

Supporting Statement for Application of Circuit Court Law
20 CFR 404.985 and 416.1485
OMB No. 0960-0581

A. Justification

1. Introduction/Authoring Laws and Regulations

Section 205(a) of the *Social Security Act (Act)* gives the Social Security Administration (SSA) the authority to make rules and regulations to establish procedures for carrying out the purposes of the *Act*. Under regulation Sections 20 CFR 404.985 and 416.1485 of the *Code of Federal Regulations* for applying circuit court law, SSA is required to consider United States Court of Appeals decisions when they may affect our decisions on claims we previously adjudicated. To conform with these regulations, we prepare a ruling acquiescing on the appeals court's decision explaining how we apply the court's decision to the claims we already processed. SSA develops criteria for our adjudicators to identify claims that may be subject to readjudication based on the particular acquiescence ruling (AR). In such situations, claimants have the right to request SSA reconsider an earlier decision on their claim, based on applying the AR.

2. Description of Collection

SSA sends a notice to claimants whose claims we identify, or who self-identify (via the Federal Register published AR), as subject to readjudication providing information about the AR and their right to request readjudication (SSA typically only sends these notices to claimants who did not receive a favorable determination). After reviewing the notice, the claimant or the claimant's authorized representative is able to decide whether requesting readjudication of their claim is in the claimant's best interest. The notice informs claimants they can request readjudication by contacting their local SSA field office, or through a written response on the AR notice. Claimants must decide whether to respond to the notice and provide the requested information to move forward with readjudication. The respondents are claimants for Social Security benefits and Supplemental Security Income payments, who request a readjudication of their claim based on an AR notice.

3. Use of Information Technology to Collect the Information

SSA does not collect this information through forms or any other standardized information collection; therefore, we cannot create an electronic version for these regulatory requirements under the Government Paperwork Elimination Act. SSA obtains the information during telephone conversations with the respondents, or responses via mail. Currently, we are unable to accept any responses via email, as we don't have a system in place to accept and safeguard respondent's information. Per our management information data, most respondents respond via mail.

- 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 collect this information, we would be unable to determine if a claimant's claim is subject to readjudication based on an AR. Consequently, SSA would be unable to readjudicate claims pursuant to the regulations for applying circuit court law. SSA only collects this information when we publish an AR and we identify claims that may be subject to readjudication, or when the claimant requests application of the AR to a prior determination or decision; therefore, 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 July 27, 2021 at 86 FR 40221, and we received no public comments. The 30-day FRN published on September 29, 2021 at 86 FR 54007. 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**

We estimate 10,000 annual respondents, but at this time cannot provide greater detail regarding the number of notices which are annually sent. 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)**
AR-based Readjudication Requests	10,000	1	17	2,833	\$13.30*	\$37,679**

** We based this figure on the average DI payments based on SSA's current FY 2024 data (<https://mwww.ba.ssa.gov/legislation/2024FactSheet.pdf>),

** 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 actual interviews, as well as from years of conducting this information collection. Per our management information data, we believe that **17 minutes** above accurately shows the average burden per response for learning about the program; receiving notices as needed; reading and understanding instructions; gathering the data and documents needed; answering the questions and completing the information collection instrument; scheduling any necessary appointment or required phone call; consulting with any third parties (as needed); and waiting to speak with SSA employees (as needed). Based on our current management information data, the current burden information we provided is accurate. The total burden for this ICR is **2,833** burden hours (reflecting SSA management information data), which results in an associated theoretical (not actual) opportunity cost financial burden of **\$37,679**. SSA does not charge respondents to complete our applications.

13. Annual Cost to Respondents (Other)

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

14. Annual Cost to Federal Government

The annual cost to the Federal Government is approximately \$84,574. 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	\$250
Distributing,	Distribution + Shipping +	\$5,000

Shipping, and Material Costs for the Form	Material Cost	
SSA Employee (e.g., field office, 800 number, DDS staff) Information Collection and Processing Time	GS-9 employee x # of responses x processing time	\$79,324
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	\$0*
Quantifiable IT Costs	Any additional IT costs	\$0*
Total		\$84,574

* 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 request of this kind, as 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 information collections, 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.
16. **Plans for Publication Information Collection Results**
SSA will not publish the results of the information collection.
17. **Displaying the OMB Approval Expiration Date**
SSA is not requesting an exception to the requirement to display an 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. Collection of Information Employing Statistical Methods

SSA does not use statistical methods for this information collection.