Supporting Statement for Form SSA-454-BK Continuing Disability Review Report 20 CFR 404.1589 & 416.989 OMB No. 0960-0072

A. Justification

1. Introduction/Authoring Laws and Regulations

Sections 205(a) and 1631(e)(1)(A) of the *Social Security Act* (*Act*) provide the Commissioner of the Social Security Administration (SSA) with full power and authority to make rules and regulations, establish procedures, and adopt reasonable and proper procedures governing the nature and extent of the evidence (as well as the methods of taking and furnishing the same) to determine whether an individual continues to be disabled. Sections 223(d)(5)(A) and 1614(a)(3)(H) (*i*) of the *Act*, as amended, provide that claimants furnish such medical and other evidence required by the Commissioner to prove they continue to be disabled. Sections 221(i), 1614(a)(3)(H)(ii)(I) and 1633(c)(I) of the *Act* require us to periodically review the cases of individuals who receive benefits under Title II or Title XVI of the *Act*, based on disability, to determine if disability continues. As provided in 20 CFR 404.1589 and 20 CFR 416.989 of the Code of Federal *Regulations*, we may conduct a review to determine whether benefit entitlement or eligibility continues for individuals receiving disability benefits.

2. Description of Collection

SSA uses Form SSA-454-BK, Continuing Disability Review Report to complete a mandatory review for the continue disability review (CDR). SSA considers adults eligible for payment if they continue to be unable to do substantial gainful activity because of their impairments, and we consider Title XVI children eligible for payment if they have marked and severe functional limitations because of their impairments. SSA also uses Form SSA-454-BK to obtain information on sources of medical treatment; participation in vocational rehabilitation programs (if any); attempts to work (if any); and if individuals believe their conditions are improved. When a disabled individual requires a CDR, a claims representative (CR) mails Form SSA-454-BK; and the respondent completes the form and sends it back to SSA; or the CR interviews the respondent and enters the information into the Electronic Disability Collection System (EDCS). EDCS electronically stores the information of the paper version of Form SSA-454-BK. The respondents are Title II or Title XVI disability recipients or their representatives.

3. Use of Information Technology to Collect the Information

In accordance with the agency's Government Paperwork Elimination Act plan, SSA created an Intranet version of Form SSA-454-BK, the EDCS. Based on our data, we estimate approximately 50% of respondents under this OMB number use the electronic version through a personal interview with a CR.

4. Why We Cannot Use Duplicate Information

The nature of the information we collect and the manner in which we collect it preclude duplication. We do collect some similar information on the SSA-455, Disability Update Report (OMB # 0960-0511). However, since collecting the information on this form is mandatory to complete the CDR, and we do not require respondents to complete both the SSA-455 and the SSA-454-BK in the same year, we still need to collect the same information on both applications.

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-454-BK, we would be unable to make a timely determination regarding if and when recipients should stop receiving disability payments (either because adults are able to work or Title XVI children no longer have marked and severe functional limitations). Because we 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

The 60-day advance Federal Register Notice published on December 23, 2019, at 84 FR 70610, and we received no public comments. The 30-day FRN published on March 26, 2020 at 85 FR 17155. If we receive any comments in response to this Notice, we will forward them to OMB.

9. Payment 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

Please see the burden chart below:

Modality of	Number of	Frequency	Average	Estimate	Average	Total	Average	Total Annual
Completion	Respondents	of	Burden	d Total	Theoretical	Annual	Wait	Opportunity
_		Response	per	Annual	Hourly	Opportunity	Time in	Cost for Wait
		_	Response	Burden	Cost	Cost	Field	Time
			(minutes)	(hours)	Amount	(dollars)**	Office	(dollars) **

					(dollars)*		(minutes) ***	
SSA-454- BK (Paper version)	270,500	1	60	270,500	\$10.22*	\$2,764,510**	24***	\$245**
Electronic Disability Collect System (EDCS)	270,500	1	60	270,500	\$10.22*	\$2,764,510**	24***	\$245**
Totals	541,000			541,000		\$5,529,020**		\$490**

* We based this figure on 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. <u>There is no actual charge to respondents to</u> <u>complete the application</u>.

*** We based this figure on the average FY 2020 wait times for field offices, based on SSA's current management information data.

The total burden for this ICR is **541,000** burden hours (reflecting SSA management information data), which results in an associated theoretical (not actual) opportunity cost financial burden of **\$5,529,020**. 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 on the respondents.

14. Annual Cost To Federal Government

The annual cost to the Federal Government is approximately \$14,465,629. This estimate accounts for costs from the following areas: (1) designing, printing, and distributing the form; (2) SSA employee (e.g., field office, 800 number, DDS staff) information collection and processing time; and (3) systems development, updating, and maintenance costs.

- **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. 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. <u>Collections of Information Employing Statistical Methods</u>

SSA does not use statistical methods for this information collection.