

Supporting Statement for SSA-770
Notice Regarding Substitution of Party Upon Death of Claimant Reconsideration of
Disability Cessation
20 CFR Section 404.907-404.921 and 416.1407-416-1421
OMB No. 0960-0351

A. Justification

1. Introduction/Authoring Laws and Regulations

Section 205(b) of the *Social Security Act* and Sections 20 CFR 404.907-404.921 and 416.1407-416.1421 of the *Code of Federal Regulations* require the Social Security Administration (SSA) to provide claimants who have received an initial or revised determination that a disability ceased, or did not exist, an evidentiary hearing at the reconsideration level of appeal. 20 CFR 404.908(b) states that any person who shows in writing that their rights are adversely affected by the initial determination are parties to the consideration. If a claimant dies, then an eligible individual (e.g., surviving spouse, child) may be a substitute party for reconsideration of disability cessation.

2. Description of Collection

When a claimant dies before we make a determination on their request for reconsideration of a disability cessation, SSA conducts a search through the applicant's records on the Master Beneficiary Record, for a qualified substitute party to pursue the appeal. We search for a widow or widower of the deceased; a surviving divorced spouse; a child; a disabled child; a parent; the administrator or executor of the estate of the deceased; or any person whom we can consider qualified to pursue the appeal. The information SSA employees collect on Form SSA-770 is the basis of our decision to continue, or discontinue, the appeals process. Respondents are substitute applicants who are pursuing a reconsideration request for a deceased claimant.

3. Use of Information Technology to Collect the Information

Form SSA-770 is available as a fillable PDF on SSA's website. The respondent completes the form and returns it back to SSA. This collection does not currently have a fully public-facing Internet version, as we prioritized other information collections for full electronic conversions. Given that IT Mod programming is an ongoing, dynamic project, we cannot provide specific timelines for when we will be able to make any particular ICR available via Internet web-based application. We will ultimately convert most existing ICRs to full electronic versions depending on how they fall within our overall IT Mod schema, but this may be unconnected to the PRA approval lifecycle.

In the interim, we evaluated this collection for conversion to a submittable PDF. Given the high volume of conversions we are coordinating and the more urgent nature of some of the other conversions, we ultimately decided not to prioritize

this ICR for conversion to fully submittable PDF at this time. When we are able to schedule this form for conversion to a submittable PDF, we will submit a Change Request to OMB to request prior approval.

4. Why We Cannot Use Duplicate Information

The nature of the information we collect and the manner in which we collect it precludes duplication. SSA does not use another collection instrument to obtain similar data.

5. Minimizing Burden on Small Respondents

This collection does not significantly affect small businesses or other small entities.

6. Consequence of Not Collecting Information or Collecting it Less Frequently

If we did not use Form SSA-770, we would not have a structured format for establishing substitute parties who wish to pursue reconsideration requests on behalf of deceased applicants. Because we only collect the information once, 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 March 10, 2022, at 87 FR 13783, and we received no public comments. The 30-day FRN published on May 24, 2022, at 87 FR 31598. 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 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:

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)**
SSA-770	384	1	5	32	\$28.01*	\$896**

* We based this figure on 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 5 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 32 burden hours (reflecting SSA management information data), which results in an associated theoretical (not actual) opportunity cost financial burden of **\$896**. SSA does not charge respondents to complete our applications.

13. Annual Cost to the Respondents (Other)

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

14. Annual Cost To Federal Government

The annual cost to the Federal Government is approximately **\$2,465**. 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	\$1,026
Distributing, Shipping, and Material Costs for the Form	Distribution + Shipping + Material Cost	\$0*
SSA Employee (e.g., field office, 800 number, DDS staff) Information Collection and Processing Time	GS-9 employee x # of responses x processing time	\$1,439
Full-Time Equivalent Costs	Out of pocket costs + Other	\$0*

	expenses for providing this service	
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		\$2,465

* 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 a single form, as field office staff often help respondents fill out several forms at once, and 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 forms, 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

When we last cleared this IC in 2019, the burden was 100 hours. However, we are currently reporting a burden of 32 hours. This change stems from a decrease in the number of responses from 1,200 to 384. There is no change to the burden time per response. Although the number of responses changed, SSA did not take any actions to cause this change. These figures represent current Management Information data.

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.