

**Addendum to the Supporting Statement for Form SSA-3441
Disability Report-Appeal
20 CFR 404.1512, 416.912, 404.916(c), 416.1416(c), 422.140, 404.1713, 416.1513,
404.1740(b)(4), 416.1540(b)(4), and 20 CFR 405, Subpart C
OMB No. 0960-0144**

Background

This is a request for modification of the Form SSA-3441, Disability Report - Appeal, related to new regulation, Removing the Education Category - Inability to Communicate in English - from the Disability Determination Process, RIN 0960-AH86. This new regulation is eliminating one of the five existing education categories, namely the “inability to communicate in English” (20 CFR 404.1564 and 416.964). The new regulation does not affect the other educational categories. We amended the Medical Vocational Guidelines in 20 CFR Part 404, Subpart P Appendix 2, as appropriate, under the new regulations.

The effect of this regulation is to remove the consideration of English proficiency when determining a claimant’s education category. We will consider the claimant’s actual education attained without regard to the claimant’s proficiency in the use of English and assign the claimant to one of the four remaining education categories, as appropriate: illiteracy; marginal education; limited education; and high school education and above.

Sections 223(d)(2)(A) and 1614(a)(3)(B) of the *Act* require SSA to consider a claimant’s education when determining an adult’s claim of disability. Sections 205(a) and 1631(d)(1) of the *Act* authorize SSA to establish procedures for collecting and verifying relevant evidence. We collect such evidence using Form SSA-454-BK, Continuing Disability Review Report. The information we collect assesses a claimant’s level of education, and assigns the claimant to a specific education category.

Revisions to the Collection Instruments

SSA is making the following revisions to Form SSA-3441 due to the new regulation, RIN 0960-AH86:

- **Change #1:** In 8B, we added “GED classes” and “college classes” to the question.

Justification #1: We are adding this information due to the new regulation to eliminate the “inability to communicate in English” education category. This now requires us to consider a claimant’s formal schooling without regard to the claimant’s proficiency in English. Therefore, additional collection is required.

- **Change #2:** In 8B, under Date(s) attended, we added two new questions to collect Degree(s) attained, if any and Date of attainment (MM/YYYY).

Justification #2: We are adding this information due to the new regulation to eliminate the “inability to communicate in English” education category. Requesting

information on when education was attained will allow adjudicators to determine how relevant the information is in the disability adjudication process.

- **Change #3:** We are revising the Privacy Act Statement on this form.

Justification #3: SSA's Office of the General Counsel is conducting a systematic review of SSA's Privacy Act Statements on agency forms. As a result, SSA is updating the Privacy Act Statement on the form.

- **Change #4:** We are updating the Paperwork Reduction Act Statement on this form.

Justification #4: We are revising the PRA statement to reflect our current boilerplate language. The current language, which dates back to the last reprint of the form, is now outdated.

SSA is making the following revisions to the i3441 due to the new regulation, RIN 0960-AH86:

- **Change #1:** We changed the question, "Have you completed any type of special job training, trade or vocational school" to, "Since you last told us about your education, have you completed or are you enrolled in any type of GED classes, specialized job training, trade school, vocational school, or college classes?"

Justification #1: We are adding this information due to the new regulation to eliminate the "inability to communicate in English" education category. This now requires us to consider a claimant's formal schooling without regard to the claimant's proficiency in English. Therefore, additional collection is required.

- **Change #2:** Under the revised question, we added two new questions to collect Degrees(s) attained, if any and Date of attainment.

Justification #2: We are adding this information due to the new regulation to eliminate the "inability to communicate in English" education category. Requesting information on when respondents attained education will allow adjudicators to determine how relevant the information is in the disability adjudication process.

- **Change #3:** We are revising the Privacy Act Statement on the screen package.

Justification #3: SSA's Office of the General Counsel is conducting a systematic review of SSA's Privacy Act Statements on agency forms. As a result, SSA is updating the Privacy Act Statement on the screen package.

- **Change #4:** We are updating the Paperwork Reduction Act Statement on this form.

Justification #4: We are revising the PRA statement to reflect our current boilerplate language. The current language, which dates back to the last reprint of the form, is now outdated.

SSA is making the following revisions to the 3441 EDCS Screens due to the new regulation, RIN 0960-AH86:

- **Change #1:** Under the Education Information section, we changed the question to, “Since you last told us about your education, have you completed or are you enrolled in any type of GED classes, specialized job training, trade school, vocational school, or college classes?”

Justification #1: We are adding this information due to the new regulation to eliminate the “inability to communicate in English” education category. This now requires us to consider a claimant’s formal schooling without regard to the claimant’s proficiency in English. Therefore, additional collection is required.

- **Change #2:** Under the revised question, we added two new questions to collect Degrees(s) attained, if any and Date of attainment.

Justification #2: We are adding this information due to the new regulation to eliminate the “inability to communicate in English” education category. Requesting information on when education was attained will allow adjudicators to determine how relevant the information is in the disability adjudication process.

- **Change #3:** We are revising the Privacy Act Statement on the screen package.

Justification #3: SSA’s Office of the General Counsel is conducting a systematic review of SSA’s Privacy Act Statements on agency forms. As a result, SSA is updating the Privacy Act Statement on the screen package.

- **Change #4:** We are updating the Paperwork Reduction Act Statement on this form.

Justification #4: We are revising the PRA statement to reflect our current boilerplate language. The current language, which dates back to the last reprint of the form, is now outdated.

SSA will implement these Changes immediately upon OMB’s approval of this ICR, 0960-0813, within 60 days of the publication of the Final Rule, Removing Inability To Communicate in English as an Education Category (RIN 0960-AH86), which published February 25, 2020 at 85 FR 10586.

These revisions do not affect the public reporting burden.