**Supporting Statement for Notice Regarding**

 **Substitution of Party Upon Death of Claimant – HA-539**

**20 CFR 404.957(c)(4) and 416.1457(c)(4)**

**OMB No. 0960-0288**

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

Sections *20* CFR *404.957(c)(4)* and *416.1457(c)(4)* of the *Code of Federal Regulations* provide that an administrative law judge (ALJ) may dismiss a request for hearing on a pending claim of a deceased individual, unless other individuals make a written request showing they may be adversely affected by dismissal of the request. Sections *205(a), 1631(e),* and *1869(b)(1)* and *(c)* of the *Social Security Act (Act)* provide the authority for SSA to require submission of this information before we proceed with the claim.

1. **Description of Collection**

An ALJ may dismiss a request for a hearing on a pending claim of a deceased individual for Social Security benefits or Supplemental Security Income (SSI) payments. Individuals who believe the dismissal may adversely affect them may complete Form HA-539, which allows them to request to become a substitute party for the deceased claimant. The ALJs and the hearing office support staff use the information from the HA-539 to: (1) maintain a written record of the request; (2) establish the relationship of the requester to the deceased claimant; (3) determine the substituted individual’s wishes regarding an oral hearing or decision on the record; and (4) admit the data into the claimant’s official record as an exhibit. The respondents are individuals requesting to be substitute parties for a deceased claimant.

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

Form HA-539 is available as a print-only PDF on the SSA’s website. SSA did not create an electronic version of Form HA-539 under the agency’s Government Paperwork Elimination Act (GPEA) plan because only 4,000 respondents complete the form annually. This is less than the GPEA cut-off of 50,000.

1. **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.

1. **Minimizing Burden on Small Respondents**

This collection does not affect small businesses or other small entities.

1. **Consequence of Not Collecting Information or Collecting it Less Frequently**

If we did not use Form HA-539, we might inadvertently deny individuals who qualify for benefits under the claim of a deceased individual the right to pursue the claim. Because we only collect this information on an as needed basis, we cannot collect it less frequently. There are no technical or legal obstacles that prevent burden reduction.

1. **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.*

1. **Solicitation of Public Comment and Other Consultations with the Public**

The 60-day advance Federal Register Notice published on June 8, 2017, at83 FR 26732, 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.

1. **Payment or Gifts to Respondents**

SSA does not provide payment or gifts to the respondents.

1. **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.

1. **Justification for Sensitive Questions**

The information collection does not contain any questions of a sensitive nature.

1. **Estimates of Public Reporting Burden**

Approximately 4,000 respondents take 5 minutes each to complete Form HA-539 annually. Accordingly, the burden is 333 hours:

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| **Modality of Completion** | **Number of Respondents** | **Frequency of Response** | **Average Burden Per Response (minutes)** | **Estimated Total Annual Burden (hours)** |
| HA-539 | 4,000 | 1 | 5 | 333 |

The total burden for this ICR is **333 hours**. We based this figure on current management information data, and it represents burden hours. We did not calculate a separate cost burden.

1. **Annual** **Cost to the Respondents (Other)**

This collection does not impose a known cost burden on the respondents.

1. **Annual Cost To Federal Government**

The annual cost to the Federal Government is approximately $254. 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.

1. **Program Changes or Adjustments to the Information Collection Request**

There are no changes to the public reporting burden.

1. **Plans for Publication Information Collection Results**

SSA will not publish the results of the information collection.

1. **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.

1. **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)*.

1. **Collections of Information Employing Statistical Methods**

SSA does not use statistical methods for this information collection.