

**Supporting Statement for Form HA-4631  
Claimant's Recent Medical Treatment  
20 CFR 404.1512 and 416.912  
OMB No. 0960-0292**

**A. Justification**

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

Sections 205(a), 233(d), 1614(a), and 1631(e) of the *Social Security Act (Act)* require claimants filing for Social Security benefits or Supplemental Security Income (SSI) payments based on disability to provide medical and other evidence concerning their impairment(s) to the Social Security Administration (SSA). Sections 20 CFR 404.1512 and 416.912 of the *Code of Federal Regulations* set forth the procedures and policies for implementing the Act.

**2. Description of Collection**

When DDSs deny a claim at the reconsideration level, the claimant has a right to request a hearing before a judge. For the hearing, SSA asks the claimant to complete and return Form HA-4631 if the claimant's file does not reflect a current, complete medical history as the claimant proceeds through the appeals process. Judges must obtain the information to update and complete the record and to verify the accuracy of the information. Through this process, judges can ascertain whether the claimant's situation changed. The judges and hearing office staff use the response to arrange for consultative examination(s) and the attendance of any expert witnesses, if appropriate. During the hearing, the judge offers any completed questionnaires as exhibits and may use them to refresh the claimant's memory and shape their questions. The respondents are claimants requesting hearings on entitlement to Old Age Survivors and Disability Insurance benefits or SSI payments.

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

Only a select population of claimants, determined solely at the discretion of the judge based on the conditions of each individual claimant's hearing, completes the HA-4631. SSA created a PDF version of the HA-4631 form, which is available on the Internet for claimants to download and print. For claimants who appoint a representative, we allow representatives to submit Form HA-4631 electronically through the Electronic Records Express initiative (OMB No. 0960-0753). Appointment of a representative occurs in about 72% of claimant cases. Electronic submission of Form HA-4631 is not available to claimants who do not appoint a representative.

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.

In the interim, we evaluated this collection for conversion to a submittable PDF. Given the high volume of conversions we are coordinating and the more urgent nature of some of the other conversions, we ultimately decided not to prioritize this ICR for conversion to fully submittable PDF at this time. When we are able to schedule this form for conversion to a submittable PDF, we will submit a Change Request to OMB to request prior approval.

**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 collect similar data.

**5. Minimizing Burden on Small Respondents**

This collection does not affect small businesses or other small entities.

**6. Consequences of Not Collecting Information or Collecting it Less Frequently**

SSA collects the information from an individual one time, and only if the judge hearing the case decides, it is necessary. If we did not use Form HA-4631, judges would not have the current and complete medical history needed to determine whether the claimant's situation has changed, which could result in denial of the claimant's claim. 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*.

**8. Solicitation of Public Comment and Other Consultations with the Public**

The 60-day advance Federal Register Notice published on April 6, 2021 at 86 FR 17874, and we received the following public comments: See attached Addendum to the Supporting Statement for a summary of the comments, and our responses to them. The 30-day FRN published on June 23, 2021 at 86 FR 33007. If we receive any comments in response to this Notice, we will forward them to OMB.

**9. Payments of 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

The following chart<sup>+</sup> shows the public reporting burden for this collection:

| 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 (minutes)** | Total Annual Opportunity Cost (dollars)** |
|--|-----------------------|-----------------------|---------------------------------------|---------------------------------------|---|---|---|
| HA-4631 - PDF/paper version            | 53,200                | 1                     | 10                                    | 8,867                                 | \$10.95*  | 24**  | \$330,110**                               |
| Electronic Records Express Submissions | 136,800               | 1                     | 10                                    | 22,800                                | \$27.07*  |   | \$617,196**                               |
| <b>Totals</b>                          | <b>190,000</b>        |                       |                                       | <b>31,667</b>                         |   |   | <b>\$947,306**</b>                        |

<sup>+</sup> The above chart breaks down the type of submissions (paper and ERE submissions) for ease of viewing the 72% of respondents who submit via ERE; however, since there is no burden difference for submission type, we did not create separate ICs in ROCIS, opting instead to indicate the 72% in the box provided for Percentage of Respondents Reporting Electronically.

\* We based these figures on average DI hourly wages based on SSA's current FY 2020 SSI data (<https://www.ssa.gov/legislation/2020%20Fact%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/oes\\_nat.htm#00-0000](https://www.bls.gov/oes/current/oes_nat.htm#00-0000)).

\*\* We based this figure on the average FY 2020 wait times for field offices, 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 Who Visit a Field Office | Frequency of Response | Average One-Way Travel Time to a Field Office (minutes) | Estimated Total Travel Time to a Field Office (hours) | Total Annual Opportunity Cost for Travel Time (dollars)**** |
|--|-----------------------|---|---|---|
| 53,200   | 1                     | 30  | 26,600  | \$291,270   |

\*\*\*\*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 time and opportunity cost estimates in the paragraph below.

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 10 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. The total burden for this collection instrument is **31,667** burden hours (reflecting SSA management information data), which results in an associated theoretical (not actual) opportunity cost financial burden of **\$1,238,576**. SSA does not charge respondents to complete our applications.

### 13. Cost to Respondents

There is no known cost burden to the respondents.

### 14. Annual Cost to the Federal Government

The annual cost to the Federal Government is approximately **\$305,060**. This estimate accounts for costs from the following areas:

| Description of Cost Factor | Methodology for Estimating Cost | Cost in Dollars |
|----------------------------|---------------------------------|-----------------|
| Designing and Printing     | Design Cost + Printing          | \$30,314        |

| the Form  | Cost   |                  |
|---|--|------------------|
| Distributing, Shipping, and Material Costs for the Form   | Distribution + Shipping + Material Cost                          | \$189,544        |
| SSA Employee (e.g., field office, 800 number, DDS staff) Information Collection and Processing Time | GS-9 employee x # of responses x processing time                 | \$80,782         |
| 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              |
| <b>Total</b>  |  | <b>\$305,060</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**

When we last cleared this IC in 2017, the burden was 33,333 hours. However, we are currently reporting a burden of 31,667 hours. This change stems a decrease in the number of responses from 200,000 to 190,000. 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 Expiration Date**

For the paper Form SSA-4631, 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 the Internet version of Form SSA-4631 housed under ERE (OMB No. 0960-0753), SSA is not requesting an exception to the requirement to display the OMB approval expiration date.

**18. Exception 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 is not using statistical methods for this information collection.