

**Supporting Statement for Form HA-4608,
Waiver of Your Right to Personal Appearance Before a Judge
20 CFR 404.948(b)(1)(i), 404.956, 416.1448(b)(1)(i), and 416.1456
OMB No. 0960-0284**

A. Justification

1. Introduction/Authoring Laws and Regulations

Applicants for Social Security, Old Age, Survivors, and Disability Insurance (OASDI) benefits and Supplemental Security Income (SSI) payments have the statutory right to appear in person (or through a representative) and present evidence about their claims at a hearing before a judge. Sections *20 CFR 404.948(b)(1)(I)*, *404.956*, *416.1448(b)(1)(i)*, and *416.1456* of the *Code of Federal Regulations* require a claimant filing for OASDI, or SSI, based on disability to provide SSA with a signed written waiver if they choose not to appear before a judge. These regulations authorize the Social Security Administration (SSA) to collect the information Form HA-4608 requests. SSA uses the information from the HA-4608 to facilitate the processing of the case and support the claimant's application for benefits based on disability.

2. Description of Collection

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 has a right to appear at a hearing before a judge. At a hearing, claimants have the right to present evidence; have witnesses testify on their behalf; and present their case to the judge. A hearing may provide the judge with additional information to make a more informed decision. However, in some cases, claimants may choose to waive their right to appear before a judge for various reasons, including if they feel the evidence of record stands on its own, or if they are unable to attend a hearing due to extenuating circumstances. When a claimant chooses to waive the right to appear at a hearing and allows the judge to decide the case based on the written evidence of record alone, we ask the claimant to submit this request to us in writing so we can document it in their record. While SSA will accept a written request, we also allow claimants to use Form HA-4608 to serve as a written waiver for the claimant's right to a personal appearance before a judge. The judge uses the information we collect on Form HA-4608 to continue processing the case and makes the completed form a part of the documentary evidence of record by placing it in the official record of the proceedings as an exhibit. Respondents are applicants or claimants for OASDI and SSI, or their representatives, who request to waive their right to appear before a judge.

3. Use of Information Technology to Collect the Information

This collection has a public-facing fillable and submittable PDF version, which utilizes *Adobe Sign* technology to accept and process an electronic signature (e-signature). The online submittable version mirrors the paper version and provides

respondents with an online service option as an alternative to mailing, faxing, or bringing the form to an SSA field office. The respondents initiate the online version from our website and complete, electronically sign, and submit it online using the *Adobe Sign* web application. Use of the *Adobe Sign* web application does not present any added burden on respondents, nor does it require respondents to download and install the application locally on their device or pay any subscription or licensing fees. Respondents enter their responses into structured data fields on the screens within the *Adobe* platform by following a secure link that *Adobe Sign* sends to the email address the respondent provides. The respondent receives an email from *Adobe Sign* with instructions for how to access, complete, eSign, and submit the form using this online service. Upon submission, the online submittable version of the form electronically transmits an image of the completed form to the Electronic Viewing System (eVIEW) for SSA technicians to process.

In addition, claimant representatives can use the Electronic Records Express website (OMB No. 0960-0753) to submit evidence to SSA in lieu of, or in addition to, appearing in front of a judge.

For those respondents who choose to use the paper version of this form, SSA provides a postage paid, pre-addressed envelope for submission of this form. As per our current data, all of the respondents who choose to complete the paper version also utilize the pre-paid envelop to submit the form back to SSA.

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 affect small businesses or other small entities.
6. **Consequence of Not Collecting Information or Collecting it Less Frequently**
If we did not use Form HA-4608, we may inadvertently deprive individuals of the right to present evidence pertaining to their benefit claims, which would violate statutory and regulatory requirements relating to fair hearings and due process. Because we only collect the information on an as needed basis, 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 August 18, 2022 at 87 FR 50909, and we received no public comments. The 30-day FRN published

on October 27, 2022 at 87 FR 65112. 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**

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)**
HA-4608 - PDF/paper version	12,000	1	5	1,000	\$11.70*	\$11,700**

Note: The majority of respondents using the paper form rather than the submittable PDF version, mail it back in the pre-paid envelop we provide to SSA without traveling to a hearings or field office. Therefore, we assume no travel or wait times associated with this form.

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

** 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.**

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 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 collection instrument is **1,000** burden hours (reflecting SSA management information data), which results in an associated theoretical (not actual) opportunity cost financial burden of **\$11,700**. 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 the Federal Government**

The annual cost to the Federal Government is approximately **\$16,134**. 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	\$638
Distributing, Shipping, and Material Costs for the Form	Distribution + Shipping + Material Cost	\$6,960
SSA Employee (e.g., field office, 800 number, DDS staff) Information Collection and Processing Time	GS-9 employee x # of responses x processing time	\$5,116
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		\$16,134

* 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. First, we do not track design costs or upkeep costs (as these are based on employee time and may vary from collection to collection). In addition, it is difficult for us to break down the cost for processing a single form, as field office and hearings 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. Finally, SSA prefers not to provide

breakdowns of estimated payment to employees who process these items for a variety of reasons (only one of which is that it is not possible to do this entirely accurately).

15. **Program Changes or Adjustments to the Information Collection Request**
When we last cleared this IC in 2019, the burden was 400 hours. However, we are currently reporting a burden of 1,000 hours. This change stems from an increase in the completion time from 2 minutes to 5 minutes. The change in completion time was due to SSA's reevaluation of the time estimate on the form based on current management information data and resulting in an increased 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.

For the online submission version, SSA is not requesting an exception to the requirement to display the OMB approval expiration date.
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.