

**Justification for the Non-Substantive Changes to the Supporting Statement for  
Form HA-504, Acknowledgement of Receipt (Notice of Hearing)  
Form HA-L83, Acknowledgement of Receipt (Notice of Hearing) Cover Letter  
Form HA-55, Objection to Appearing by Video Teleconferencing  
Form HA-510, Waiver of Written Notice of Hearing  
20 CFR 404.936, 404.938, 416.1436, 416.1438  
OMB No. 0960-0671**

## **Background**

On December 6, 2016, OMB approved a Change Request to update 0960-0671 to conform to the published final rule, Ensuring Program Uniformity at the Hearing and Appeals Council Levels of the Administrative Review Process, RIN 0960-AH71. We published the final rule for these regulations on December 6, 2016, at 81 FR 90987, with an effective date of January 17, 2017.

Due to the publication of this final rule, we now require the hearing offices to send a Notice of Hearing to claimants at least 75 days prior to the scheduled hearing date. Unfortunately, we oftentimes must reschedule hearings less than 75 days before the date of hearing, so we use a waiver which enables us to fill these otherwise lost hearing time slots with other cases. To improve the hearing office process further, and in accordance with the published final rules for Ensuring Program Uniformity at the Hearing and Appeals Council Levels of the Administrative Review Process, RIN 0960-AH71 (81 FR 90987), we are creating a new version of the HA-510, Waiver of Written Notice of Hearing. We intend to send the new HA-510-OP1 at the beginning of our business process, to allow representatives and claimants to use this waiver in anticipation of filling all of the hearing time slots, should a rescheduled hearing cause a time slot to reopen. Many representatives have shown interest in waiving the 75 days requirement earlier in the process so they can have their claimants' hearings scheduled more quickly, if, for example, a cancellation occurs and a slot becomes available.

## **Revision to the Collection Instrument**

- **Change #1:** The HA-510-OP1 will feature a change to the Form's title to include "Option to Accept an Earlier Hearing."

**Justification #1:** We will send out this version of the form with the acknowledgement letter of the claimants hearing request, which we send once we receive this request. Changing the title adds clarity. It is optional for the claimant to waive the 75-day notice rule.

- **Change #2:** On the HA-510-OP1, we will replace the whole body of the HA-510 to explain the new 75-day rule and present options for the claimant or representative to select the lead-time for their hearing to be scheduled. Since we will send this form early in the hearing office process, we are also including the evidence submission requirements in the form. Because we are requesting this information early in the process, we will subsequently allow that person to later opt out of their waiver, if indeed we are to schedule the hearing earlier.

**Justification #2:** The modified HA-510-OP1 version is optional for claimants to respond to, and it would present options for how SSA can schedule their hearing. Providing the HA-510-OP1 early in our business process would help hearing offices schedule hearings before an ALJ more quickly. This is the key justification as we want to schedule more hearings, faster, and we believe this waiver will enable us to accomplish this objective.

This action does not affect the public reporting burden. We will implement the new HA-510-OP1 upon OMB's approval.