

Supporting Statement for the SSA-L707
Request for Proof(s) from Custodian of Records
20 CFR 404.703, 404.704, 404.720, 404.721, 404.723, 404.725, 404.728
OMB No. 0960-0766

A. Justification

1. Introduction/Authoring Laws and Regulations

The Social Security Administration (SSA) collects this information by authority of Section 205(a) of the *Social Security Act (Act)* which gives the Commissioner of SSA the authority to make rules, regulations, and establish procedures for requesting and furnishing necessary evidence as it relates to Social Security benefits. Under 20 CFR 404.703 of the *Code of Federal Regulations*, SSA may ask claimants to supply evidence in support of their claim for benefits. We may also request evidence from claimants as described below by authority of the following statutes:

- 20 CFR 404.720 and 20 CFR 404.721 – when we need evidence of death; describes acceptable evidence of a person’s death;
- 20 CFR 404.723 - when we need evidence of marriage;
- 20 CFR 404.725 discusses evidence of a valid ceremonial marriage; and,
- 20 CFR 404.728 discusses when and what kind of evidence we accept to show a marriage has ended.
- 20 CFR 404.704 assigns the claimant’s responsibility for obtaining and providing SSA with the necessary evidence to prove eligibility to receive, or the right to continue to receive, benefits; however, SSA recognizes that some individuals may need assistance in obtaining evidence of death, marriage, or divorce.

2. Description of Collection

In most circumstances, claimants are expected to supply the necessary documentation to support their claims. However, in certain circumstances, SSA will directly request records from a specific records custodian on behalf of the claimant. In these cases, SSA sends Form SSA-L707, Request for Proof(s) from Custodian of Records, to records custodians on behalf of individuals who need help obtaining evidence of death, marriage, or divorce in connection with claims for benefits. SSA uses the information from the SSA-L707 to determine eligibility for benefits. The respondents are records custodians including statistics and religious entities, coroners, funeral directors, attending physicians, and State agencies. Please refer to Question 9, below, for further examples of when SSA would consider using Form SSA-L707.

3. Use of Information Technology to Collect the Information

The SSA-L707 is an infrequently used form. Additionally, it is agency-initiated, as we send it out to the respondents when we need to obtain the evidence mentioned in #2 above. Because of these reasons, SSA has not created an electronic version of Form SSA-L707 under the agency’s Government Paperwork

Elimination Act (GPEA) plan. However, a printable version of Form SSA-L707 is available on SSA's website. SSA notes that per Section 20 CFR 404.407 and 20 CFR 404.709, the custodian of the record may submit the requested documentation via photocopy of the original record or an extract (typed, handwritten, or computer generated) from the record, if the SSA technician is assured it is accurate/authentic. The record custodian attests to the document's authenticity and accuracy by a signed or stamped statement executed at the time the photocopy or extract is made; or affixing his or her seal of office to the photocopy or extract. Computer generated documents must have the needed audit trail information for SSA validation purposes.

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 use Form SSA-L707, SSA would be unable to establish death, marriage, or divorce information as it pertains to a claimant's eligibility for benefits. Because we only collect the 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**

SSA published the 60-day advance Federal Register Notice on October 7, 2019 at 84 FR 53551, and we received no public comments. We published the 30-day Notice on December 23, 2019 at 84 FR 70610. If we receive any public comments in response to the 30-day Notice, we will forward them to OMB. We did not consult with the public in the revision of this form. There have been no outside consultations with members of the public.

9. **Payment or Gifts to Respondents**

SSA pays the entities, in accordance with their fee schedules, from which we request evidence of death, marriage, or divorce. SSA pays on behalf of a claimant in situations meeting the requirements of SSA's operating instructions. The circumstances under which SSA will pay on behalf of the claimant vary depending on the section of the Act under which we pay the benefits. The circumstances are:

SSA Payment Criteria for Title II: Federal Old-Age, Survivors, and Disability Insurance Benefits; and Title XVIII: Health Insurance for the Aged and Disabled
To enable SSA to pay for evidence, the claimant must meet the following conditions (per Section 20 CFR 404.407 and 20 CFR 404.709):

a. The claimant must submit one or more pieces of affirmative evidence¹ supporting eligibility. It is not necessary that the file be free of discrepancy, only that all of the available evidence establishes a reasonable likelihood of eligibility.

Example: A surviving divorced wife who submits proof establishing a 10-year marriage to the Claimant/wage-earner submitted affirmative evidence of eligibility even with a divorce record.

b. SSA needs additional evidence to assure a correct determination of eligibility; i.e., to satisfy our evidentiary and adjudicative requirements, we may need to verify or corroborate the evidence in file;

c. The claimant is unable to submit additional verifying evidence; and,

d. The purchase of the evidence is a more economical and reasonable way to obtain it (e.g., the evidence may be bought and mailed, but requires a visit to the source to obtain it without payment).

SSA Payment Criteria for TITLE XVI-Supplemental Security Income (SSI) for the Aged, Blind, and Disabled

SSA may purchase certified copies of documentary evidence for any eligibility requirement under Title XVI with both of the following:

- We cannot expect the applicant to obtain the evidence; and,
- There is a fee to obtain evidence

SSA Payment Criteria for Concurrent Title 2 and 16

The rules for purchasing evidence for Title XVI cases apply.

Lost Evidence

Sometimes a claimant or Social Security number (SSN) applicant may complain that SSA lost evidence in the mail, or lost evidence in SSA's handling process. If there is an indication that SSA had the evidence (e.g., SSA took action based on the documentation), SSA will replace the document. In these instances, SSA may pay for the evidence.

¹ Supporting evidence (Preferred Evidence and other Evidence § 404.708, §404.709).

Enumeration

It is the responsibility of the applicant for an SSN card to submit the evidence required to establish eligibility for an SSN. SSA does not purchase evidence for any eligibility requirement for enumeration purposes.

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 (minutes)	Estimated Total Annual Burden (hours)	Average Theoretical Hourly Cost Amount (dollars)*	Total Annual Opportunity Cost (dollars)**
State or Local Government	94	1	10	16	\$18.00*	\$288**
Private Sector	24	1	10	4	\$37.60*	\$150**
Totals	118			20		\$438**

* We based this figure on average U.S. citizen's hourly salary, as reported by Bureau of Labor Statistics 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 **20** burden hours (reflecting SSA management information data), which results in an associated theoretical (not actual) opportunity cost financial burden of **\$438**. 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**

The annual cost to the Federal Government is approximately **\$413.20**. 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**

When we last cleared this IC in 2016, the burden was 101 hours. However, we are currently reporting a burden of 20 hours. This change stems from a decrease in the number of responses from 600 to 118. This change also stems from a decrease in the number respondents who need help obtaining evidence of death, marriage, or divorce in connection with claims for benefits. Although the number of responses changed, SSA did not take any actions to cause this change.

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

SSA will not publish the results of the information collection.

17. **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.

18. **Exemption 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.