeals Council level cases directly into the Modernized

Supplemental Security Income Claims System. We will not update MCS to include the Appeals Council level data until some later date. Consequently, SSA has not yet created an electronic version of Form HA-520 under the agency's Government Paperwork Elimination Act plan. Respondents can access the HA-520 as a portable document format (PDF) file on SSA's internet site.

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**

If we did not collect this information, claimants would have no way to appeal a denied claim to the next level of adjudication. Because we can only collect this information on an as needed basis, 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 February 14, 2017, at 82 FR 10623, and we received no public comments. The 30-day FRN published on April 18, 2017 at 82 FR 18335. 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 we collect 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**

This 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)
HA-520	175,000	1	10	29,167

The total burden for this ICR is 29,167 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 to the respondents.

14. Annual Cost to Federal Government

The annual cost to the Federal Government is approximately \$336,302. This estimate is a projection of the costs for printing and distributing the collection instrument and for processing the information.

15. Program Changes or Adjustments to the Information Collection Request

The increase in burden hours stems from an increase in the numbers of appeals filed to request a review of hearing decision or order.

16. Plans for Publication of 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 did not use statistical methods for this information collection.