

**Supporting Statement for Application of Circuit Court Law**  
**20 CFR 404.985 and 416.1485**  
**OMB No. 0960-0581**

**A. Justification**

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

Section 205(a) of the *Social Security Act (Act)* gives the Social Security Administration (SSA) the authority to make rules and regulations to establish procedures for carrying out the purposes of the *Act*. Under regulations at Sections 20 CFR 404.985 and 416.1485 of the *Code of Federal Regulations* for applying circuit court law, SSA is required to consider United States Court of Appeals decisions when they may affect our decisions on claims we previously adjudicated. To conform with these regulations, we prepare a ruling acquiescing on the appeals court's decision explaining how we apply the court's decision to the claims we already processed. SSA develops criteria for our adjudicators to identify claims that may be subject to readjudication based on the particular acquiescence ruling (AR). In such situations, claimants have the right to request SSA reconsider an earlier decision on their claim, based on applying the AR.

**2. Description of Collection**

SSA sends a notice to claimants whose claims we identify, or who self-identify (via the Federal Register published AR), as subject to readjudication providing information about the AR and their right to request readjudication. After reviewing the notice, the claimant or the claimant's authorized representative, is able to decide whether requesting readjudication of their claim is in the claimant's best interest. The notice informs claimants they can request readjudication by contacting their local SSA field office, or through a written response on the AR notice. Claimants must decide whether to respond to the notice and provide the requested information to move forward with readjudication. The respondents are claimants for Social Security benefits and Supplemental Security Income payments, who request a readjudication of their claim based on an AR notice.

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

SSA did not create an electronic version of a method to respond to AR notices under the agency's Government Paperwork Elimination Act (GPEA) plan because only 10,000 respondents complete the collection annually. This is less than the GPEA cut-off of 50,000. In addition, we do not have a standardized form to collect this information.

**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 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, we would be unable to determine if a claimant’s claim is subject to readjudication based on an AR. Consequently, SSA would be unable to readjudicate claims pursuant to the regulations for applying circuit court law. SSA only collects this information when we publish an AR and we identify claims that may be subject to readjudication, or when the claimant requests application of the AR to a prior determination or decision; therefore, 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 June 8, 2018, at 83 FR 26736, and we received no public comments. The 30-day FRN published on August 6, 2018 at 83 FR 38441. 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 payment 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 Completion</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>
AR-based Readjudication Requests	10,000	1	17	2,833

The total burden for this ICR is **2,833** hours. We based these figures on current management information data. We did not calculate a separate cost burden.

**13. Annual Cost to 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 \$67,905. 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**

SSA is not requesting an exception to the requirement to display an expiration date.

**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. Collection of Information Employing Statistical Methods**

SSA does not use statistical methods for this information collection.