

**Supporting Statement for Form HA-520
Request for Review of Hearing Decision/Order
20 CFR 404.967-404.981, 20 CFR 416.1467-416.1481
OMB 0960-0277**

A. Justification

1. Introduction/Authorizing Laws and Regulations

The statutory authority for this information collection is in the *Social Security Act (Act)* at sections 205(a) and 1631(d)(1). Section 205(a) of the *Act* authorizes the Commissioner to make rules necessary to implement Social Security programs. Section 1631(d)(1) of the *Act* incorporates Section 205(a) and applies it to Title XVI of the *Act*. The Commissioner published regulations at 20 CFR 404.967-404.981 and 20 CFR 416.1467-416.1481 of the *Code of Federal Regulations*, creating an Appeals Council review process. Additionally, The Foster Care Independence Act of 1999, section 251 of *Public Law (Pub.L.) 106-16*, established a new Title VIII of the *Act* for providing special cash benefits to certain World War II veterans. Section 809 of *Pub.L. 106-169* establishes hearing and review rights, and the procedural protocol to administer this program. The Commissioner published regulatory guidance for this program at 20 CFR 408.1050. Form HA-520, Request for Review of Hearing Decision/Order, provides a means for individuals to request a review by the Appeals Council of an administrative law judge's (ALJ) hearing decision or dismissal of a hearing request. The form also discloses who must file a written request and provide specific information to the Social Security Administration (SSA) as cited above.

2. Description of Collection

Claimants have a statutory right under the *Act* and current regulations to request review of an ALJ's hearing decision or dismissal of a hearing request on Title II and Title XVI claims. Claimants may request Appeals Council review by filing a written request using Form HA-520 or the Internet i520. SSA uses the information to establish the claimant filed the request for review within the prescribed time, and to ensure the claimant completed the requisite steps permitting the Appeals Council review. The Appeals Council uses the information to: (1) Document the claimant's reason(s) for disagreeing with the ALJ's decision or dismissal; (2) determine whether the claimant has additional evidence to submit; and (3) determine whether the claimant has a representative or wants to appoint one. The respondents are claimants requesting review of an ALJ's decision or dismissal of hearing.

3. Use of Information Technology to Collect the Information

As SSA continues moving forward to process claims electronically, we have developed the ability for claimants and appointed representatives (A/R) to submit appeals and evidence electronically by way of the Internet. However, this method is

not available for appeals to the Office of Appellate Operations (OAO) at this time. Therefore, we are updating our iAppeals applications to allow A/Rs and claimants to submit appeals and evidence electronically using the agency's iAppeals application. The new i520 will be part of the iAppeals application.

4. Why We Cannot Use Duplicate Information

The nature of the information we collect and the manner in which we collect it precludes duplication. SSA does not use another collection instrument to obtain similar data.

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 this information, claimants would have no way to appeal a denied claim to the next level of adjudication. Because we only collect this information on an as needed basis, we 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 October 26, 2017, at 82 FR 49694, and we received no public comments. The 30-day FRN published on March 21, 2018 at 83 FR 12455. If we receive any comments in response to this Notice, we will forward them to OMB.

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 we collect 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

This information collection does not contain any questions of a sensitive nature

12. Estimates of Public Reporting Burden

We estimate approximately 175,000 total respondents use either the paper or Internet versions of this application. The following chart shows the burden information for these modalities:

Modality of Completion	Number of Respondents	Frequency of Response	Average Burden Per Response (minutes)	Estimated Total Annual Burden (hours)
SSA-520 (paper form)	105,000	1	10	17,500
i520 (Internet)	70,000	1	15	17,500
Total	175,000			35,000

The total burden for this ICR is **35,000** hours. We based this figure on current management information data, and it represents burden hours. We did not calculate a separate cost burden.

13. Annual Cost to the Respondents (Other)

This collection does not impose a known cost burden to the respondents.

14. Annual Cost to Federal Government

For FY 2018, we anticipate a total cost to the Federal Government of **2,550,429**. This encompasses both the annual cost to the Federal Government, as well as a one-time development cost for the new i520 screens. The breakdown of these costs is as follows:

The annual cost to the Federal Government is approximately \$336,302. This estimate accounts for costs from the following areas: (1) designing, printing, and distributing the form; (2) SSA employee (e.g., field office, 800 number, DDS staff) information collection and processing time; and (3) systems development, updating, and maintenance costs,

In addition, we also anticipate a one-time development cost to the Federal Government of approximately \$2,214,127. This estimate is a projection of the costs for developing the new OAO iAppeals application.

15. Program Changes or Adjustments to the Information Collection Request

The increase in burden hours from 29,167 to 35,000 stems from the addition of the Internet screens for the i520 to this information collection request. We expect the Internet version will take a bit longer for new users, rather than the current paper process. We based these estimates on the current iAppeals applications (approved

under 0960-0269 and 0960-0622). If our estimates prove inaccurate, we will submit a Change Request to update them. We intend to implement these new screens upon OMB approval (see Addendum for more details).

16. Plans for Publication of 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.

SSA is not requesting an exception to the requirement to display the OMB approval expiration date for the Internet screens.

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 did not use statistical methods for this information collection.