

**Supporting Statement for Form SSA-760**  
**Certificate of Support**  
**20 CFR 404.370, 404.408a, & 404.750**  
**OMB No. 0960-0001**

**A. Justification**

**1. Introduction/Authoring Laws and Regulations**

Section 202(h) of the *Social Security Act (Act)* gives the requirements for entitlement to parent's Social Security benefits. We require parents who receive at least one-half of their support from a deceased worker, to file proof of such support within specified times. This requirement is in accordance with *20 CFR 404.370* and *20 CFR 404.750* of the *Code of Federal Regulations*. The one-half support requirement also applies in determining if a spouse applicant is subject to the Government Pension Offset (GPO). This requirement is set forth in *20 CFR 404.408a*.

**2. Description of Collection**

A parent of a deceased, fully insured worker may be entitled to Social Security Old-Age, Survivors, and Disability Insurance (OASDI) benefits based on the earnings record of the deceased worker under certain conditions. One of the conditions is when the parent receives at least one-half support from the deceased worker at certain points in time. In the request to the respondent, "at the time specified" refers to the dependency point based on the worker's death and "certain points in time" refers to the start of a two-year period during which the worker or the worker's survivor must submit proof of one-half support. Additionally, the one-half support requirement is also used when determining whether OASDI benefits for a spousal applicant are subject to GPO.

Under the GPO policy, SSA reduces Social Security spousal or widow(er) benefits for people who receive "non-covered pensions," (a non-covered pension is a pension paid by an employer that does not withhold Social Security taxes from your salary, typically federal, state, and local governments, or non-U.S. employers). Under GPO, if two-thirds of the amount of a spouse's non-covered pension is equal to or more than the OASDI spousal benefit, then the spouse does not receive any spousal benefit (Total GPO). If two-thirds of the amount of the non-covered pension is less than the OASDI spousal benefit, the spouse receives a partial reduction in the OASDI spousal benefit (Partial GPO). However, GPO does not apply to spousal benefits payable for December 1982 and later. If a spouse is eligible for or entitled to a non-covered pension before July 1983 and meets the one-half support requirement, the spouse may be eligible for full spousal benefits. Because of these narrow requirements, the one-half support exception to GPO is only applicable to a limited set of spouses receiving non-covered pensions.

SSA uses Form SSA-760 to determine if the parent of a deceased worker or a

spouse applicant meets the one-half support requirement. The process begins when the respondent reports the NH's death. SSA then takes the application for benefits. The SSA-760 is part of the application process and can be completed online using Upload Documents or by utilizing a Field Office (FO) technician. If completed at a FO, the FO location is determined by the zip code of the respondent or whichever location the respondent enters. If completed by a FO technician, the technician completes the entire form and the respondent signs the form once it is completed. If needed, the form is mailed to the respondent for signature and SSA includes an addressed postage stamped envelope for the respondent to mail the form back to their FO.

The form contains two parts and generally addresses support received in the twelve-month period immediately preceding the death of the number holder. A FO technician uses the worker's record to determine the specified date and adds it to Part 2 Question 8. In Question 8, a technician will also add the deadline for filing the form. Since the technician taking the application would be expected to complete the form with the respondent, these questions would likely be phrased in layman's terms for the respondent to understand.

Phase 1, "Identity," asks questions intended to confirm that the respondent has a relationship to the deceased worker that would make the respondent eligible to meet the one-half support requirements. We request information regarding whether there is another living parent to determine further eligibility. We request information for qualifying events of beginning a stepparent or adoptive parent because it can assist in determining the respondent's eligibility.

Phase 2, "Support," collects information pertaining to support and finances to determine if the respondent meets the one-half support eligibility requirement. The FO technician will use the worker's record to determine the end of the relevant twelve-month period and add this date to Question 8. We request information regarding the respondent's expenses (such as housing), financial support received by the worker or any other person, and the respondent's resources and sources of income or support. These items are required to determine the respondent's costs, the contributions of the worker, and whether the worker provided at least one-half support. We also ask the respondent to address any periods in the last twelve months where the worker did not contribute support.

Respondents are parents of deceased workers and spouses who may meet the GPO exception.

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

This form is available as fillable PDF on SSA's website, but is not currently fillable and signable. However, we have also made this form available online via Upload Documents (previously eSubmit). Upload Documents is a public facing portal that allows for electronic submission via a check box (see 0960-0830 for Upload Documents details).

This collection does not currently have a fully public facing Internet version, as we prioritized other information collections for full electronic conversions. Given that IT Mod programming is an ongoing, dynamic project, we cannot provide specific timelines for when we will be able to make any particular ICR available via Internet web-based application. We will ultimately convert most existing ICRs to full electronic versions depending on how they fall within our overall IT Mod schema, but this may be unconnected to the PRA approval lifecycle.

**4. Why We Cannot Use Duplicate Information**

The nature of the information we collect and the manner in which we collect it preclude 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 use Form SSA-760, we would not be able to determine the one-half support requirements for two classes of SSA claimants: (1) parents of deceased workers; and (2) spouses who may be subject to the GPO. Because we 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 August 23, 2021 at 86 FR 47190, and we received no public comments. The 30-day FRN published on November 18, 2021 at 86 FR 64585. 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.

**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-760                | 18,000                | 1                     | 30                                    | 9,000                                 | \$31.48*                                          | \$283,320**                                |

\* We based this figure on the average U.S. worker's hourly wages, as reported by Bureau of Labor Statistics data ([https://www.bls.gov/oes/current/oes\\_nat.htm#00-0000](https://www.bls.gov/oes/current/oes_nat.htm#00-0000)).

\*\* 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 **9,000** burden hours (reflecting SSA management information data), which results in an associated theoretical (not actual) opportunity cost financial burden of **\$283,380**. 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 impose a known cost burden on the respondents.

**14. Annual Cost To Federal Government**

The annual cost to the Federal Government is approximately **\$67,795**. 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                      | \$1,000          |
| Distributing, Shipping, and Material Costs for the Form                                             | Distribution + Shipping + Material Cost          | \$375            |
| SSA Employee (e.g., field office, 800 number, DDS staff) Information Collection and Processing Time | GS-9 employee x # of responses x processing time | \$63,000         |
| Full-Time Equivalent Costs                                                                          | Out of pocket costs + Other                      | \$0*             |

|                                                |                                                                  |                 |
|------------------------------------------------|------------------------------------------------------------------|-----------------|
|                                                | expenses for providing this service                              |                 |
| 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*            |
| <b>Total</b>                                   |                                                                  | <b>\$67,795</b> |

\* 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. First, since we work with almost every US citizen, we often do bulk mailings, and cannot track the cost for a single mailing. In addition, 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 to the public reporting burden. However, as per our agreement with OMB, we have increased the burden per response to 30 minutes, as the respondents need to recall expenses and income from a prior time period which may take more time. As we agreed to this adjustment, we updated the burden data accordingly.

**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.