

Supporting Statement for Form SSA-3368
Disability Report – Adult
20 CFR 404.1512 and 416.912
OMB No. 0960-0579

A. Justification

1. Introduction/Authoring Laws and Regulations

Sections 223(d)(2)(A) and 1614(a)(3)(B) of the *Social Security Act (Act)* require the Social Security Administration (SSA) to consider a claimant's education when determining an adult's claim for disability. Sections 223(d)(5)(A), 1614(a)(3)(H) (i), and 1631(e)(1) of the *Act* provide that a claimant must furnish medical and other evidence to prove they are disabled. 20 CFR 404.1512 and 416.912 state a claimant must inform us about or submit all evidence known or related to whether they are blind or disabled, and if asked, inform us about medical sources, age, education and training, work experience, daily activities, efforts to work, and any other factors showing how impairment(s) affect their ability to work. Sections 205(a) and 1631(d)(1) of the *Act* give the Commissioner the authority to establish regulations and procedures governing the type of evidence needed to evaluate an alleged disability and methods of collecting this evidence.

2. Description of Collection

State Disability Determination Services (DDS) use Form SSA-3368, Disability Report – Adult, and its electronic versions, to determine if an adult disability applicant's impairment(s) is severe and, if so, how the impairment(s) affects the applicant's ability to work. This determination dictates whether the DDS and SSA will find the applicant disabled. The information we collect on the SSA-3368 is used by the State Disability Determination Services (DDS) to obtain evidence and evaluate whether or not an individual is found disabled. The collection is mandatory for applicants filing to obtain Title II disability benefits or Title XVI Supplemental Security Income (SSI) payments. We collect this information from the individual one time.

We collect the information via several modalities: the SSA-3368-BK PDF paper form, the EDCS SSA-3368 Intranet application, and the i3368 Internet application. The respondents complete the SSA-3368 by themselves with self-help information available, or another may complete the paper form or electronic application on their behalf. The respondents generally do not need information from someone else to complete the application. The respondents are disability applicants or third parties assisting the applicants applying for Title II disability benefits or Title XVI SSI payments.

3. Use of Information Technology to Collect the Information

In accordance with the agency's Government Paperwork Elimination Act plan, SSA created electronic versions of the SSA-3368. Based on our data, we estimate approximately 97 percent of respondents under this OMB number use the

electronic versions. SSA designed the electronic modalities to collect the same information as the paper form, however, it is formatted differently to include certain enhancements (e.g., instructions and help screens) to guide the interviewer or applicant through the application process.

- **Electronic Disability Collect System (EDCS) SSA-3368:**

Applicants may call or go into the SSA Field Office to provide the information the collection requires. In these cases, a claims representative interviews the applicant and enters their answers directly into the EDCS SSA-3368 screens. Approximately 86 percent of respondents use this option.

- **Internet 3368 (i3368):**

The i3368 is a fully electronic version of the paper form. Adult disability applicants or their representatives may access, complete, and submit the SSA-3368 electronically through this Internet-based application. SSA designed the i3368 to walk first-time users through this information collection. It contains numerous help screens and explanations about why we ask certain questions on the form. Approximately 11 percent of respondents use this option.

We also provide applicants with a fillable and printable PDF version of the form on SSA's website, for respondents to complete, print, and bring or mail to SSA. As we have a full Internet version of this form, we do not currently have plans to create a submittable PDF 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 SSA did not collect this information, the public would have no way to apply for disability benefits, and we would deprive individuals of the right to present evidence pertaining to their claim. In addition, we would violate regulatory requirements relating to due process. As we only collect this information when individuals apply for disability benefits, 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 August 20, 2021 at 86 FR 46897, and we received no public comments. The 30-day FRN published on October 26, 2021 at 86 FR 59262. 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 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.

SSA's Privacy Policy covers all information obtained through the Internet version of this form for Internet Services. Our Internet privacy policy is:

- The respondent does not need to give us personal information to visit our site.
- We collect personally identifiable information (name, SSN, DOB or e-mail) only if specifically and knowingly provided by the respondent.
- SSA will use personal identifying information the respondent provides only in conjunction with services the respondent requests as described at the point of collection.
- We sometimes perform statistical analyses of user behavior in order to measure customer interest in the various areas of our site. We will disclose this information to third parties only in aggregate form.
- We do not give, sell, or transfer any personal information to a third party.

Additionally, SSA ensures the confidentiality of the respondent's personal information in several ways:

- SSA encrypts all electronic requests using the Secure Socket Layer (SSL) security protocol. SSL encryption prevents a third party from reading the transmitted data even if intercepted. This protocol is an industry standard, and is used by banks such as Wells Fargo and Bank of America for Internet banking.
- SSA gives the respondent adequate warnings that the Internet is an open system, and there is no absolute guarantee that others will not intercept and decrypt the personal information he or she has entered. SSA advises the respondent of alternative methods of providing personal information, i.e., visit to a field office or a call to the 800 number to speak with a representative.
- Only upon verification of identity does SSA allow the respondent access to additional Internet applications that allow requests and changes to personal information from SSA records.

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)*	Average Wait Time in Field Office or for Teleservice Centers (minutes)**	Total Annual Opportunity Cost (dollars)
SSA-3368 (Paper)	6,045	1	90	9,068	\$10.95*	21**	\$122,000
EDCS 3368 (Intranet)	1,263,104	1	90	1,894,656	\$10.95*	21**	\$25,587,000
i3368 (Internet)	989,361	1	90	1,484,042	\$10.95*		\$16,250,000
Totals	2,258,510			3,387,766			\$41,960,000

* We based this figure on the average DI payments based on SSA's current FY 2021 data (<https://www.ssa.gov/legislation/2021FactSheet.pdf>).

** We based this figure on averaging both the average FY 2021 wait times for field offices and teleservice centers, based on SSA's current management information data.

*** 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.**

In addition, OMB's Office of Information and Regulatory Affairs is requiring SSA to use a rough estimate of a 30-minute, one-way, drive time in our calculations of the time burden for this collection. OIRA based their estimation on a spatial analysis of SSA's current field office locations and the location of the average population centers based on census tract information, which likely represents a 13.97-mile driving distance for one-way travel. We depict this on the chart below:

Total Number of Respondents	Frequency of Response	Average One-Way Travel	Estimated Total Travel Time to	Total Annual Opportunity
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Who Visit a Field Office		Time to a Field Office (minutes)	a Field Office (hours)	Cost for Travel Time (dollars)***
1,269,149	1	30	634,575	\$6,948,596***

**** We based this dollar amount on the Average Theoretical Hourly Cost Amount in dollars shown on the burden chart above.

Per OIRA, we include this travel time burden estimate under the 5 CFR 1320.8(a) (4), which requires us to provide “time, effort, or financial resources expended by persons [for]...transmitting, or otherwise disclosing the information,” as well as 5 CFR 1320.8(b)(3)(iii) which requires us to estimate “the average burden collection...to the extent practicable.” SSA notes that we do not obtain or maintain any data on travel times to a field office, nor do we have any data, which shows that the average respondent drives to a field office, rather than using any other mode of transport. SSA also acknowledges that respondents’ mode of travel and, therefore, travel times vary widely dependent on region, mode of travel, and actual proximity to a field office.

NOTE: We included the total opportunity cost estimate from this chart in our calculations when showing the total opportunity cost estimates in the paragraph below

The total burden for this IRC is **3,387,766** burden hours (reflecting SSA management information data), which results in an associated theoretical (not actual) opportunity cost financial burden of **\$48,908,646**. 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 90 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 impose a known cost burden on the respondents.

14. Annual Cost To Federal Government

The annual cost to the Federal Government is approximately **\$49,426,830**. This estimate accounts for costs from the following areas:

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

Description of Cost Factor	Methodology for Estimating Cost	Cost in Dollars*
Designing and Printing the Form	Design Cost + Printing Cost	\$60,376
Distributing, Shipping, and Material Costs for the Form	Distribution + Shipping + Material Cost	\$0*
SSA Employee (e.g., field office, 800 number, DDS staff) Information Collection and Processing Time	Number of respondents x processing time in minutes ÷ by 60 x hourly rate for SSA employee processing form (GS-11)	\$49,077,992
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	\$288,462
Quantifiable IT Costs	Any additional IT costs	\$0*
Total		\$49,426,830

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 and State Disability Determination Services 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 Field Office employee (GS-11) who usually completes this form 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

When we last cleared this IC in 2018, the burden was 5,328,244 hours. However, we are currently reporting a burden of 3,387,766 hours. This change stems from a decrease in the number of responses from 3,552,162 to 2,258,510. There is no change to the burden time per response. Although the number of responses changed, SSA did not take any actions to cause this change. These figures represent current Management Information data.

16. Plans for Publication Information Collection Results

SSA will not publish the results of the information collection.

17. Displaying the OMB Approval Expiration Date

For the paper Form SSA-3368, we will not publish 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.

For our Internet i3368 and Intranet EDCS SSA-3368 modalities, SSA is not requesting an exception to the requirement to display the OMB approval expiration date.

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.