

**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.

Because our hearings offices are currently closed, our administrative law judges and administrative appeals judges do not have access to the specialized video teleconferencing equipment we normally use for video teleconferenced hearings. Therefore, as a public service enhancement to our hearing process, OHO will offer claimants the option to participate in an Internet-based video hearing using Microsoft (MS) Teams. This technology will allow individuals in multiple locations to attend a video hearing and will provide a temporary, alternate manner of appearance for hearings only while our offices are closed due to the current COVID-19 situation.

Starting in August 2020, OHO will phase-in this temporary video option in addition to our telephone hearings. Beginning with targeted outreach, OHO staff will work with representatives and claimants who have not opted out of a video hearing. This outreach will include:

- Prioritizing critical cases such as dire need and military casualty, and the oldest pending hearing requests
- OHO staff will contact representatives and claimants by telephone to offer a MS Teams video hearing and explain how the process will work.
 - The process will include sending an email with talking points to the representative to gain authorization from the claimant to use MS Teams. OHO staff will also send a link via email to the MS Teams hearing to the representative and claimant.
- The claimant and representative may need to agree to third party terms of service and privacy policies to use MS Teams.
- For represented cases, OHO staff will obtain authorization from both the representative and claimant
- Explaining that participation is voluntary for MS Teams video hearings.

As part of our phased approach, we will pilot the MS Teams technology with no more than 100 members of the public (approximately 20-24 hearings), to determine if it works well enough to use during the COVID-19 situation. If so, we will submit a subsequent Change Request to update the burden figures as we begin rolling out the MS Teams video hearings slowly across the nation.

We expect to implement the pilot for MS Teams usage upon OMB's approval. In addition, we will assess if we will continue using MS Teams once we are able to reopen our hearings offices and use our specialized video teleconferencing equipment.

Revisions to the Collection Instrument

- **Change #1:** We will implement an initial pre-hearing call to explain the new option for a remote video hearing using MS Teams to representatives and claimants who have declined telephone hearings. During this contact, we will explain that the claimant and representative may need to agree to third party terms of service and privacy policies.

Justification #1: We need these calls to explain this new video option, the process, and to obtain authorization from the participants (claimant and representative) to use MS Teams in place of our video teleconferencing equipment.

- **Change #2:** We will implement a new notice to confirm the scheduled hearing, authorization, and contact for hearing day information.

Justification #2: We need to implement this change to ensure full authorization for utilizing MS Teams as a manner of appearance and to obtain day of hearing email information.

Public Reporting Burdens for Remote Video Hearings via Microsoft Teams

For the Phase 1 pilot, we estimate the total universe of approximately 100 respondents for this outreach. The numbers on this chart reflect estimates for Phase 1 Only:

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) **
Pre-hearing Outreach to Representatives	50	1	20	17	\$25.72*	\$437**
Pre-hearing Outreach to Claimants	50	1	20	17	\$10.75*	\$183**
Totals	100			34		\$450**

* We based this figure on average DI payments from SSA’s records (for claimants), as reported in SSA’s disability insurance payment data (<https://www.ssa.gov/legislation/2020Fact%20Sheet.pdf>); 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_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.**

For Phase 1, the total burden for outreach and consent to Remote Video Hearings via MS Teams is **34** hours, which will temporarily increase the total burden for this ICR to **1,186,999** burden hours (reflecting SSA management information data), which results in an associated theoretical (not actual) opportunity cost financial burden increase of **\$1,590,795**. SSA does not charge respondents to complete our applications.

We will phase-in implementation of Remote Hearings via MS Teams upon OMB's approval. As mentioned above, following the Phase 1 pilot, we will prepare a new justification for national rollout.

We will implement these changes upon OMB's approval.