

**Supporting Statement for Form SSA-789  
Request for Reconsideration – Disability Cessation  
20 CFR 404.909 and 416.1409  
OMB No. 0960-0349**

**A. Justification**

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

Section 205(b) of the *Social Security Act (Act)* requires SSA to provide a disability hearing at the continuing disability review level of appeal for claimants who received an initial continuing disability review (CDR) cessation or reconsideration pre-hearing cessation determination. The regulatory requirements for implementing Section 205(b) of the *Act* are set forth in sections 20 CFR 404.909 and 416.1409 of the *Code of Federal Regulations*.

**2. Description of Collection**

When SSA determines that claimants' disabilities medically improved; ceased; or are no longer sufficiently disabling, these claimants may ask SSA to reconsider that determination. SSA uses Form SSA-789 to arrange for a hearing or to prepare a decision based on the evidence of record. Specifically, claimants or their representatives use Form SSA-789 to: (1) ask SSA to reconsider a determination; (2) indicate if they wish to appear at a disability hearing; (3) submit any additional information or evidence for use in the reconsidered determination; and (4) indicate if they will need an interpreter for the hearing. The respondents are disability claimants for Social Security benefits or Supplemental Security Income (SSI) payments, or their representatives who wish to appeal an unfavorable disability cessation determination.

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

Form SSA-789 is available electronically, and through the Internet and Intranet in a PDF format, which individuals can download, print out, fill in, and send to SSA for processing. SSA did not create an electronic version of Form SSA-789 under the agency's Government Paperwork Elimination Act (GPEA) plan because only 30,000 respondents complete the form annually. 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 preclude 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-789, we would be depriving claimants of their due process right to appeal a determination to cease Social Security disability benefits. The information we collect using Form SSA-789 also provides the claimant with the opportunity to state the need for an interpreter at an administrative hearing with a Disability Hearing Officer. 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 February 1, 2018, at 83 FR 4722, and we received no public comments. The 30-day FRN published on May 9, 2018 at 83 FR 21328. 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**

Approximately 30,000 respondents take 13 minutes each to complete Form SSA-789. Accordingly, the burden is 6,500 hours:

| <b>Modality of Completion</b> | <b>Number of Respondents</b> | <b>Frequency of Response</b> | <b>Average Burden Per Response (minutes)</b> | <b>Total Estimated Annual Burden (hours)</b> |
|-------------------------------|------------------------------|------------------------------|--|--|
| SSA-789                       | 30,000                       | 1                            | 13   | 6,500  |

The total burden for this ICR is 6,500 hours. We based this figure on current management information data, and it 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 for the form is approximately \$9,086. This estimate accounts for costs from the following areas: (1) designing, printing, and distributing the form; and (2) SSA employee (e.g., field office, 800 number, DDS staff) information collection and processing time.

**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.