

**Justification for the Non-Substantive Changes to the 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, Waiver of Written Notice of Hearing  
20 CFR 404.936, 404.938, 416.1436, 416.1438  
OMB No. 0960-0671**

**Background and Purpose:**

To respond to the COVID-19 public health crisis, the Office of Hearings Operations (OHO) is closed to the public and temporarily conducting all hearings by telephone. Additionally, the claimant cannot visit a hearing office to review the file while our hearing offices are closed, and we cannot burn compact discs (CDs) of claimants' files for claimants who do not have electronic folder access.

As a public service enhancement to our new telephone hearing process, decision writers (DW) will conduct COVID-19 Enhanced Outreach for hearings that are ready to schedule (RTS) or currently scheduled (SCHD) for both unrepresented and represented claimants.

The COVID-19 Enhanced Outreach, DWs will:

- Screen those cases for potential On-The-Record (OTR) decisions, alerting management of a potential OTR for assignment to a Senior Attorney for further review, recommended amended onset date, etc.
- Cover the current situation that our offices are closed and that hearings are only being conducted by telephone to seek the claimant or representative's agreement to proceed with a hearing by telephone; and
- Request the claimant's email address so that we can email the evidence in the claimant's case.

This enhanced outreach will ensure our ability to provide timely and efficient hearings while safeguarding due process.

COVID-19 Enhanced Outreach with unrepresented claimants will include:

- Informing claimants of the right to representation, attempting to identify outstanding medical evidence and resolving any development issues.
- For cases in RTS status, informing claimants that while the hearing office is closed, we are conducting all hearings by telephone, and we will not schedule their hearing unless they agree to a telephone hearing.
- For cases in SCHD status, informing the claimant that while the hearing office is closed we are conducting all hearings by telephone, and asking if they want to proceed with a telephone hearing or postpone until our offices re-open.
- For cases in SCHD status, if claimant agrees to a telephone hearing, and if applicable, obtain agreement to waiver of the 20-day Notice for amended or supplemental hearings.
- Providing an encrypted, password protected PDF via email of the electronic folder. The claimant can view the file on any device.
- Reviewing the exhibited evidence in the file with unrepresented claimants by telephone to ensure that the file accurately reflects the record evidence.

NOTE: If the claimant does not have access to the internet or email, they will not be able to receive the PDF; instead, the DW will provide in-depth verbal review of the claimant's file with them to ensure they are prepared for their hearing.

COVID-19 Enhanced Outreach with representatives will include:

- Obtaining accurate representative information (valid SSA-1696), attempting to identify outstanding medical evidence, and resolving any development issues.
- For cases in RTS status, informing representatives that while the hearing office is closed, we are conducting all hearings by telephone, and we will not schedule their claimant's hearing unless they agree to a telephone hearing.
- For cases in SCHED status, informing the representative that while the office is closed we are conducting all hearings by telephone, and asking if they want to proceed with a telephone hearing or postpone until our offices re-open.
- For cases in SCHED status, if agree to a telephone hearing, and if applicable, obtain agreement to waiver of the 20-day Notice for amended or supplemental hearings required.
- For cases where representatives who do not have access to Electronic Records Express (ERE) and did not receive a CD, providing an encrypted, password protected PDF via email of the electronic folder. The representative can view the file on any device.
- Confirming with the representative that the file accurately reflects the record evidence.
- Reviewing the exhibited evidence in the file with representatives without ERE access by telephone to ensure that the file accurately reflects the record evidence.

NOTE: If the representative without ERE access does not have access to the internet or email, they will not be able to receive the PDF; instead, the DW will provide in-depth verbal review of the claimant's file with them to ensure they are prepared for their hearing.

### **Revisions to the Collection Instrument**

- **Change #1:** We will implement an initial pre-hearing call to explain the current situation to the claimant or their representative payee; allow the claimant, or their representative, to opt out of the telephone hearing; and to set up a second pre-hearing call.

**Justification #1:** We need these calls to help explain the current telephone-only hearing option to the respondent, and to allow them to opt out, if they choose to do so. In addition, we also need this outreach to explain to the claimant, or their representative, that opting out of the telephone hearing would mean that we need to wait to reschedule their hearing until after we can reopen hearings offices, which could mean a delay of months.

- **Change #2:** We will implement a second pre-hearing call to better prepare the claimant, and their representative payee, as necessary, for the telephone hearing; to go over the evidence on file; and to complete any OMB-approved agency forms we need completed prior to the hearing.

**Justification #2:** We need to implement the second pre-hearing call to ensure we have all the information we need to hold the telephone hearing, and that the claimant, or their representative, is comfortable with the telephone hearing format. We believe this outreach will help the claimants and their representatives during the telephone hearing.

## Public Reporting Burdens for the COVID-19 Enhanced Outreach

We estimate the total universe of approximately 276,590 respondents for this outreach. Of this universe, we anticipate that 50% of unrepresented claimants and 40% of represented claimants will not go forward with the second contact. The numbers on this chart reflect these estimates:

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)**
CEO Initial Call – No Representative (Unrepresented Claimant/ProSe )	75,190	1	10	12,532	\$10.22*	\$128,077**
CEO Initial Call – With Representative	201,400	1	10	33,567	\$25.72*	\$863,343**
CEO Follow Up Call – No Representative (Unrepresented Claimant/ProSe )	37,500	1	60	37,500	\$10.22*	\$383,250**
CEO Follow up Call – With Representative	120,800	1	30	60,400	\$25.72*	\$1,553,488**
<b>Totals</b>	<b>434,890</b>			<b>143,999</b>		<b>\$2,928,158**</b>

\* We based this figure on average DI payments from SSA’s records (for claimants), and the average U.S. worker’s salary as reported by the Bureau of Labor Statistics (for representative payees), [https://www.bls.gov/oes/current/oes\\_nat.htm](https://www.bls.gov/oes/current/oes_nat.htm).

\*\* 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 the COVID-19 Enhanced Outreach is **143,999** hours, which will temporarily increase the total burden for this ICR to **1,125,132** burden hours (reflecting SSA management information data), which results in an associated theoretical (not actual) opportunity cost financial burden increase of \$2,930,126. SSA does not charge respondents to complete our applications.

We will implement the COVID-19 Enhanced Outreach upon OMB’s approval.