

**Supporting Statement for
Protecting the Public and Our Personnel to Ensure
Operational Effectiveness (RIN 0960-AH35), Regulation 3729I
20 CFR 422.905, 422.906
OMB No. 0960-0796**

A. Justification

1. Introduction/Authoring Laws and Regulations

SSA published the process we follow when we restrict individuals from receiving in-person services in our field offices and provide them, instead, with alternative services. We expect this rule will result in a safer environment for our personnel and members of the public who use our facilities, while ensuring we continue to serve the American people with as little disruption to our operations as possible.

Per the regulations in *20 CFR 422.905* of the *Code of Federal Regulations*, individual whom we restrict access to our facilities has the opportunity to appeal our decision within 60 days of the date of the restrictive access/alternative service notice. Per *20 CFR 422.906*, if the individual does not appeal the decision within the 60 days; if we restrict the individual prior to the effective date of this regulation; or if the appeal results in a denial, the individual has another opportunity to request review of the restriction after a three-year period. This periodic review is available to all restricted individuals once every three years.

On September 2, 2011, the agency published interim final regulations and notifications processes for the restrictive access/alternative service process at 76 FR 54700. This information collection request (ICR) requests regular approval for the public reporting burdens from the interim final rules.

2. Description of Collection

The interim final restrictive access/alternative services rules contain two public reporting burdens:

- **20 CFR 422.905** – After SSA issues a restrictive access/alternative service decision against an individual, the individual has 60 days to appeal that decision. Restricted individuals must submit a written appeal stating why they believe SSA should rescind the restriction and allow them to conduct business with us on a face-to-face basis in one of our offices. There is no printed form for this request; restricted individuals create their own written statement of appeal, and submit it to a sole decision-maker in the Regional Office of the region where the restriction originated. The individuals may also provide additional documentation to support their appeal.
- **20 CFR 422.906** – Three years after the original restrictive access/alternative service decision, restricted individuals may re-submit a written appeal of the decision. The same criteria apply as for the original appeal: 1) it must be in

writing; 2) it must go to a sole decision-maker in the Regional Office of the region where the restriction originated for review; and 3) it may accompany supporting documentation.

Respondents for this collection are individuals appealing their restrictions from in-person services at SSA field offices.

3. Use of Information Technology to Collect the Information

The agency collects the information via paper only, as we have no printed form for this information collection. Given the low number of expected appellants (approximately 150 per year), SSA did not develop a printed form for this purpose. SSA collects the information from the appellants through their written requests for appeals or periodic reviews. SSA did not create an electronic version of the appeal or periodic review process under the Agency's Government Paperwork Elimination Act (GPEA) because we estimate only 150 appellants complete the process 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 affect small businesses or other small entities.

6. Consequence of Not Collecting Information or Collecting it Less Frequently

Individuals who do not provide the information required in *20 CFR 422.905*, and *422.906* will not meet the requirements for appeal or periodic review of the restrictive access/alternative service decision. The consequences would clearly be contrary to the interests and rights of restricted individuals. Because we only collect the information at the designated times, 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 October 15, 2018, at 83 FR 52042, and we received no public comments. The 30-day FRN published on December 26, 2018 at 83 FR 66330. If we receive any comments in response to this Notice, we will forward them to OMB.

9. Payment or Gifts to Responders

SSA does not provide payments or gifts to the appellants.

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

Although we collect information some may consider sensitive (e.g., information regarding medical conditions), it is necessary for us to have this to process the collection, and we keep the information confidential.

12. Estimates of Public Reporting Burden

These proposed rules contain reporting requirements as outlined in the following table:

Regulation Section	Number of Respondents	Frequency of Response	Average Burden Per Response (minutes)	Estimated Annual Burden (hours)
20 CFR 422.905	75	1	15	19
20 CFR 422.906	75	1	20	25
Total	150			44

The total burden for this ICR is **44 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 Respondents

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

14. Annual Cost to Federal Government

The annual cost to the Federal Government is negligible.

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. Request not to Display OMB Expiration Date

SSA is not requesting an exception to publishing the OMB expiration date.

18. Exception to Certification Statement

SSA is not requesting an exception to the certification requirements.

B. Collections of Information Employing Statistical Methods

SSA does not use statistical methods for this information collection.