

Supporting Statement for Form SSA-HA-501-U5
Request for Hearing By Administrative Law Judge
20 CFR 404.929, 404.933, 416.1429, 416.1433, 42 CFR 405.722, 20 CFR 418.1350
OMB No. 0960-0269

A. Justification

1. Introduction/Authoring Laws and Regulations

When SSA denies applicants' or beneficiaries' requests for new or continuing benefits, the law entitles those applicants or beneficiaries to request a hearing to appeal the decision. The statutory authority is in the *Social Security Act (Act)* at Sections 205(b), 1155, 1631(c), and 1869. The implementing regulations are at 20 CFR 404.929, 404.933, 416.1429, 416.1433, 405.722, and 418.1350 of the *Code of Federal Regulations (Code)*. Additionally, the *Foster Care Independence Act of 1999*, Section 251 of *Public Law (Pub L.) 106-169* established *Title VIII* of the *Act* for providing special case benefits to certain World War II veterans. Section 809 of *Pub L. 106-169* establishes hearing and review rights, and the procedural protocol to administer this program.

Section 105(a)(2)(B) of *Pub L. 103-296* (the *Social Security Independence and Program Improvements Act*, which established SSA as an independent agency) stipulates that SSA and the Department of Health and Human Services (HHS) would share responsibility for the Medicare (*Title XVIII*) appeals process. The process provides SSA would continue to perform the hearings function for determinations made by SSA about Medicare Part A and Part B entitlement.

Section 931 of *Pub L. 108-173* requires transfer of the functions of administrative law judges (ALJ) responsible for hearing appeals under *Title XVIII* of the *Act* from SSA to HHS. Additionally, effective since January 2007, HHS makes determinations regarding Medicare Part B premium subsidy reductions required under section 1839(I) of the *Act (Pub L. 108-173)*.

20 CFR 404.1713 and 416.1513 of the *Code* mandate that claimant representatives use our electronic services at the times and in the manner we prescribe on matters for which they request direct fee payment. The *Requiring Electronic Filing of Appeals for certain Representatives* rules mandate the use of the i501 by claimant representatives who file a hearing request on a client's behalf and request direct fee payment on the matter. In this ICR, we are accounting for the requirement for representatives to use the electronic version of this collection (see Addendum for more details).

2. Description of Collection

When SSA denies applicants' or beneficiaries' requests for new or continuing

benefits, the Social Security Act entitles those applicants or beneficiaries to request a hearing to appeal the decision. To request a hearing, individuals complete Form HA-501-U5, the associated Modernized Claims System (MCS) or Modernized Supplemental Security Income Claims System (MSSICS) interview, or the Internet application (i501). SSA uses the information to determine if the individual: (1) filed the request within the prescribed time; (2) is the proper party; and (3) took the steps necessary to obtain the right to a hearing. SSA also uses the information to determine: (1) the individual's reason(s) for disagreeing with SSA's prior determinations in the case; (2) if the individual has additional evidence to submit; (3) if the individual wants an oral hearing or a decision on the record; and (4) whether the individual has (or wants to appoint) a representative. The respondents are Social Security benefit applicants and recipients who want to appeal SSA's denial of their request for new or continued benefits, and Medicare Part B recipients who must pay the Medicare Part B Income-Related Monthly Adjustment Amount.

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

In accordance with the agency's Government Paperwork Elimination Act plan, SSA created an Internet version of the Form SSA-HA-501-U5, the i501 for disability and non-medical hearing requests, which is part of our iAppeals application. Information from the i501 disability-hearing request automatically propagates into SSA's Modernized Claims Systems (MCS) and Modernized Supplemental Security Income Claims Systems (MSSICS). Technicians transfer information from the i501 non-medical hearing to MCS and MSSICS. SSA also makes the collection instrument available through MCS and MSSICS to respondents who file a hearing request by mail or through a personal interview in a field office. SSA estimates that 96% of the respondents use the i501 to file a hearing request.

4. **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.

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 use Form HA-501-U5, or the electronic versions (MCS, MSSICS, and the i501), the public would have no way to request a hearing. Because we only collect the information once, 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 July 22, 2016, at 81 FR 47845, and we received no public comments. The 30-day FRN published on October 3, 2016 at 81 FR 68088. If we receive any comments in response to this Notice, we will forward them to OMB. We did not consult with the public in the revision of this form.

Note: The first Federal Register Notice shows incorrect burden information for the HA-501-U5. We have corrected for this in the second Notice, in #12 below and on ROCIS.

We consulted with five advocacy group participants for two iAppeals Single Submission Conference Calls and meetings regarding current the iAppeals Internet application. We asked these advocacy groups for their concerns related to the single submission practice for iAppeals, which OMB approved in March 2015. During the conference calls and meetings, the advocacy participants shared their experiences illustrating the practical challenges they encountered using iAppeals since the implementation of single submission. They also expressed concerns regarding the single submission practice. Based on their feedback, SSA agreed to continue internal discussions on ways to improve the iAppeals application, including improvements to the single submission practice.

9. **Payment of 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**

Modality of Completion	Number of Respondents	Frequency of Response	Average Burden Per Response	Estimated Total Annual Burden

			(minutes)	(hours)
Paper HA-501; Modernized Claims Systems (MCS & MSSICS)	10,953	1	10	1,826
iAppeals - i501	658,516	1	5	54,876
Totals	669,469			56,702

The total burden for these IC instruments is 56,702 hours. This figure represents burden hours, and we did not calculate a separate cost burden.

13. **Annual Cost to the Respondents**

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

14. **Annual Cost to the Federal Government**

The annual cost to the Federal Government is approximately \$55,000. This estimate is a projection of the costs for printing and distributing the collection instrument and for collecting the information.

The estimated cost to the Federal Government to collect the information for the internet application iAppeals is negligible. Because the cost of maintaining the system which collects this information is accounted for within the cost of maintaining all of SSA's automated systems, it is not possible to calculate the cost associated with just one Internet application.

15. **Program Changes or Adjustment to the Information Collection Request**

The decrease in burden hours stems from SSA updating the iAppeals application by adding the function for individuals to file a non-medical appeal through iAppeals by using the i561 (Request for Reconsideration; OMB # 0960-0622) or the i501 Request for Hearing by Administrative Law Judge. Currently, individuals may only appeal medical decisions using the i561 or i501 and i3441 (Disability Report; OMB # 0960-0144), by including non-medical appeals to the iAppeals process, we allow individuals who would have used the more lengthy paper process to use our shorter electronic process instead.

16. **Plans for Publication or Adjustments to the Information Collection Request**

SSA will not publish the results of the information collection.

17. **Displaying the OMB Approval Expiration Date**

For the paper Form HA-501-U5, SSA will not publish 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 the OMB approval date. Since SSA does not periodically (e.g., on an annual basis), revise and reprint its public-use forms, OMB granted this exemption so SSA would not have to destroy stocks of otherwise useable forms with expired OMB approval dates, thereby avoiding Government waste.

For the internet application, i501 (iAppeals), SSA is not requesting an exception to the requirement to display the OMB approval expiration date.

18. 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.