

**Supporting Statement for SSA-632-BK
Request for Waiver of Overpayment Recovery
or Change in Repayment Notice
20 CFR 404.502-404.513, 20 CFR 404.515,
20 CFR 404.520-404.521, 20 CFR 416.550-416.570,
20 CFR 416.572, 20 CFR 416.581, and 20 CFR422.310
OMB No. 0960-0037**

A. Justification

1. 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 of Federal Retirement, Survivors, Disability Insurance, Health Insurance Benefits, or Supplemental Security Income (SSI) payments made to a beneficiary or recipient, unless the agency can waive recovery of the overpayment. SSA may waive recovery of an overpayment if:

- The individual is not at fault in causing the overpayment; and
- Recovery would deprive the individual of income necessary to meet their ordinary living expenses; or
- Recovery would be against equity and good conscience.

The policies for implementing the pertinent sections of the *Act* are set forth in 20 *CFR* 404.502-404.513, 404.515, 404.520-404.521; and 20 *CFR* 416.550-416.570, 416.572, 416.581, and 422.310 of the *Code of Federal Regulations*.

2. Description of Collection

An overpayment occurs when we pay a beneficiary or recipient more benefits than they are due for a given period. When the individual receives the overpaid benefits, they are responsible for repaying the debt. These individuals can use Form SSA-632-BK to take the following actions:

- Request a waiver from repaying the debt; or
- Request a different rate of recovery.

If an individual requests SSA to waive their debt or requests a change in the repayment rate, they must provide financial information. The respondents are overpaid individuals who are requesting a waiver of recovery of an overpayment, or a lesser rate of withholding.

3. Use of Information Technology to Collect the Information

Form SSA-632-BK is available as a PDF on SSA's website where overpaid individuals can print the form; complete and sign the form; and mail it to SSA, or they can return the completed form to their local field office.

Respondents can also complete the form via an in-office interview where an SSA employee records the information either on paper or by using the fillable PDF

Internet form. The SSA employee prints the form for the individual's signature. In addition, SSA's New York Regional Office developed a local Intranet application (NY Debt Management Release 2) for Title II overpayments on which the field offices can complete Form SSA-632-BK via fillable PDF. Local field offices can access this Intranet application during an interview with the overpaid individual and complete the SSA-632-BK. SSA's policies state that the overpaid individual or their representative payee must put the waiver request in writing, and sign the request if the overpayment is \$1,000 or more.

This is a paper information collection available as a PDF fillable form on SSA's Internet website. We scheduled this form for electronic implementation, and are in the process of implementing the form electronically.

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 use Form SSA-632-BK, it would preclude the waiver process; thereby, recovering the overpayment incorrectly. Because we collect the 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 March 28, 2017, at 82 FR 15412, and we received no public comments. The 30-day FRN published on June 19, 2017 at 82 FR 27939. 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

Modality of Completion	Number of Respondents	Frequency of Response	Average Burden Per Response (minutes)	Estimated Total Annual Burden (hours)
Waiver of Overpayment (Completes Whole Paper Form)	400,000	1	120	800,000
Change in Repayment (Completes Partial Paper Form)	100,000	1	45	75,000
Regional Application (New York Debt Management)	44,000	1	120	88,000
Internet Instructions	500,000	1	5	41,667
Totals	1,044,000			1,004,667

The total burden for this ICR is **1,004,667** 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 \$3,730,458. 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

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.