

**Justification for Non-Substantive Changes to Form HA-4608:  
Waiver of Your Right to Personal Appearance Before a Judge  
20 CFR 404.950 and 416.1450  
OMB No. 0960-0284**

**Background**

Per Social Security Administration's (SSA) regulations, if a claimant is dissatisfied with a determination or decision listed in 20 CFR 404.930 or 416.1430, the claimant may request a hearing before a judge, and as a right to appear at a hearing before a judge. At a hearing, the claimant has the right to present evidence; have witnesses testify on his or her behalf; and present their case to the judge. A hearing may provide the judge with additional information to make a more informed decision. However, a claimant may waive the right to appear at a hearing and ask the judge to decide the case based on the written evidence of record. Claimants, or their appointed representatives (AR), may request a waiver to appear at a hearing in writing, or they may use Form HA-4608, Waiver of Your Right to Personal Appearance Before a Judge, to make this request. While the use of Form HA-4608 is voluntary, the form captures the key information required to process the request.

While SSA still accepts, and will continue to accept, paper versions of the HA-4608 as well as signed written waivers of the right for a personal appearance before a judge, we created an online fillable and submittable version of the HA-4608, which utilizes *Adobe Sign* technology to accept and process an electronic signature. The online version of the HA-4608 mirrors the paper version and provides respondents with an online service option as an alternative to mailing or faxing the form (or other signed written request) to the servicing hearing office. Claimants and ARs will be able to initiate the online version from our website to complete, electronically sign, and submit it electronically using the *Adobe Sign* web application. Use of the *Adobe Sign* web application does not present any added burden on respondents. Respondents will not be required to download and install the application locally on their device, nor will they have to pay any subscription or licensing fees.

With this new modality for submission, respondents will enter their responses into structured data fields on the online HA-4608 screens within the *Adobe* platform by following a secure link that *Adobe Sign* sends to the email address the respondent (i.e., claimant or AR) provides. The respondent receives an email from *Adobe Sign* with instructions for how to access, complete, electronically sign, and submit the form using this online service. Upon submission, the online HA-4608 electronically transmits an image of the completed form to the Electronic Viewing System (eVIEW) for processing by the servicing hearing office.

The email link to the submittable HA-4608 will be available to the respondent for five days, during which *Adobe Sign* will send daily email reminders to ensure timely submission and prevent unnecessary delays in processing the withdrawal request. After those five days, the link will expire, and the respondent will need to restart the process by

requesting a new link and starting a new form. In addition, while respondents fill out the form online, the system will end the session after 60 minutes of inactivity and will not save any information. The respondent will need to return to the online form with the provided email link to re-submit the HA-4608 if the system times out.

Once received in eView, the hearing office will process the waiver of a right to appear before a judge using current business processes and policies.

We are submitting this IT Modification as a non-substantive change request to create a submittable PDF for Form HA-4608, Waiver of Your Right to Personal Appearance Before a Judge, which mirrors the current paper form. We intend to implement this submittable PDF in **September 2021**.

### **Revisions to the Collection Instrument for the Online Modality**

- **Change #1:** On the first screen for the online HA-4608, the respondent must read and acknowledge the instructions and Privacy Act Statement associated with the HA-4608.

**Justification #1:** The instructions provide key information to the respondent about the *Adobe Sign* process, as described in the above background information.

- **Change #2:** The second screen requires the respondent to enter and confirm their email address.

**Justification #2:** Once the respondent submits the email address and creates a password, they will receive an email from *Adobe Sign* with the secure link to complete the form electronically.

- **Change #3:** The paper HA-4608 asks the claimant to enter their “Social Security Claim Number.” We replaced this field with a field asking for the “Claimant’s Social Security Number.”

**Justification #3:** The term “Social Security Claim Number” may be confusing to claimants. Replacing this term with a field asking for the “Claimant’s Social Security Number” will reduce confusion and allow claimants to more easily to complete this form.

- **Change #4:** The online HA-4608 adds a field for the claimant to enter their address and zip code.

**Justification #4:** Since claimants will submit this form online, we need this additional information to route this form to the proper hearing office.

SSA will implement the online HA-4608 upon OMB’s approval. Since we are not requiring any additional information, and we are making no substantive changes to the content of the HA-4608 other than to adapt it to the new electronic submission method

and make minor revisions to the instructions, we expect no change in the current burden information for this collection.

As stated above, we intend to implement the submittable PDF modality in **September 2021**. Therefore, we are asking OMB to approve this IT Modification request as soon as possible so we can meet our implementation date.