

Supporting Statement for Form SSA-1709
Request for Workers' Compensation/Public Disability Benefit Information
20 CFR 404.408(e)
OMB No. 0960-0098

A. Justification

1. Introduction/Authoring Laws and Regulations

Section 224 of the *Social Security Act* provides for an offset (reduction) of Social Security Disability Insurance benefits (SSDI) when disabled workers also receive Workers' Compensation (WC) or Public Disability benefits (PDB).

20 CFR 404.408(e) of the *Code of Federal Regulations* states that individual(s) may need to furnish evidence for the WC/PDB benefits they receive. If the disabled workers are unable to provide evidence verifying the amount of WC/PDB paid, the Social Security Administration (SSA) must obtain such information from the Federal, State, or local agency; self-insured public or private employer; or insurance carrier administering the WC/PDB.

2. Description of Collection

Claimants for Social Security disability payments who are also receiving WC/PDB must notify SSA about their WC/PDB, so the agency can consider a possible offset to reduce their Social Security disability payments accordingly. Social Security oftentimes is able to identify potential WC/PDB during the initial application or recertification process. During the intake interview, a field office technician may ask the respondent whether they have received any other disability payment received within the 12 months that immediately precedes the first possible month of disability insurance benefit payment; if he or she has filed, or intends to file, an application for a disability payment; or if a disability claim is currently under appeal.

If claimants provide necessary evidence, such as a copy of their award notice, benefit check, etc. that is sufficient verification. In cases where claimants cannot provide such evidence, SSA uses Form SSA-1709 to obtain WC/PDB payment evidence. First, SSA ensures the claimant signs the SSA-1709, which it will either have them sign in-office during an interview, or the agency will mail it to the claimant for completion. Upon receipt of a claimant-signed form, SSA will send it onwards to the entity paying the WC/PDB benefits. The entity paying the WC/PDB benefits, its agent (such as insurance carrier), or an administering public agency completes this form. The respondents are Federal, State, and local agencies; insurance carriers; and public or private self-insured companies administering WC/PDB benefits to disability claimants.

- 3. Use of Information Technology to Collect the Information**

In accordance with the agency's Government Paperwork Elimination Act plan, SSA created an Internet version of Form SSA-1709. In situations when SSA needs to transmit the SSA-1709, we mail it to a third party providing a pre-paid envelope for return to SSA. Based on our data, we estimate approximately 100% of respondents under this OMB number use the electronic version.
- 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 significantly affect small businesses or other small entities.
- 6. Consequence of Not Collecting Information or Collecting it Less Frequently**

If we did not use Form SSA-1709, we would have no means to obtain the correct payment information and would administer incorrect payments. Because we collect the 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 June 1, 2021 at 86 FR 29348, and we received no public comments. The 30-day FRN published on September 2, 2021 at 86 FR 49403. 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 payment 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

Please see the burden chart below:

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)**
SSA-1709	120,000	1	15	30,000	\$26.65*	\$799,500**

* We based this figure by averaging both the average Federal, State, and Local Government hourly wages (https://www.bls.gov/oes/current/naics3_999000.htm), and the average Insurance Claims and Policy Processing Clerks hourly wages, as reported by Bureau of Labor Statistics data (<https://www.bls.gov/oes/current/oes439041.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.**

The total burden for this ICR is **30,000** burden hours (reflecting SSA management information data), which results in an associated theoretical (not actual) opportunity cost financial burden of **\$799,500**. SSA does not charge respondents to complete our applications. 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 the 15 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.

13. Annual Cost to the Respondents (Other)

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

14. Annual Cost To Federal Government

The annual cost to the Federal Government is approximately \$600,000. 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	\$0*

Distributing, Shipping, and Material Costs for the Form	Distribution + Shipping + Material Cost	\$100,000
SSA Employee (e.g., field office, 800 number, DDS staff) Information Collection and Processing Time	GS-9 employee x # of responses x processing time	\$400,000
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	\$100,000
Quantifiable IT Costs	Any additional IT costs	\$0*
Other	[Component may add as needed]	\$0*
Total		\$600,000

* 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. It is difficult for us to break down the cost for processing a single form, as field office 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. However, we have calculated these costs as accurately as possible based on the information we collect for creating, updating, and maintaining these information collections.

15. Program Changes or Adjustments to the Information Collection Request

There are no changes in 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 collection.