

Supporting Statement for Form SSA-263
Waiver of Supplemental Security Income (SSI) Payment Continuation
20 CFR 416.1336(b)
OMB No. 0960-0783

A. Justification

1. Introduction/Authoring Laws and Regulations

Under the 14th Amendment of the *United States Constitution* and 20 *CFR 416.1336*, we must provide Supplemental Security Income (SSI) recipients advance written notice (Notice of Planned Action (NOPA)) of any adverse action that we plan to take to reduce, suspend, or terminate an SSI payment. SSA may implement an adverse action due to a change in an SSI recipient's living arrangement, income, or resources - non-medical issues - that causes a suspension, reduction, or termination of the recipient's SSI payment(s). In addition, SSI recipients have the right to payment continuation at the first level of appeal (reconsideration level), and the option to waive the right to payment continuation. Payment continuation is the receipt of an unreduced SSI payment before we take an adverse action to reduce, suspend, or terminate the SSI payment and continues until we make a determination at the first appeal level.

Before we take an adverse action to reduce, suspend, or terminate an SSI recipient's SSI payment, we issue a NOPA. We presume that an SSI recipient receives a NOPA five days after the date on the NOPA. The NOPA explains:

- the right to appeal;
- the right to payment continuation until SSA makes a decision on the appeal;
- the requirement to file the appeal to receive payment continuation;
- the possibility of SSI payments made under the payment continuation provision becoming an overpayment if we issue an unfavorable appeal determination for the appeal; and,
- the right to waive receipt of payment continuation.

SSI recipients may waive receipt of payment continuation to avoid the possibility of an overpayment. To do so, an SSI recipient must waive receipt of payment continuation in writing and, thereby, complete and submit Form SSA-263, Waiver of Supplemental Security Income Payment Continuation, to SSA.

20 *CFR 416.1336(d)* gives us the authorization to collect the information requested on the SSA-263 to process a waiver of payment continuation and ensure that the SSI recipient making the request knows their rights concerning payment continuation and waiver of payment continuation.

2. Description of Collection

The NOPA SSA sends to the recipient explains the waiver process, and how respondents can access Form SSA-263 to request a waiver. The SSA-263 collects

the following information and acknowledgements from an SSI recipient:

- the respondent's name;
- social security number;
- acknowledgement that SSA may reduce, suspend, or terminate their SSI payment;
- acknowledgement of the right to payment continuation;
- acknowledgement of the right to request and receive payment continuation at any time before we make a determination on the appeal;
- acknowledgement that we have explained the rights; and,
- acknowledgement that the SSI recipient understands the rights concerning the waiver and receipt of payment continuation.

SSI recipients may print the form on their own from SSA's website or contact a field office to request the form. We use the SSA-263 to provide a modality through which an SSI recipient communicates to us that they do not wish to receive payment continuation. Waiver of payment continuation is voluntary. Therefore, SSI recipients complete the SSA-263 at their own discretion if they do not wish to receive payment continuation once they receive a NOPA from SSA to reduce, suspend, or terminate their SSI payment(s). SSI recipients complete the SSA-263 on their own or with the assistance from a field office technician. SSA uses the information we collect on the SSA-263 to process a waiver of payment continuation. The respondents for this collection are SSI recipients who receive a NOPA to reduce, suspend, or terminate their SSI payments.

3. Use of Information Technology to Collect the Information

The SSA-263 is available as a printable fillable PDF on SSA's website. SSI recipients may complete and submit the form on their own, or with the assistance of a field office technician via phone or in-office interviews. Field office technicians complete and add the SSA-263 to the SSI recipients' record. 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.

						(minutes) **	
SSA-263	3,676	1	5	306	\$11.70*	21**	\$18,638***

* We based this figure on the average DI payments based on SSA's current FY 2022 data (<https://www.ssa.gov/legislation/2022factsheet.pdf>).

** We based this figure by averaging the average FY 2022 wait times for field offices and teleservice centers, based on SSA's current management information data.

*** 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.**

In addition, OMB's Office of Information and Regulatory Affairs (OIRA) is requiring SSA to use a rough estimate of a 30-minute, one-way, drive time in our calculations of the time burden for this collection. OIRA based their estimation on a spatial analysis of SSA's current field office locations and the location of the average population centers based on census tract information, which likely represents a 13.97 mile driving distance for one-way travel. We depict this on the chart below:

Total Number of Respondents Who Visit a Field Office	Frequency of Response	Average One-Way Travel Time to a Field Office (minutes)	Estimated Total Travel Time to a Field Office (hours)	Total Annual Opportunity Cost for Travel Time (dollars)****
3,676	1	30	1,838	\$21,505*****

**** We based this dollar amount on the Average Theoretical Hourly Cost Amount in dollars shown on the burden chart above.

Per OIRA, we include this travel time burden estimate under the 5 CFR 1320.8(a) (4), which requires us to provide "time, effort, or financial resources expended by persons [for]...transmitting, or otherwise disclosing the information," as well as 5 CFR 1320.8(b)(3)(iii) which requires us to estimate "the average burden collection...to the extent practicable." SSA notes that we do not obtain or maintain any data on travel times to a field office, nor do we have any data which shows that the average respondent drives to a field office, rather than using any other mode of transport. SSA also acknowledges that respondents' mode of travel and, therefore, travel times vary widely dependent on region, mode of travel, and actual proximity to a field office.

NOTE: We included the total opportunity cost estimate from this chart in our

calculations when showing the total time and opportunity cost estimates in the paragraph below.

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 **306** burden hours (reflecting SSA management information data), which results in an associated theoretical (not actual) opportunity cost financial burden of **\$40,143**. 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 **\$11,590**. 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	\$123
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	\$8,047
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	\$3,420
Quantifiable IT Costs	Any additional IT costs	\$0*
Total		\$11,590

* 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 250 hours. However, we are currently reporting a burden of 306 hours. This change stems from an increase in the number of responses from 3,000 to 3,676. 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.

Note: The total burden reflected in ROCIS is **3,431**, while the burden cited in #12 of the Supporting Statement is **306**. This discrepancy is because the ROCIS burden reflects the following components: field office and teleservice center waiting time + a rough estimate of a 30-minute, one-way, drive burden. In contrast, the chart in #12 of the Supporting Statement reflects actual 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.