

**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 and HA-510-OP1, Waiver of Written Notice of Hearing
20 CFR 404.936, 404.938, 404.950, 416.1436, 416.1438, 416.1450
OMB No. 0960-0671**

A. Justification

1. Introduction/Authoring Law and Regulations

Sections 205(b)(1), and 1631(c)(1)(A) and (B) of the *Social Security Act (Act)*, and 20 CFR 404.936, 404.938, 416.1436 and 416.1438 of the *Code of Federal Regulations (Code)* authorize the Social Security Administration (SSA) to collect the information on Form HA-504, Form HA-55, and Form HA-510. The *Act* and the regulations require claimants to: (1) acknowledge receipt of the Notice of Hearing and (2) indicate whether they will attend their hearing at the time and date shown on the notice. Sections 205(d) and 1631(c) of the *Act*, as well as 20 CFR 404.936(d),(e),(f), 404.950(a), 416.1436(d),(e), (f), and 416.1450(a) of the *Code* authorize SSA to: (1) establish the time and place of the hearing and (2) ask claimants to present evidence during the hearing.

2. Description of Collection

We use the information obtained on these completed forms to manage the means by which SSA conducts the hearing before an administrative law judge (judge) or administrative appeals judges (judge), and the scheduling of the hearing with the judge.

SSA uses Form HA-55 as a way for the claimants to opt-out of an appearance via video teleconferencing (VTC) for their hearing with the judge. If they choose not to make their appearance via VTC, they must return the HA-55 to SSA within 30 days of receiving the notice, prior to SSA scheduling the hearing. The cover letter for the HA-55, the HA-L2, also explains the good cause stipulation for opting out of VTC after the 30-day period passes, and includes directions for verifying a new residence address if the claimant moved since submitting the request for hearing. If a claimant uses the HA-55 to opt out of VTC, SSA schedules the claimant's appearance via an in-person hearing, unless we need to schedule a phone teleconference or online video hearing due to extraordinary circumstances, or the claimant changes residences while the request for hearing is pending. If the claimant changes residences, we retain the right to determine if the claimant will appear at the hearing via VTC. SSA conducts approximately 28 percent of all our hearings via video teleconferencing.

SSA uses Form HA-504 (all versions) to acknowledge the claimants will appear for their hearing with a judge; establish the time and place of the hearing; and remind claimants to gather evidence in support of their claim. The difference between the HA-504, HA-504-OP1, and the HA-504-OP2 is the language used for the selection checkboxes as determined by the type of appearance for the hearing (in-person, traditional video, online video, or phone teleconference). SSA determines which version of the form to use based

on where the claimant lives, as well as the location of the judge and experts involved in the case. We schedule a claimant's appearance by phone or online video in extraordinary circumstances when it is not possible to schedule an appearance in-person or through video conferencing. Depending on the claimant's response, the judge will either: (1) prepare for the hearing as scheduled; or (2) reschedule the hearing for a different date or location. The cover letter for the HA-504, the HA-L83, explains the claimants' need to notify SSA of their wish to object to the time and place set for the hearing no later than five days prior to the hearing or 30 days after they receive the HA-504. The HA-L83 also explains the good cause stipulation for missing the deadline for objecting to the time and place of the hearing. In addition, the HA-L83 explains to the claimants how to submit in writing any additional evidence they would like the judge to consider during their hearing, or any objections they have to the issues on their claim.

SSA uses Form HA-510, or HA-510-OP1, for the claimant to document that they waive their right to receive the Notice of Hearing as specified in the HA-L83 cover letter for the HA-504, Notice of Hearing. The difference between the two forms is that we send the HA-501-OP1 at the beginning of our business process, to allow representatives and claimants to use this waiver in anticipation of filling all of the hearing time slots, should a rescheduled hearing cause a time slot to reopen. Leaving it optional for the respondents to complete, if they are interested in waving the 75-day requirement to receive the hearing notice earlier in the process so they can schedule their hearings more quickly (for instance, if a cancellation occurs and an earlier time slot becomes available). We typically use the HA-510 when there is a last minute available opening on the judge's schedule due to a cancellation or postponement of a hearing. If the claimants agree to fill the time slot to have their hearings earlier, then the claimants also agree to waive the requirement to receive the hearing notice 75 days prior to the scheduled hearing. In those cases, the claimant fills out one version each of Forms HA-510 and HA-504 prior to the hearing.

COVID-19 Enhanced Outreach

As a public service during the pandemic, while our hearing offices are closed, we implemented both a telephone process for hearings, as well as a new Microsoft Teams (MS Teams) process for hearings to ensure we can conduct hearings with the public rather than suspend them.

Our COVID-19 Enhanced Outreach (CEO) with representatives includes:

- Rather than calling all appointed representatives with cases pending in ready to schedule (RTS) or currently scheduled (SCHD) to determine if their claimants will accept a telephone hearing, we:
 - Send a letter for all cases where the claimant or representative has not responded regarding acceptance of telephone hearing
 - Include a COVID-related form for the representative to complete

- o Request that representative upload this form through the Automated Records System (ARS) if they have access, or fax to the appropriate Hearing Office.

In addition, we continue to roll out MS Teams as an option for video hearings to both unrepresented and represented claimants in addition to telephone hearings. To implement broader use of this online video hearing technology, we revised our CEO process and collection form, as well as the notices we send to claimants and their representatives identifying the date, time, and manner of appearance for their hearings to include the MS Teams hearings process.

The respondents are applicants for Social Security disability payments who request a hearing to appeal an unfavorable entitlement or eligibility determination.

3. Use of Information Technology to Collect the Information

SSA did not make Forms HA-504, HA-504-OP1, HA-504-OP2, HA-55, HA-510, or HA-510-OP1 available electronically under the Government Paperwork Elimination Act, as we prioritized other information collections for full electronic conversions. As per our 4/3/20 conversation with OIRA, we welcome OIRA to join our conversations with OMB on IT Mods; however, as our IT Mod programming is an ongoing project, we cannot provide timelines for when we will be able to make any particular ICR available via the Internet. We will convert existing ICRs to full electronic versions depending on how they fall within our overall IT Mod schema, but this unconnected to the PRA approval lifecycle. However, representatives who have applied for the Appointed Representative Services (ARS) suite may submit electronic responses through SSA's web-based application, Electronic Records Express Third-Party (0960-0767), or via facsimile. We show the burden for Electronic Records Express Third Party within the documentation for 0960-0767, so we do not include it here.

4. Why We Cannot Use Duplicate Information

The information we collect on these forms does not duplicate information the claimant already presented, nor is it information easily provided by any source other than the claimant. The information we collect is essential for the orderly functioning of the hearing process and safeguards claimants' rights under the law and regulations.

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, it would disrupt the hearing process for both the claimant and the agency, and could violate statutory and regulatory requirements relating to fair hearings and due process. Therefore, we cannot collect this information 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

SSA published the 60-day advance Federal Register Notice on November 27, 2020 at 85 FR 76142, and we received no public comments. We published the second Notice on January 28, 2021 at 86 FR 7446. If we receive any comments in response to the 30-day Notice, we will forward them to OMB. SSA did not consult members of the public in the development or maintenance 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 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

The chart below shows the burden for all of the forms and cover letters in this information collection:

| Modality of Completion | Number of Respondents | Frequency of Response | Average Burden Per Response (minutes) | Total Annual Burden (hours) | Average Theoretical Hourly Cost Amount (dollars)* | Total Annual Opportunity Cost (dollars)** |
|---|------------------------------|------------------------------|--|------------------------------------|--|--|
| HA-504+ HA-504-OP1 HA-504-OP2 | 900,000 | 1 | 30 | 450,000 | \$18.22* | \$8,199,000** |
| HA-L83 - 404.936(e); 416.1436(e) | 900,000 | 1 | 30 | 450,000 | \$18.22* | \$8,199,000** |
| HA-L83 - Good cause for missing deadline - 404.936(e)(1); 416.1436(e)(1) | 5,000 | 1 | 5 | 417 | \$18.22* | \$7,598** |
| HA-L83 - Objection stating issues in notice | 45,000 | 1 | 5 | 3,750 | \$18.22* | \$68,325** |

| | | | | | | |
|--|------------------|---|----|----------------|----------|-----------------------|
| are incorrect – sent 5 days prior to hearing 404.939; 416.1439 | | | | | | |
| HA-55 – 404.936; 404.938; 416.1436; 416.1438 | 850,000 | 1 | 5 | 70,833 | \$18.22* | \$1,790,577** |
| HA-L2 - Verification of New Residence 404.936(c)(1); 416.1436(d)(1) | 45,000 | 1 | 5 | 3,750 | \$18.22* | \$68,325** |
| HA-L2 - Notification of objection to video teleconference more than 30- days after receipt of notice showing good cause 404.936(c)(2); 416.1436(d)(2) | 13,500 | 1 | 10 | 2,250 | \$18.22* | \$40,995** |
| HA-510; HA-510-OP1 - 404.938(a); 416.1438(a) | 4,000 | 1 | 2 | 133 | \$18.22* | \$2,423** |
| Totals | 2,762,500 | | | 981,133 | | \$18,376,243** |

+ Due to the COVID-19 pandemic, we have temporarily closed hearing offices to the public. We are currently not conducting hearings in person with administrative law judges. We are holding all hearings with the administrative law judges by telephone and online video while offices remain closed. We are using different versions of the HA-504 depending on the format of the hearing (HA-504 is used for in-person/traditional VTC, HA-504-OP1 is used for phone, HA-504-OP2 is used for online video). At this time, we are unable to provide an accurate breakdown of their usages individually until offices reopen. The combined total for all of the versions is a good estimate.

Public Reporting Burdens for the COVID-19 Enhanced Outreach

We estimate a total universe of approximately 560,000 respondents for this COVID-related outreach project. This number represents 280,000 cases in “Ready to

Schedule” (RTS) and “Scheduled” (SCHD) statuses with attorney or non-attorney representatives, plus a courtesy copy to the claimant. We will also conduct a follow-up call for cases without a returned form. We expect 25% or less will be non-responsive. The numbers on this chart reflect our estimates for this outreach project:

| Modality of Completion | Number of Respondents | Frequency of Response | Average Burden Per Response (minutes) | Total Annual Burden (hours) | Average Theoretical Hourly Cost Amount (dollars)* | Total Annual Opportunity Cost (dollars)** |
|--|------------------------------|------------------------------|--|------------------------------------|--|--|
| Pre-hearing Outreach to Representatives: CEO Letter and Form Mailed to Representative | 280,000 | 1 | 10 | 46,667 | \$25.72* | \$1,200,275** |
| Prehearing outreach carbon copy to represented claimants (no response required by claimant): Courtesy Copy of CEO Letter to Claimant | 280,000 | No response required | 2 | 9,333 | \$25.72* | \$240,045** |
| CEO Follow up Call with Representative – no form returned (non-responsive) | 70,000 | 1 | 5 | 5,833 | \$25.72* | \$150,025** |
| Totals | 630,000 | | | 61,833 | | \$1,590,345** |

Grand Total

| Modality of Completion | Number of Respondents | Frequency of Response | Average Burden Per Response (minutes) | Total Annual Burden (hours) | Average Theoretical Hourly Cost Amount (dollars)* | Total Annual Opportunity Cost (dollars)** |
|-------------------------------|------------------------------|------------------------------|--|------------------------------------|--|--|
| Grand Total | 3,827,490 | | | 1,186,999 | | \$19,966,588** |

* We based these figures on average DI hourly wages for single students based on SSA’s current FY 2020 data (<https://www.ssa.gov/legislation/2020Fact%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/oes231011.htm>), as well as a combination of those two figures (for the paper form, as we do not collect data on whether the paper forms are filled out by individuals or representatives or both).

** 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 years of conducting this information collection. Per our management information data, we believe that the burden times on the above chart accurately show the average burden per response for reading the instructions, gathering the facts, and answering the questions. The total burden for this ICR is **1,186,999** burden hours (reflecting SSA management information data), which results in an associated theoretical (not actual) opportunity cost financial burden of **\$19,966,588**. SSA does not charge respondents to complete our applications.

13. Annual Cost to the Respondents

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

14. Annual Cost to the Federal Government

The annual cost to the Federal Government is approximately \$2,705,717. This estimate accounts for costs from the following areas:

| Description of Cost Factor | Methodology for Estimating Cost | Cost in Dollars* |
|---|--|-------------------------|
| Designing and Printing the Form | Design Cost + Printing Cost | \$31,417 |
| Distributing, Shipping, and Material Costs for the Form | Distribution + Shipping + Material Cost | \$174,000 |
| SSA Employee (e.g., field office, 800 number, DDS staff) Information Collection and Processing Time | GS-9 employee x # of responses x processing time | \$2,496,880 |
| Full-Time Equivalent Costs | Out of pocket costs + Other expenses for providing this service | \$0* |
| Systems Development, Updating, and Maintenance | GS-9 employee x man hours for development, updating, maintenance | \$3,420 |
| Quantifiable IT Costs | Any additional IT costs | \$0* |

| | | |
|--------------|--|--------------------|
| Total | | \$2,705,717 |
|--------------|--|--------------------|

* We have inserted a \$0 amount for cost factors that do not apply to this collection.

SSA is unable to break down the costs to the Federal government further than we already have. The Office of Hearings Operations (OHO) prints the form(s) locally and mails them to the claimants and representative payees who complete and return these forms to OHO by mail (the costs for printing and mailing are included in the first two lines of the above chart). An OHO employee scans the paper forms into the electronic record file (as noted above, if the representative payee uses ERE, OMB No. 0960-0767, to submit these forms, SSA employees do not do anything at all; however, we account for all of these ERE transactions under OMB No. 0960-0767). We have calculated these costs as accurately as possible based on the information we collect for creating, updating, processing, and maintaining these information collections.

15. Program Changes or Adjustments to the Information Collection Request

There are no changes to the public reporting burden.

16. Plans for Publication 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.

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.