

**Supporting Statement for
Protecting the Public and Our Personnel to Ensure
Operational Effectiveness (RIN 0960-AH35), Regulation 3729I
20 CFR 422.905 and 422.906
OMB No. 0960-0796**

A. Justification

1. Introduction/Authoring Laws and Regulations

SSA published the process we follow when we restrict individuals from receiving in-person services in our field offices and provide them, instead, with alternative services. This rule provides a safer environment for our personnel and members of the public who use our facilities, while ensuring we continue to serve the American people with as little disruption to our operations as possible.

Per the regulations in *20 CFR 422.905* of the *Code of Federal Regulations*, individual whom we restrict access to our facilities have the opportunity to appeal our decision within 60 days of the date of the restrictive access/alternative service notice. Per *20 CFR 422.906*, if the individual does not appeal the decision within the 60 days; if we restrict the individual prior to the effective date of this regulation; or if the appeal results in a denial, the individual has another opportunity to request review of the restriction after a three-year period. This periodic review is available to all restricted individuals once every three years.

On September 2, 2011, the agency published interim final regulations and notifications processes for the restrictive access/alternative service process at 76 FR 54700.

2. Description of Collection

The interim final restrictive access/alternative services rules contain two public reporting burdens:

- **20 CFR 422.905** – After SSA issues a restrictive access/alternative service decision against an individual, the individual has 60 days to appeal that decision. Restricted individuals must submit a written appeal stating why they believe SSA should rescind the restriction and allow them to conduct business with us on a face-to-face basis in one of our offices. There is no printed form for this request; restricted individuals create their own written statement of appeal, and submit it to a sole decision-maker in the Regional Office of the region where the restriction originated. The individuals may also provide additional documentation to support their appeal.
- **20 CFR 422.906** – Three years after the original restrictive access/alternative service decision, restricted individuals may re-submit a written appeal of the decision. The same criteria apply as for the original appeal: (1) it must be in writing; (2) it must go to a sole decision-maker in

the Regional Office of the region where the restriction originated for review; and (3) it may accompany supporting documentation.

Respondents for this collection are individuals appealing their restrictions from in-person services at SSA field offices.

- 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 collects the information from the appellants through their written requests for appeals or periodic reviews.
- 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**
Individuals who do not provide the information required in *20 CFR 422.905*, and *422.906* will not meet the requirements for appeal or periodic review of the restrictive access/alternative service decision. The consequences would clearly be contrary to the interests and rights of restricted individuals. Because we only collect the information at the designated times, 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 November 30, 2021 at 86 FR 68034, and we received no public comments. The 30-day FRN published on February 7, 2022 at 87 FR 6929. If we receive any comments in response to this Notice, we will forward them to OMB.
- 9. Payment or Gifts to Responders**
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

Please see the burden chart below:

Regulation Sections	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)**
20 CFR 422.905	75	1	15	19	\$19.01*	\$361**
20 CFR 422.906	75	1	20	25	\$19.01*	\$475**
Totals	150			44		\$836**

* We based this figure by averaging both the average DI payments based on SSA's current FY 2021 data (<https://www.ssa.gov/legislation/2021FactSheet.pdf>), and the average U.S. worker's hourly wages, as reported by Bureau of Labor Statistics data (https://www.bls.gov/oes/current/oes_nat.htm).

** 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 the 15 and 20 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 ICR is **44** burden hours (reflecting SSA management information data), which results in an associated theoretical (not actual) opportunity cost financial burden of **\$836**. SSA does not charge respondents to complete our applications.

13. Annual Cost to Respondents

This collection does not impose a known cost burden on the appellants.

14. Annual Cost to Federal Government

The annual cost to the Federal Government is approximately \$1,330. 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	\$0*
Distributing, Shipping, and Material Costs for the Form	Distribution + Shipping + Material Cost	\$100
SSA Employee (e.g., field office, 800 number, DDS staff) Information Collection and Processing Time	GS-9 employee x # of responses x processing time	\$1,230
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		\$1,330

* 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. Request not to Display OMB Expiration Date
SSA is not requesting an exception to publishing the OMB expiration date.

18. Exception to Certification Statement
SSA is not requesting an exception to the certification requirements.

B. Collections of Information Employing Statistical Methods

SSA does not use statistical methods for this information collection.