

**Justification for Non-Substantive Changes for Form HA-L90
Request to Show Cause for Failure to Appear
20 CFR 404.938, 20 CFR 416.1438, and 20 CFR 404.957(a)(ii)
OMB No. 0960-0794**

Background

On November 16, 2020, SSA published the Final Rule, Hearings Held by Administrative Appeals Judges of the Appeals Council, (RIN 0960-AI25; <https://www.govinfo.gov/content/pkg/FR-2020-11-16/pdf/2020-23856.pdf>). This Final Rule clarifies when and how administrative appeals judges (AAJ) on our Appeals Council may hold hearings and issue decisions. Because this Final Rule allows for both Administrative Appeals Judges and Administrative Law Judges to hold hearings and issue decisions, we are updating the content of this form to reflect the new language stating that “Judges” will review the cases, hold hearings, and issue decisions; however, we will not change the title of this form.

Therefore, SSA is updating its procedures for processing requests for hearing by an administrative law judge (ALJ). The Appeals Council may assume responsibility for holding a hearing by providing notice to parties at their last known address notifying them that the Appeals Council has assumed responsibility for the case(s). Since the Appeals Council may exercise this authority in certain cases, we are updating the language on the HA-L90.

SSA will implement the following changes to the HA-L90 and HA-L90-OP1 upon OMB approval:

Revisions to the Information Collection

- **Change #1:** Change “administrative law judge” and “ALJ” to “judge” throughout the form.

Justification #1: Because our regulations authorize the Appeals Council to assume responsibility for holding a hearing, we are changing “administrative law judge” to the more general “judge” to include both administrative law judges and the administrative appeals judges of the Appeals Council.

- **Change #2:** Remove “Office of Hearings Operations” from the title bar.

Justification #1: The office name is not necessary for the title. There is no need to identify the organization name within the Social Security Administration.

This action does not affect the public reporting burden.