

Supporting Statement for Form HA-4633
Claimant's Work Background
20 CFR 404.1512(a); 404.1520(a)(4); 404.1565(b)
and 20 CFR 416.912(a); 416.920(a)(4); 416.965(b)
OMB No. 0960-0300

A. Justification

1. Introduction/Authoring Laws and Regulations

Sections 205(a), 702, 1631 (e)(1)(A) and (B) and 1869(b)(1)(C) of the *Social Security Act (Act)* provide the Commissioner of Social Security the authority to establish procedures for determining whether a claimant is entitled to disability benefits. The Social Security Administration (SSA) may ask individuals who apply for disability benefits under the *Act* to provide background information about work they performed in the past 15 years, as prescribed in 20 CFR 404.1512(a), 404.1565(b), 416.912(a), and 416.965(b) of the *Code of Federal Regulations*. Form HA-4633 facilitates the collection of a claimant's work background. It is used during the appeals process if the judge determines it is necessary to further develop the claimant's employment history, as per 20 CFR 404.1520(a)(4) and 416.920(a)(4).

2. Description of Collection

Most Social Security disability claims are initially processed through a network of local field offices and State agencies (usually called Disability Determination Services or DDSs). If a claimant is denied benefits, they have a series of sequential appeals options. First, they must request a reconsideration at the DDS level. If the request for reconsideration still results in a denial of benefits, the applicant may request a hearing in front of a judge. While the claimant may have provided certain employment history information during their initial application via their initial application forms as well as supplemental forms such as the SSA-3369-BK (Work History Report, OMB Control 0960-0578), the SSA-821 (Work Activity Report – Employee, OMB Control 0960-0059), the SSA-820 (Work Activity Report—Self-Employment, OMB Control 0960-0598) or the third-party-completed SSA-3033 (Employee Work Activity Questionnaire OMB Control 0960-0483), when a claimant requests a hearing before a judge at the hearing level, the claimant provides additional work history to assist the judge. Specifically, after the claimant requests a hearing, one of the initial steps taken by the Office of Hearings Operations (OHO) staff is to review the case file to determine what additional evidence may be needed to make a determination. It is OHO's standard business process to send the HA-4633 for all adult claimants, along with other forms associated with developing evidence such as the HA-4631 (Claimant's Recent Medical Treatment, OMB Control No. 0960-0292) and the HA-4632 (Claimant's Medications, OMB Control No. 0960-0289). OHO also shares a copy of the claimant's current file with the claimant, and that claimant's representative (if they have one), which includes the previously completed forms, if the claimant already has them on file. In Fiscal Year 2021, there were approximately 383,000 hearings requested (https://www.ssa.gov/appeals/DataSets/A01_VH_Opt-Out.html), indicating

that in roughly half of all cases OHO requests the completion of this form.

The judge uses the information collected from the claimants on Form HA-4633 to:

(1) identify the claimant's relevant work history; (2) decide if expert vocational testimony is required and, if so, have a vocational expert available to testify during the hearing; and (3) provide a reference for the judge to discuss the claimant's work history. The judge makes the completed HA-4633 part of the documentary evidence of record. The respondents are claimants for disability benefits under Title II or Title XVI who request a hearing before a judge after SSA denied their application for disability payments, or their representatives.

3. Use of Information Technology to Collect the Information

A select population of claimants complete the HA-4633 and based on the conditions of each individual claimant's hearing. While SSA provides a fillable PDF version of the HA-4633 on our website that claimants can download and print, in almost all cases a claimant will receive the form in the mail along with a postage paid envelope and a notice explaining the need for a completed HA-4633 (as well as other forms that may support developing evidence for the case).

For claimants who appoint a representative, SSA allows the claimant's representative to submit the completed form electronically through the Electronic Records Express (ERE) initiative (OMB No. 0960-0753) as an uploaded document. When the appointed representative uploads and properly labels a form, the system electronically notifies the hearings office that a new document arrived. Appointment of a representative occurs in about 83% of claimant cases. At this time, electronic submission of Form HA-4633 is not available to claimants who do not appoint a representative. We are working to create an electronic submission option for this form.

4. Why We Cannot Use Duplicate Information

The nature of the information we collect and the manner in which we collect it preclude duplication. While the initial DDS claims collect similar information, we need updated information at the hearing level. SSA has not studied the degree to which the information a claimant provides on the SSA-3369 (OMB No. 0960-0578) is fully duplicative of the information the claimant provides on the HA-4633.

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 collect this information, claimants might not present evidence pertinent to their claims for disability payments. As defined in the *Act*, the HA-4633 collects the minimum information necessary for a judge to assess an individual's work history, thus creating a legal impediment to reducing the overall burden requirement on the public. Since SSA collects the information only when this situation arises, the agency 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 June 24, 2020, at 85 FR 37996, and we received no public comments. The 30-day FRN published on August 20, 2020, at 85 FR 51536. If we receive any comments in response to this Notice, we will forward them to OMB. We did not consult with the public in the revision of this form.

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

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)**
HA-4633 - PDF/paper version	32,300	1	30	16,150	\$11.70*	\$188,955**
Electronic Records Express Submissions	157,700	1	30	78,850	\$28.01*	\$2,208,589**
Totals	190,000			95,500		\$2,397,544***

Note: The above chart breaks down the type of submissions (paper and ERE submissions) for ease of viewing the 83% of respondents who submit via ERE; however, since there is no burden difference for submission type, we did not create separate ICs in ROCIS, opting instead to indicate the 83% in the box provided for Percentage of

Respondents Reporting Electronically. In addition, the vast majority of respondents using the paper form mail it back to SSA without traveling to a hearings or field office. As such, we assume no travel or wait times associated with this form.

* We based these figures on average DI hourly wages based on SSA's current FY 2022 SSI data (<https://www.ssa.gov/legislation/2020%20Fact%20Sheet.pdf>); and on average U.S. citizen's hourly salary, as reported by Bureau of Labor Statistics data (https://www.bls.gov/oes/current/oes_stru.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.**

We base our burden estimates on current management information data, which includes data from actual interviews, as well as from years of conducting this information collection. Per our management information data, we believe that 30 minutes accurately shows the average burden per response for reading the instructions, gathering the facts, and answering the questions. Based on our current management information data, the current burden information we provided is accurate. The total burden for this collection instrument is **95,500** burden hours (reflecting SSA management information data), which results in an associated theoretical (not actual) opportunity cost financial burden of **\$2,397,544**. 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 \$383,460. This estimate accounts for costs from the following areas:

Description of Cost Factor	Methodology for Estimating Cost	Cost in Dollars
Designing, Printing, and Distributing the Form	Design Cost + Printing Cost + Distribution Cost	\$200,000
SSA Employee (e.g., field office, 800 number, DDS staff) Information Collection and Processing Time	GS-9 employee x # of responses x processing time	\$180,610
Systems Development, Updating, and Maintenance	GS-9 employee x man hours for development, updating, maintenance	\$2,850
Total		\$383,460

SSA is unable to break down the costs to the Federal government further than we already have. First, since we work with almost every US citizen, we often do bulk mailings, and cannot track the cost for a single mailing. We do not track design costs or upkeep costs (as these are based on employee time and may vary from collection to collection). In addition, it is difficult for us to break down the cost for processing a single form, as field office and State Disability Determination Services staff often help respondents fill out several forms at once, and the time it takes to do so can vary greatly per respondent. As well, because so many employees have a hand in each aspect of our forms, we use an estimated average hourly wage, based on the wage of our average field office employee (GS-9) for these calculations. Finally, SSA prefers not to provide breakdowns of estimated payment to employees who process these items for a variety of reasons (only one of which is that it is not possible to do this entirely accurately).

15. Program Changes or Adjustments to the Information Collection Request

When we last cleared this IC in 2017, the burden was 50,000 hours. However, we are currently reporting a burden of 95,500 hours. This change stems from two things, an increase in completion time from 15 to 30 minutes, and a decrease in the number of responses from 200,000 to 190,000. These figures represent current Management Information data for the number of responses, and we reevaluated the time estimate for completing the form.

16. Plans for Publication Information Collection Results

SSA will not publish the results of the information collection.

17. Displaying the OMB Approval Expiration Date

For the paper Form SSA-4633, we will not publish 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.

For the Internet version of Form SSA-4633 housed under ERE (OMB No. 0960-0753), SSA is not requesting an exception to the requirement to display the OMB approval expiration date.

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.