Addendum to
Electronic Protective Filing Tool
20 CFR 404.630, and 20 CFR 416.340 - 416.345
OMB No. 0960-0826

Revisions to the Collection Instrument

We are making the following changes to the electronic Protective Filing Tool (ePFT):

- **Change #1:** We revised the title from "Request an Appointment to File for Benefits" to "Request an Appointment to Apply for Benefits" and made minor clarifications.

  Justification #1: We updated the language for plain language reasons and to be consistent with the terminology we currently use throughout our public ssa.gov website.

- **Change #2:** On the *Welcome Page* screen, we updated the *Terms of Service* pop-up screen to remove the "Back" and "Exit" button options and replace them with a single "Close" option at the bottom of the screen. We also removed the link to the "Privacy Act Statement" and created a stand-alone screen (*see* screens #1 & #2).

  Justification #2: We replaced the "Back" and "Exit" buttons with "Close" as both buttons led to the same outcome: closing the pop up. We created the stand-alone screen for the Privacy Act statement to comply with the standards under Section 508 of the Rehabilitation Act and reports from mobile users unable to properly continue with the process.

- **Change #3:** On the *Who is Scheduling* screen, we split the minor child and incompetent adult categories into two and created their radio buttons to reflect the following changes (see screen #3):

  - "A minor child (including your own) whose care you are responsible for or for whom a court has appointed you the legal representative"
  - "An incompetent adult whose care you are responsible for or for whom a court has appointed you the legal representative"

  Justification #3: We revised the format of this option based on feedback received by users and to comply with the standards under Section 508 of the Rehabilitation Act.

- **Change #4:** On the *Personal Information* screen, we added informational messages above the "Phone Type" and "Email" fields to clearly explain to the user why we are collecting this information.

  Justification #4: We added this language based on feedback and public comment we received during the Emergency Information Collection Request (ICR). The purpose of the language is to assist in addressing concerns for users that may not have reliable contact information (*see* screen #4).

- **Change #5:** On the *Language Preference* screen, we revised the informational message to read "This is the language you will use to communicate with us at your appointment to apply for benefits. We can arrange for an interpreter at no cost to you" (*see* screen #8).

  Justification #5: We revised this language to explain that the language selected in this field is to help us communicate with the applicant at the appointment to apply for benefits.

- **Change #6:** On the *Special Circumstances* screen, we added language to the "Need visual

accommodation" checkbox that lists the available options SSA provides for blind and visually impaired users (*see* screen #9).

Justification #6: We added this language based on a public comment we received as part of the Emergency approval process.

- **Change #7:** On the *Appointment Request Received* screen, we added a new section titled "How can I prepare for my appointment?" that includes a link to our disability starter kits that are available on our public webpage. The system will only present this new section to individuals who indicate they have a disability (*see* screen #11).

  Justification #7: We added this section to provide individuals with a direct link to the starter kits which contain detailed fact sheets and answers to commonly asked questions on applying for SSI disability benefits. The system will customize the language and links provided based on whether the request submitted involves child or adult disability.

- **Change #8:** On the *Appointment Request Received* screen, we updated the last statement regarding special notices from "Special notices are available for blind users" to "Need visual accommodation (Notices in braille, data compact disc (CD), audio compact disc (CD), large print, follow-up telephone call)" (*see* screen #11).

  Justification #8: We revised the language to be consistent with existing terminology we use in our public ssa.gov website.

- **Change #9:** For *Alerts displayed*, we added new functionality to the tool to identify individuals already receiving benefits and direct them to contact us (*see* screen #12 cont.).

  Justification #9: We updated the system based on our internal data and reports of appointments being scheduled for individuals already receiving benefits. The update avoids duplicative efforts and expedites the process for individuals requesting appointments.

- **Change #10:** On the email confirmation messages, we revised the language in the appointment email confirmation messages to replace "file" with "submit" or "apply" as context dictates. We also added the word "other" before "Social Security benefits" (*see* screen #13).

  Justification #10: We revised this language for plain language reasons and to maintain consistency with the language changes we made on the *Appointment Request Received* screen.

Public Comments on the ePFT

The Emergency Federal Register Notice:

The Emergency Comment Period began on February 28, 2022, and ended on March 30, 2022, at 11:59pm. We received a total of **11** public comments on the Emergency FRN. The following is a summary of those comments and SSA's responses:

Comments on SSA's Website Pertaining to the ePFT

- **Comment #1:** One commenter stated that SSA should modify the "Journey Through ssa.gov to Enter ePFT" to make the "Request an Appointment to File for Benefits" the first item in the Table of Contents, with the "Start Appointment Request" button more prominently displayed on this and all subsequent screens.

SSA Response #1: We updated the SSI program page. The "How to Apply" link is the first item in the Table of Contents. Individuals selecting the "Get Started" button are directed to the landing page of the ePFT to start the process.

- **Comment #2**: One commenter urges SSA to consider the design of the website, stating that the tool is hard to find, and should be prominently placed on the homepage. They further suggest that the tool should be searchable by simply looking for information on SSI, as most people will simply search "apply for SSI" and will not know to search for "electronic protective filing."

  SSA Response #2: We feature a prominent SSI program tile linking to our redesigned SSI program page. This page now more clearly shows information about how to apply (including the link to the tool), how SSI works, who is eligible for SSI, and other information helpful for people who get or are interested in SSI. Also on our homepage is a featured tile about Online Services. Our Online Services webpage includes a link to the tool in the SSI section to help people get to it quickly.

- **Comment #3**: One commenter requested that SSA provide options for visual accommodation such as large print, Braille or audio on the "Request an Appointment to File for Benefits" screen. This screen should also include a box to indicate that this request addresses a dire need situation.

  SSA Response #3: The electronic protective filing tool provides a link for requesting Special Notice options for users that are blind or have a visual impairment on the "Appointment Request Received" screen. We also address dire need situations and collect information as needed on the "Special Circumstances" screen of the tool.

- **Comment #4**: One commenter suggested that SSA should provide a check box for dire need situations on the "special circumstances" page and a parenthetical "(including large print, Braille, or audio notices)" for the "visual accommodation" box.

  SSA Response #4: We address dire need situations and collect the information for them on the "Special Circumstances" screen of the tool. We adopted the suggestion to add language to the special circumstances that lists all the available options SSA provides.

- **Comment #5**: One commenter asked why the ePFT is unavailable for 30 hours per week.

  SSA Response #5: SSA continues to strive for 24/7 availability as we modernize our Systems. Currently for various processing and technical reasons, all our eServices have standard operating hours as indicated on several ssa.gov pages including the eService entry page.

Comments on the ePFT Tool Requirements

- **Comment #1**: Several commenters noted that SSA should not require that the claimant provide a phone number in the ePFT. They pointed out that for those claimants who do not have access to a telephone, the inability to provide a phone number should not prevent them from using the ePFT to establish a protective filing date and begin the process of applying.

SSA Response #1: The individual's telephone number is a mandatory field to ensure we have multiple ways to contact the individual or a third party to conduct the requested appointment. The appointment confirmation letter explains that we will attempt to contact the individual at the number provided. However, to highlight the importance of this information, we added informational language on the screen to explain why we are collecting this information.

- **Comment #2**: One commenter suggested that SSA should offer other ways to complete the appointment after someone uses this tool. The claimant should be able to select an option "I do not have a phone." Even if they do have reliable access to a phone, our experience with SSA is that they will also need to answer right away when SSA calls or risk failing to complete their appointment. (We often receive voicemails from SSA with no extension to call back, or the extension we are given does not work, and we have insufficient information to reach the SSA caller using the phone directory.) We anticipate claimants having difficulties getting in touch with the person calling for their appointment and not having effective ways to get in touch.

  SSA Response #2: We appreciate this comment and will look for future opportunities to enhance the tool as resources permit.

- **Comment #3**: One commenter noted that many claimants do not answer unknown numbers, or the call diverts to voicemail when it is marked as "spam"—as often occurs with calls from SSA. The commenter suggested that SSA staff should always call from an SSA marked number, and there also needs to be a way for people to call back and reach someone directly if they miss the call. The commenter recommends that SSA set up a system where staff are designated to take calls to connect people with their interviewer or to reschedule if they miss the appointment.

  SSA Response #3: Widespread telephone scamming has made phone outreach more challenging; however, employees exhaust reasonable efforts to secure benefit applications and attempt contact by phone and mail. Offices have management controls and regularly monitor this workload. We appreciate this feedback and will look for ways to improve our processes.

- **Comment #4**: One commenter expressed concern regarding the effectiveness of the ePFT as a tool for people facing barriers to applying for benefits, as many claimants may have limited internet access, or no internet access at all. The commenter feels that using the ePFT will simply not be an option for some respondents, and those respondents will need to rely heavily on either being able to reach their local office by telephone or to visit their local office in person.

  SSA Response #4: We reopened our offices to walk-in traffic on April 7, 2022, to meet the needs of those customers who require in-person services. Research reflects that 94% of individuals experiencing homelessness have access to and use smartphones, and about half access the internet daily. We also understand that those users may not have data plans that enable lengthy phone or online transactions and may face barriers understanding our

programs. This tool was designed for those who have access and can complete a brief transaction online and for third parties that assist people facing barriers.

- **Comment #5**: Several commenters also stated that SSA should clarify that appointed representatives are acceptable third parties for the purposes of this tool. This can be accomplished simply by stating that "someone else" includes an appointed representative.

  SSA Response #5: For purposes of this tool, respondents do not need to be appointed representatives. While representatives can use this tool to assist their clients, until an application for benefits is filed and pending with SSA, an SSA-1696 (or written notice of appointment) cannot be filed for this process, which recognizes the representative has been appointed by the claimant before SSA. A representative who is not yet appointed can still use this tool to assist an individual by selecting one of the options that identify the potential claimant as: "Someone else who is with you as you are answering these questions" or "Someone else who is not with you but has a good reason why they cannot sign their own SSI application at this time." This allows flexibility to use the tool, particularly for representatives.

- **Comment #6**: A few commenters noted that, regarding scheduling an appointment, SSA should give the claimant the option of directing SSA to contact a third party, including an appointed representative, rather than the claimant directly. Even better, SSA should allow claimants and their representatives to schedule an appointment directly through the tool rather than waiting for an SSA employee to contact them to do so.

  SSA Response #6: SSA contacts the claimant (or proper applicant) because that is who the application for benefits will be taken from. While representatives can use this tool to assist their clients, until an application for benefits is filed and pending with SSA, an SSA-1696 (or written notice of appointment) cannot be filed for this process, which recognizes the representative has been appointed by the claimant before SSA. We are exploring options for additional enhancements involving external communication options.

- **Comment #7**: Regarding notice of the appointment, one commenter recommends that SSA send the notice to both the claimant and third-party assistor, where applicable. Because people facing barriers often rely on the support of third-party assistors to remember and complete the SSI interview, the commenter suggests that the third-party assistor be copied on the notice about the appointment. They also suggest that the email confirmation sent to the filer contain information about next steps and a caution that they have 60 days to finish the application over the phone to keep this date. If there are privacy concerns, the commenter notes that the emailed information could be limited to generic information about the SSI application steps and deadlines.

  SSA Response #7: We appreciate this comment and will look for future opportunities to improve mailed letters and email confirmations as resources permit. The email confirmation notice to the claimant already contains information about next steps and the specific dates by which a signed application for SSI and/or Title II benefits must be filed.

- **Comment #8**: One commenter suggested that SSA should provide the ability to save an incomplete request and establish a re-entry process for completing the request.

  SSA Response #8: This was designed as a single-session tool and takes less than 5 minutes to complete. The questions are designed to be simple and easy to complete in a single session. This tool was also designed to reduce the public burden of requiring a reentry code.

- **Comment #9**: One commenter requested that SSA make this tool available in multiple languages so the person filling out the form can inform SSA that they will require a qualified interpreter for the SSI interview. The commenter notes that the ability to navigate SSA's programs in one's preferred language is key to equity because not understanding the programs rules, forms, or requirements can have serious consequences to a person's ability to access income they need to survive.

  SSA Response #9: We appreciate this feedback. We regularly review language service usage data to help the agency prioritize workloads. We devise language access strategies to meet the needs of people who face language barriers to accessing programs and services. The tool currently asks for the preferred language. However, we added language to indicate that we can provide an interpreter at no cost to the individual.

- **Comment #10**: One commenter noted that, whether due to human error or a technological glitch, there may be instances in which a claimant files the ePFT but the appointment is not scheduled, and they never receive a letter with the appointment notice. Claimants in this situation need to be able to contact SSA to inquire about the status of the application without calling the Field Office or the 1-800 number.

  SSA Response #10: We appreciate this comment and will look for future opportunities to enhance the tool as resources permit. Please note that the tool only records the date an individual requested an appointment to file an application which prevents loss of potential benefits. The tool is not the actual benefit application as a technician will take the application at the time of the scheduled appointment.

- **Comment #11**: One commenter suggested that SSA develop a system for tracking the workload at the National, Regional, Area, Field Office and individual employee level in order to measure the effectiveness of this tool. SSA should establish metrics to measure the total number of ePFTs received; the number of claims taken as a result of the ePFTs, the number of information closeouts issues on ePFTs, the percent of ePFTs converted to appointments, and the percentage of ePFTs converted to claims.

  SSA Response #11: We appreciate this comment. SSA evaluates the effectiveness of all of its online tools.

Comments on SSA's Policies

- **Comment #1**: One commenter requested that SSA clearly communicate the business process for receiving and responding to requests submitting this process to SSA employees and monitor staff compliance. We are particularly concerned that the responses to many of

these filings will be an immediate 60-day closeout letter being sent to the claimant with no attempt to establish an appointment or take a claim.

SSA Response #1: Employees follow policy which requires them to schedule an appointment and promptly contact potential applicants on the date of the appointment to avoid any potential loss of benefits. Offices have management controls and regularly monitor this workload.

- **Comment #2**: One commenter suggested SSA remove the wet signature requirement on new claims. Stating that many claimants have had great success utilizing Auburn Processing Center's telephonic signature system, which provides easier access for claimants and ensures claims are processed. With SSA using time and human power to run the ePFT program, the commenter is hopeful that SSA will allow the claims representatives to take a signature over the phone in real time to ensure SSA does not waste precious resources filing claims that are never completed because of a breakdown at the signature stage. Further, the commenter notes that this will allow a representative to sign on right away when a claimant files an SSI claim and begins assisting in case development and form completion.

  SSA Response #2: This tool references the signature on the application only when the individual is answering the questions in the tool for someone else who is not with the individual. Our regulations allow a person in this category to protect a filing date only when there is a good reason that the potential claimant cannot sign their own application. With respect to wet signatures, in 2004 SSA approved alternative signature methods for benefit applications so that we do not need to collect traditional pen-and-ink signatures or retain paper applications. Alternative signature methods allow claims representatives to take a signature for the benefit application over the phone in real time.

- **Comment #3**: One commenter suggested SSA keep and publicize records about program access based on race and ethnicity, so that the public can see if tools like this remedy or widen inequities in program access and outcomes. We recommend that Social Security also audit proposed rule changes, including this one, to determine the impact it would have on equity.

  SSA Response #3: SSA's *Equity Action Plan for EO 19385* provides goals that will help the agency identify whether newly introduced tools such as the ePFT will remedy any potential inequities in program access.

- **Comment #4**: One commenter suggested SSA needs to make a plan to immediately improve service delivery, focusing on the most overburdened offices first. Poor service delivery causes financial penalties and bureaucratic disentitlement disproportionately incurred by people of color. The commenter notes that SSA does not give enough resources to the most crowded offices, which are often the offices that serve a higher rate of people of color. The distribution of resources must be addressed for this tool to be effective and equitable.

  SSA Response #4: SSA has been planning its reentry and service delivery improvement strategies since the early days of the COVID-19 pandemic. Our strategies include reviewing policies and workloads that require individuals to visit an office, developing online tools for

those who can use them, and improving in-office services to accommodate those who need to visit an office in-person.

Our offices have employees and procedures for queuing visitors and minimizing wait times. We have also launched a robust communication campaign focused on ensuring that our customers know about there are other ways we can help them. We encourage the public to review the page, Coronavirus Disease (COVID-19) | How to Get Help from Social Security | SSA so they can decide whether they need to visit in-person and, if so, how to prepare for their visit.

- **Comment #5**: One commenter noted that while the ePFT will be a useful tool for people who do not face barriers in applying for benefits, it will be of limited use in helping the people who have not been able to apply for benefits during the last two years. They suggest that if SSA wishes to address the drop in applications, the agency would better spend its time ensuring that local offices have the capacity to answer their phones and making sure that agency staff are able to meet claimants in-person.

  SSA Response #5: Thank you for your feedback. We reopened our offices to walk-in traffic on April 7, 2022.