

Supporting Statement for
Form HA-504, Acknowledgement of Receipt (Notice of Hearing)
Form HA-L83, Acknowledgement of Receipt (Notice of Hearing) Cover Letter
Form HA-55, Objection to Appearing by Video Teleconferencing
Form HA-510 and HA-510-OP1, Waiver of Written Notice of Hearing
20 CFR 404.936, 404.938, 404.950, 416.1436, 416.1438, 416.1450
OMB No. 0960-0671

A. Justification

1. Introduction/Authoring Law and Regulations

Sections 205(b)(1) and 1631(c)(1)(A) and (B) of the *Social Security Act (Act)* and 20 CFR 404.936, 404.938, 416.1436 and 416.1438 of the *Code of Federal Regulations (Code)* authorize the Social Security Administration (SSA) to collect the information on Form HA-504, Form HA-55, and Form HA-510. The *Act* and the regulations require claimants to: (1) acknowledge receipt of the Notice of Hearing and (2) indicate whether they will attend their hearing at the time and date shown on the notice. Sections 205(d) and 1631(c) of the *Act*, and 20 CFR 404.936(d), (e), (f), 404.950(a), 416.1436(d), (e), (f), and 416.1450(a) of the *Code* authorize SSA to: (1) establish the time and place of the hearing and (2) ask claimants to present evidence during the hearing.

2. Description of Collection

We use the information obtained on these completed forms to manage the means by which SSA conducts the hearing before an administrative law judge (ALJ) and the scheduling of the hearing with the ALJ.

SSA uses Form HA-55 as a way for the claimants to opt-out of an appearance via VTC for their hearing with the ALJ. If they choose not to make their appearance via video teleconferencing, they must return the HA-55 to SSA within 30 days of receiving the notice, prior to SSA scheduling the hearing. The cover letter for the HA-55, the HA-L2, also explains the good cause stipulation for opting out of a VTC after the 30-day period passes, and includes directions for verifying a new residence address if the claimant moved since submitting the request for hearing. If a claimant uses the HA-55 to opt out of VTC, SSA schedules the claimant's appearance via an in-person hearing, unless we need to schedule a phone teleconference due to extraordinary circumstances, or the claimant changes residences while the request for hearing is pending. If the claimant changes residences, we retain the right to determine if the claimant will appear at the hearing via video teleconferencing. SSA conducts approximately 28 percent of all our hearings via video teleconferencing.

SSA uses Form HA-504 (both versions) to acknowledge the claimants will appear for their hearing with an ALJ; establish the time and place of the hearing; and remind claimants to gather evidence in support of their claim. The difference between the HA-504 and the HA-504-OP1 is the language used for the selection checkboxes as determined by the type of appearance for the hearing (in-person or phone teleconference).

SSA determines which version of the form to use based on where the claimant lives, as well as the location of the ALJ and experts involved in the case. We schedule a claimant's appearance by phone in extraordinary circumstances when it is not possible to schedule an appearance in-person or through video teleconferencing. Depending on the claimant's response, the ALJ will either: (1) prepare for the hearing as scheduled; or (2) reschedule the hearing for a different date or location. The cover letter for the HA-504, the HA-L83, explains the claimants' need to notify SSA of their wish to object to the time and place set for the hearing no later than five days prior to the hearing or 30 days after they receive the HA-504. The HA-L83 also explains the good cause stipulation for missing the deadline for objecting to the time and place of the hearing. In addition, the HA-L83 explains to the claimants how to submit in writing any additional evidence they would like the ALJ to consider during their hearing, or any objections they have to the issues on their claim.

SSA uses Form HA-510, or HA-510-OP1, for the claimant to document that they waive their right to receive the Notice of Hearing as specified in the HA-L83 cover letter for the HA-504, Notice of Hearing. The difference between the two forms is that we send the HA-501-OP1 at the beginning of our business process, to allow representatives and claimants to use this waiver in anticipation of filling all of the hearing time slots, should a rescheduled hearing cause a time slot to reopen. Leaving it optional for the respondents to complete, if they are interested in waving the 75-day requirement to receive the hearing notice earlier in the process so they can schedule their hearings more quickly (for instance, if a cancellation occurs and an earlier time slot becomes available). We typically use the HA-510 when there is a last minute available opening on the ALJ's schedule due to a cancellation or postponement of a hearing. If the claimants agree to fill the time slot to have their hearings earlier, then the claimants also agree to waive the requirement to receive the hearing notice 75 days prior to the scheduled hearing. In those cases, the claimant fills out one version each of Forms HA-510 and HA-504 prior to the hearing.

The respondents are applicants for Social Security disability payments who request a hearing to appeal an unfavorable entitlement or eligibility determination.

3. Use of Information Technology to Collect the Information

SSA did not make Forms HA-504, HA-504-OP1, HA-55, HA-510, or HA-510-OP1 available electronically under the Government Paperwork Elimination Act. SSA prioritizes collections that become electronic, and higher volume collections, as well as legally mandated collections, take precedence to this one. However, representatives who have applied for the Appointed Representative Services (ARS) suite may submit electronic responses through SSA's web-based application, Electronic Records Express Third-Party (0960-0767), or via facsimile. We show the burden for Electronic Records Express Third Party within the documentation for 0960-0767, so we do not include it here.

4. Why We Cannot Use Duplicate Information

The information we collect on these forms does not duplicate information the claimant already presented, nor is it information easily provided by any source other than the claimant. The information we collect is essential for the orderly functioning of the hearing process and safeguards claimants’ rights under the law and regulations.

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 collect the information, it would disrupt the hearing process for both the claimant and the agency, and could violate statutory and regulatory requirements relating to fair hearings and due process. Therefore, we cannot collect this information less frequently. There are no technical or legal obstacles that prevent 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 March 30, 2017 at 82 FR 15799, and we received no public comments. We published the second Notice on July 13, 2017 at 82 FR 32431. If we receive any comments in response to the 30-day Notice, we will forward them to OMB. SSA did not consult members of the public in the development or maintenance of this form.

9. Payment or Gifts to Respondents

SSA provides no payment or gifts to the respondents.

10. Assurances of Confidentiality

SSA protects and holds confidential the information 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 chart below shows the burden for all of the forms and cover letters in this information collection:

Modality of Completion	Number of Respondents	Frequency of Response	Average Burden Per Response	Total Annual Burden (hours)
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			(minutes)	
HA-504	898,000	1	30	449,000
HA-504-OP1	2,000	1	30	1,000
HA-L83 - 404.936(e); 416.1436(e)	900,000	1	30	450,000
HA-L83 - Good cause for missing deadline - 404.936(e)(1); 416.1436(e)(1)	5,000	1	5	417
HA-L83 - Objection stating issues in notice are incorrect – sent 5 days prior to hearing 404.939; 416.1439	45,000	1	5	3,750
HA-55 – 404.936; 404.938; 416.1436; 416.1438	850,000	1	5	70,833
HA-L2 - Verification of New Residence 404.936(c)(1); 416.1436(d)(1)	45,000	1	5	3,750
HA-L2 - Notification of objection to video teleconference more than 30- days after receipt of notice showing good cause 404.936(c)(2); 416.1436(d)(2)	13,500	1	10	2,250
HA-510;	4,000	1	2	133

HA-510-OP1 - 404.938(a); 416.1438(a)				
Totals	2,762,500			981,133

The total burden for this ICR is **981,133** hours. These figures represent 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 to the respondents.

14. Annual Cost to the Federal Government

The annual cost to the Federal Government is approximately \$264,786 as a projection of the costs for printing and distributing the collection instrument and for collecting the information.

15. Program Changes or Adjustments to the Information Collection Request

There is a decrease in the burden level from the last renewal. This decrease is due to our completion of processing the pending claims for which we sent the one-time notice. We expect the response level of the remaining forms to stay the same.

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.