

**Supporting Statement for Form HA-4608,  
Waiver of Your Right to Personal Appearance Before a Judge  
20 CFR, 404.948(b)(1)(i), 404.956, 416.1448(b)(1)(i), and 416.1456  
OMB No. 0960-0284**

**A. Justification**

1. **Introduction/Authoring Laws and Regulations**  
*20 CFR 404.948(b)(1)(I), 404.956, 416.1448(b)(1)(i), and 416.1456 of the Code of Federal Regulations* authorize the Social Security Administration (SSA) to collect the information Form HA-4608 requests. Applicants for Social Security, Old Age, Survivors, and Disability Insurance (OASDI) benefits and Supplemental Security Income (SSI) payments have the statutory right to appear in person (or through a representative) and present evidence about their claims at a hearing before an administrative law judge (ALJ). The regulations require a claimant filing for OASDI or SSI based on disability to provide SSA with a signed written waiver if they choose not to appear before an ALJ. The information the form requests facilitates the processing of the case and supports the claimant's application for benefits based on disability.
2. **Description of Collection**  
Form HA-4608 serves as a written waiver for the claimant's right to a personal appearance before an ALJ. The ALJ uses the information we collect on Form HA-4608 to continue processing the case, and makes the completed form a part of the documentary evidence of record by placing it in the official record of the proceedings as an exhibit. Respondents are applicants or claimants for OASDI and SSI, or their representatives, who request to waive their right to appear in person before an ALJ.
3. **Use of Information Technology to Collect the Information**  
Form HA-4608 is currently available as a downloadable fillable PDF on SSA's website, which respondents can fill out, print, and send to SSA for processing. Claimant representatives can also use the Electronic Records Express website to submit evidence to SSA in lieu of, or in addition to, appearing in front of an ALJ. SSA did not create an electronic version of Form HA-4608 under the agency's Government Paperwork Elimination Act (GPEA) plan because only 12,000 respondents complete the form annually. This is less than the GPEA cut-off of 50,000.
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 HA-4608, we may inadvertently deprive individuals of the right to present evidence pertaining to their benefit claims, which would violate statutory and regulatory requirements relating to fair hearings and due process. Because we only 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* 1320.5.

8. **Solicitation of Public Comment and Other Consultations with the Public**  
The 60-day advance Federal Register Notice published on June 4, 2019, at 84 FR 25891, and we received no public comments. The 30-day FRN published on August 13, 2019 at 84 FR 40121. If we receive any comments in response to this Notice, we will forward them to OMB. We did not consult with the public in the revision of this form.

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**

<b>Modality of Completion</b>	<b>Number of Respondents</b>	<b>Frequency of Response</b>	<b>Average Burden Per Response (minutes)</b>	<b>Estimated Total Annual Burden (hours)</b>
HA-4608	12,000	1	2	400

The total burden for this ICR is **400** hours. We based these figures on current management information data. This figure represents burden hours, and we did not calculate a separate cost burden.

13. **Annual Cost to the Respondents (Other)**  
This collection does not impose a known cost burden on the respondents.

14. **Annual Cost to the Federal Government**  
The annual cost to the Federal Government is approximately \$308,000. This estimate accounts for costs from the following areas: (1) designing, printing, and

distributing the form; and (2) SSA employee (e.g., field office, 800 number, DDS staff) information collection and processing time.

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**

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.