

**Supporting Statement for Methods for Conducting Personal Conferences When Waiver of
Recovery of a Title II or Title XVI Overpayment Cannot Be Approved
20 CFR 404.506(e)(3), 404.506(f)(8), 416.557(c)(3), and 416.557(d)(8)
OMB No. 0960-0769**

A. Justification

1. Introduction/Authoring Laws and Regulations

Sections 1631(a)-(d) and (g) of the *Social Security Act (Act)* (42 U.S.C. 902(a)(5), 1320b-17, 1381, 1381a, 1382(c) and (e), and 1383(a)-(d) and (g)); 31 U.S.C. 3720A; and 20 CFR 404.506(d), 404.506(e)(3), 404.506(f)(8), 416.557(b), 416.557(c)(3), and 416.557(d)(8) of the *Code of Federal Regulations*, in part, require SSA to recover overpayments we make to recipients of Federal Retirement, Survivors, Disability Insurance Benefits; Health Insurance benefits; or Supplemental Security Income (SSI) payments. The regulations also require SSA to give overpaid individuals the right to request waiver of recovery. When we cannot approve a request for waiver of overpayment, the regulations require that we schedule a folder or file review and personal conference with the individual. SSA conducts these conferences face-to-face; by telephone; or by video teleconference.

2. Description of Collection

Prior to the personal conference, SSA provides the opportunity for the individual to review the information in his or her file that we used to make the overpayment and waiver determinations. SSA employees conduct the personal conferences mentioned above as one-time face-to-face, telephone, or video conference interviews. At the time of the conference, overpaid individuals may provide documents to support their contention they:

- are without fault in causing the overpayment,
- believe the overpayment is unfair, or
- do not have the ability to repay the debt.

Respondents may submit a personal statement, provide new or updated information, or present any previously submitted documentation or forms related to their case during their conference. For instance, they may present the SSA-795, Statement of Claimant or Other Person (OMB #0960-0045); or the SSA-632, Request for Waiver of Overpayment Recovery (OMB #0960-0037). If respondents decide not to attend the personal conference, SSA makes a final waiver decision based on available information. The respondents are beneficiaries or SSI recipients, for whom SSA denied their initial request for a

waiver of recovery of an overpayment, thus requiring a personal conference with them when SSA cannot approve the waiver.

SSA does not track the percentage of individuals who attend their conference via a face-to-face meeting, telephone, or video conference.

3. Use of Information Technology to Collect the Information

In most cases, we collect the information through various OMB-approved, SSA forms. The information collection requests (ICRs) for the Forms SSA-795, Statement of Claimant or Other Person (OMB #0960-0045), or the SSA-632, Request for Waiver of Overpayment Recovery (OMB #0960-0037), provide information on the use of information technology to collect the information. Since we already show the burden information for those OMB-approved forms under their own OMB approvals, we do not include that information here.

For this ICR, SSA uses a personal conference to collect the information. SSA did not create an electronic version of the personal conference under the agency's Government Paperwork Elimination Act (GPEA) plan because we have no application process for the personal conferences. Additionally, the documents that individuals present during conferences may vary. Under *Title II of the Act*, field office employees document the results of the personal conference on the internal Form SSA-635, Waiver Determination, or the accompanying Modified Claims System screen for personal conferences involving overpayments. Under *Title XVI of the Act*, field office employees complete the Internet Form SSA-5002, Report of Contact, or the accompanying SSI Claims System screen, to document the personal conference. Both forms of documentation are also used for other internal processes, and do not record the personal conference itself, but the results of the personal conference. Therefore, we are not seeking OMB approval for these internal use forms.

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

Individuals who do not provide the information required to prove they are without fault for their overpayments, will not meet SSA's requirements for waiver of

recovery of an overpayment. In addition, those individuals who do not meet the waiver of recovery requirements will be unable to pursue further levels of administrative appeal, and will be obligated to accept SSA’s previous determination we made on their claims. Since we only collect this 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 September 16, 2019, at 84 FR 48694, and we received no public comments. The 30-day FRN published on December 3, 2019 at 84 FR 66262. If we receive any comments in response to this Notice, we will forward them to OMB.

9. Payments 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

The SSA estimates that the burden for completing this information collection is 45 minutes. This is reflective of 30 minutes for the actual conference itself, as well as 15 minutes for the respondent to review their existing casefile prior to the conference and determine if there is additional documentation they would like to provide. SSA does not include any estimations associated with the time to transmit information (e.g. drive time to the personal conference location for those who conduct them in person) as a part of its burden estimate.

As discussed previously, there may be other information collections, including supporting documentation for those collections, that are completed during the personal conference process. Those burdens are captured under their respective OMB Control Numbers.

Modality of Completion	Number of Respondents	Frequency of Response	Average Burden per	Estimated Total Annual	Average Theoretical Hourly	Total Annual Opportunity
------------------------	-----------------------	-----------------------	--------------------	------------------------	----------------------------	--------------------------

			Response (minutes)	Burden (hours)	Cost Amount (dollars)*	Cost (dollars)**
Title II, Personal Conference, 404.506(e)(3) and 404 - 506(f)(8): submittal of documents, additional mitigating financial information, and verifications for consideration at personal conferences.	30,271	1	45	22,703	\$22.50	\$510,818
Title XVI, Personal Conference, 416.557(c)(3) and 416 - 557(d)(8): submittal of documents, additional mitigating financial information, and verifications at personal conferences.	51,192	1	45	38,394	\$10.22	\$392,387
Totals	81,463			61,097		\$903,205**

* We based these figures on average U.S. citizen's hourly salary, as reported by Bureau of Labor Statistics data; and average DI payments, as reported in SSA's disability insurance payment data.

** This figure does not represent actual costs that SSA is imposing on recipients of Social Security payments to complete this application; rather, these are theoretical opportunity costs for the additional time respondents will spend to complete the application. **There is no actual charge to respondents to complete the application.**

The total burden for this ICR is **61,097** burden hours (reflecting SSA management information data), which results in an associated theoretical (not actual) opportunity cost financial burden of **\$903,205**. SSA does not charge respondents to complete our applications.

13. Annual Cost to the Respondents (Other)

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

14. Annual Cost To Federal Government

SSA already accounts for the costs to collect the information in the OMB approved forms (e.g. SSA-632, SSA-795). In addition, we also account for conducting these personal conferences within the salaries of the field office employees who conduct them. Therefore, this ICR does not impose an additional annual cost to the Federal Government.

15. Program Changes or Adjustments to the Information Collection Request

When we last cleared this IC in 2017, the burden was 38,064 hours. However, we are currently reporting a burden of 61,097 hours. This change stems an increase in the time per response from 30 to 45 minutes, as well as an increase in the number of responses from 76,127 to 81,463. We adjusted the time per response to account for the folder review conducted with the overpaid individual prior to the personal conference (see *20 CFR 404.506(c)-(d)* and *416.557(b)*).

16. Plans for Publication Information Collection Results

SSA will not publish the results of the information collection.

17. Displaying the OMB Approval Expiration Date

We already accounted for the OMB Approval Expiration Dates in the various ICRs for the OMB-approved forms (e.g. SSA-632, SSA-795). In addition, since we are requesting approval of the personal conferences based on regulatory requirements, we cannot display an expiration date within our regulations.

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.