

Justification
**Claimant Appeal Under the Railroad Retirement Act or
Railroad Unemployment Insurance Act**
RRB Form HA-1

1. Circumstances of the collection - Under Section 7(b)(3) of the Railroad Retirement Act (RRA) (45 U.S.C. 231f), and Section 5(c) of the Railroad Unemployment Insurance Act (RUIA) (45 U.S.C. 355) any person aggrieved by a decision made by an office of the RRB on his or her application for an annuity or other benefit under those Acts shall have the right to appeal to the Railroad Retirement Board (RRB). This right is prescribed in 20 CFR 260 and 20 CFR 320.

The notification letter provided to the individual at the time of filing the original application informs the applicant of such right. When an individual protests a decision, the concerned office reviews the entire file and any additional evidence submitted and sends the applicant a letter explaining the basis of the determination. The applicant is then notified that to protest further, they can appeal to the Bureau of Hearings and Appeals. Every applicant has the right to a final appeal to the RRB due to an unfavorable decision of a hearings officer. The procedure pertaining to the filing of such an appeal is prescribed in 20 CFR 260.5 and 260.9 and 20 CFR 320.12 and 320.38.

2. Purposes of collecting/consequences of not collecting the information - The form prescribed by the RRB for filing an appeal under the RRA or RUIA is Form HA-1, Claimant Appeal Under the Railroad Retirement Act or Railroad Unemployment Insurance Act. The form asks the applicant to explain the basis for their request for an appeal and, if necessary, to describe any additional evidence they wish to submit in support of the appeal. The Bureau of Hearings and Appeals evaluates the information and may, if necessary, make further investigations through RRB field representatives, designated medical examiners, and others who may be in a position to furnish information pertinent to the appellant's claim. If necessary, the hearings officer may hold an oral hearing.

Should the appellant be dissatisfied with the decision rendered by the Bureau of Hearings and Appeals, the appellant can then appeal to the three-member Board using Form HA-1. This new appeal must be filed within 60 days from the date of the decision notice the hearings officer mailed to the appellant. 20 CFR 260.9 and 320.39 provide that the appellant may be provided an opportunity to request an extension of time to file if the appellant was prevented, unavoidably and for good cause, from filing an appeal within the allowable time period. This request must be in writing, explain why the final appeal was not filed within the time limit prescribed by the RRB, and accompany the HA-1.

Form HA-2, Filing Appeals Under the Railroad Retirement Act and the Railroad Unemployment Insurance Act, serves as an instructional sheet for completion of Form HA-1.

The RRB proposes minor changes to Form HA-1 to reference citation and minor grammar on page 2.

3. Planned use of improved information technology/technical or legal impediments to further burden reduction - Form HA-1 is available for downloading from the RRB's website at <https://www.rrb.gov/sites/default/files/2016-12/ha1.pdf>. There are no plans to automate the

form at this time due to low volume. Due to agency technology limitations, this information collection does not allow for electronic submission as described in the Government Paperwork Elimination Act (GPEA). However, we will reevaluate electronic signatures after the completion of our IT Modernization project.

4. Efforts to identify duplication – To our knowledge, this information collection do not duplicate any other RRB information collection and no other agency uses a form similar to HA-1.
5. Small business respondents - N.A.
6. Consequences of less frequent collection - Not applicable since the information is solicited only once for each level of appeal.
7. Special Circumstances - None
8. Consultations outside the agency - In accordance with 5 CFR 1320.8(d), comments were invited from the public regarding the information collection. The notice to the public was published on page 21361 of the April 22, 2011, Federal Register. No comments or requests for additional information were received.
9. Payments or gifts to respondents - None
10. Confidentiality - Privacy Act System of Records, RRB-17, Appeal Decisions from Initial Denials for Benefits Under the Provisions of the Railroad Retirement Act or the Railroad Unemployment Insurance Act. In accordance with OMB Circular M-03-22, a Privacy Impact Assessment for this information collection was completed and can be found at https://www.rrb.gov/sites/default/files/2017-06/RRB17%5B1%5D_0.pdf.
11. Sensitive questions - N.A.
12. Estimate of respondent burden - The current and estimated burden for this collection is as follows.

Proposed Burden

| Form Number | Annual Responses | Time (Minutes) | Burden (Hours) |
|---|------------------|----------------|----------------|
| HA-1 (Appeals to Bureau of Hearings and Appeals) | 450 | 20 | 150 |
| HA-1 (Appeals to Board Members) | 100 | 20 | 33 |
| Total | 550 | | 185 |

Current Burden

| Form Number | Annual Responses | Time (Minutes) ^{1/} | Burden (Hours) |
|---|------------------|------------------------------|----------------|
| HA-1 (Appeals to Bureau of Hearings and Appeals) | 450 | 20 | 150 |
| HA-1 (Appeals to Board Members) | 100 | 20 | 33 |
| Total | 550 | | 183 |

^{1/}The RRB has been collecting the information on these forms since OMB approved the information collection. Based on a sampling done when the form was originally created, the office calculated the estimated time, which includes time for getting the needed data and reviewing the completed form.

| | Responses | Hours |
|---------------------|-----------|-------|
| Total Burden Change | -0 | -2 |
| Adjustment | 0 | -2 |

13. Estimated annual cost to respondents or record keepers - N.A.
14. Estimate of cost to Federal Government - N.A.
15. Explanation for changes in burden – The decrease in the burden is to correct the miscalculation of the burden hours calculated from the previous clearance.
16. Time schedule for data collection and publication - The results of this collection will not be published.
17. Request to not display OMB expiration date - The RRB started an extensive multi-year IT Modernization Initiative at the beginning of Fiscal Year 2019 to transform our operations into the 21st Century using multiple contractor services to improve mission performance, expand service capabilities, and strengthen cybersecurity. In addition, we received a new Chief Information Officer (CIO) on September 2, 2019 who is reviewing our estimated project timeline milestone dates. We provided OMB with a consolidated project timeline.

Given that the forms in this collection are seldom revised; the costs associated with redrafting, reprinting, and distributing forms in order to keep the appropriate OMB expiration date in place; and our desire to reevaluate after the completion of the modernization project, **the RRB requests the authority to not display the expiration date on the forms.**
18. Exceptions to Certification Statement - None