

Supporting Statement for Form SSA-455
Disability Update Report
20 CFR 404.1589-404.1595 and 416.988-416.996
OMB No. 0960-0511

A. Justification

1. Introduction/Authoring Laws and Regulations

Sections 205(a) and 1631(e)(1)(A) of the *Social Security Act (Act)* empower the Social Security Administration (SSA) to establish and uphold reasonable procedures for evaluating an alleged disability. Section 221(i) of the *Act* requires SSA to assess current disability recipients periodically, to determine if their eligibility for benefits should continue. Sections 1614(a)(4) and 1633(a)&(c) authorize SSA to review the disability status of Supplemental Security Income recipients. Sections 223(d)(5)(A) and 1631(e)(1) of the *Act* require claimants to furnish medical and other evidence SSA asks for, to prove the continued existence of their disability. Sections 20 CFR 404.1589-404.1595 and 416.988-416.996 of the *Code of Federal Regulations* detail the rules for implementing the requirements of the above *Act* sections. To complete required continuing disability entitlement evaluations, SSA uses Form SSA-455, the Disability Update Report.

We are submitting this ICR to support a recently published Notice of Proposed Rulemaking, Rules Regarding the Frequency and Notice of Continuing Disability Reviews (RIN 0960-AI27; see #8 for publication information). We are not revising the ICR's content in any way due to the Proposed Rule; however, we are changing the frequency of use of the collection, and as such the public reporting burden will change (see #12 below)

2. Description of Collection

As part of our statutory requirements, SSA periodically uses Form SSA-455, the Disability Update Report, to evaluate current Title II disability recipients and Title XVI disability payment recipients' continued eligibility for Social Security disability payments. Specifically, SSA uses the form to determine if: (1) there is enough evidence to warrant referring the respondent for a full medical Continuing Disability Review (CDR); (2) the respondent's impairment(s) is still present and is indicative of no medical improvement, precluding the need for a CDR; or (3) there are unresolved work-related issues for the respondent. SSA mails Form SSA-455 to specific disability recipients, whom we select as possibly qualifying for the CDR process. SSA pre-fills the form with data specific to the disability recipient, except for the sections we ask the recipient to complete. When SSA receives the completed form, we optically scan it into SSA's system. This allows us to gather the information electronically, and enables SSA to process the returned forms through automated decision logic to decide the proper course of

action we will take. The respondents are recipients of Title II and Title XVI Social Security disability payments.

3. Use of Information Technology to Collect the Information

SSA did not create an electronic version of this form under the agency's Government Paperwork Elimination Act plan, because it is not an on-demand form and is not available to the public. SSA identifies and sends this form only to specific disabled recipients. Further, because of the existing automated elements of form processing and data gathering currently used for this form, we ruled out an Internet application. Rather we scan and optically read this form, which is claimant-specific. At the time of initiation, we prefill the form with claimant-specific information and a bar code, which contains claimant-specific information.

SSA believes our current process is effective and relatively quick. When we receive the completed form, we scan it, allowing our computers to extract the information and store it in the recipient's electronic folder. This allows for rapid processing of the form, quickly enabling us to make the next step in the decision process. To date, we only needed to refer approximately 2.5% of respondents for a full medical review. For these reasons, we believe our current modality of collecting this information is the preferred method.

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 SSA did not use this information collection, we would have no means of documenting the recovery of current recipients. This could lead to an indefinite payment of benefits to people who should not be receiving them. Because we 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 Consultation with the Public

SSA published a notice of proposed rulemaking (NPRM) in the Federal Register on November 18, 2019 at 84 FR 63588. Although we received public comments

on the NPRM we DID/DID NOT (will select one as appropriate later) receive comments on the response burden. SSA published the Final Rule in the Federal Register on _____, at 85 FR _____. If we receive any comments in response to the Final Rule, 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 question of a sensitive nature.

12. Estimate 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)**
SSA-455	1,300,000	1	15	325,000	\$10.22*	\$3,321,500**

* We based this figure on average DI payments.

** 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 **325,000** burden hours (reflecting SSA management information data), which results in an associated theoretical (not actual) opportunity cost financial burden of **\$3,321,500**.

13. Annual Cost to the Respondents (Other)

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

14. Annual Cost to Federal Government

The current annual cost to the Federal Government for conducting this information collection is approximately \$33,000,000. If the current NPRM is

implemented in final, the annual cost to the Federal government is expected to be approximately \$200 million per year. 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

The proposed rules to revise the regulations regarding when and how often we conduct CDR are projected to, if finalized, cause an increase to our public reporting burden from 275,000 to 325,000 hours. This change stems from the increased number of CDRs to be conducted per annum, resulting in an increased number of responses from 1,100,000 to 1,300,000. There is no change to the burden time per response. In addition, we are not revising the content of the SSA-455 in any way to support these proposed rules. However, because the core policy of the proposed rule will cause a change in the frequency of use of these forms, increasing their public reporting burden for the first 10 years after implementation of the rule, we are seeking OMB re-approval under the Paperwork Reduction Act.

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. 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.