

**Supporting Statement for Form HA-520/i520
Request for Review of Hearing Decision/Order
20 CFR 404.967-404.981, 20 CFR 416.1467-416.1481
OMB 0960-0277**

A. Justification

1. Introduction/Authorizing Laws and Regulations

Section 205(a) of the *Social Security Act (Act)* authorizes the Commissioner to make rules necessary to implement Social Security programs. Section 1631(d)(1) of the *Act* incorporates Section 205(a) and applies it to Title XVI of the *Act*. The Commissioner published regulations at 20 CFR 404.967-404.981 and 20 CFR 416.1467-416.1481 of the *Code of Federal Regulations*, creating an Appeals Council review process. Additionally, The *Foster Care Independence Act of 1999*, section 251 of *Public Law (Pub.L.) 106-16*, established a new Title VIII of the *Act* for providing special cash benefits to certain World War II veterans. Section 809 of *Pub.L. 106-169* establishes hearing and review rights, and the procedural protocol to administer this program. The Commissioner published regulatory guidance for this program at 20 CFR 408.1050. Form HA-520, Request for Review of Hearing Decision/Order, provides a means for individuals to request a review by the Appeals Council (AC) of a hearing decision or dismissal order. The form also discloses who must file a written request and provide specific information to the Social Security Administration (SSA) as cited above.

2. Description of Collection

Claimants have a statutory right under the *Act* and current regulations to request review of a hearing decision or dismissal order on claims for initial or continuing entitlement or eligibility under Title II, Title XVI, and Title XVIII of the *Act*. If a party to a hearing decision or dismissal order disagrees with the decision or order, they may request AC review. Claimants may request AC review by filing a written request using Form HA-520 by mail or in a Field Office (FO) or the Internet version of Form HA-520, the i520. If prepared in a FO, SSA staff will help instruct claimants on the sections they must complete (the claimant's name, the claim number, and reason for the appeal) or are recommended to complete (producing evidence, and the signature section). If the claimant has an appointed representative, the FO may obtain a Form SSA-1696 (Appointment of Representative) if the claimant or representative has not previously filed one. FO staff, whether receiving the form by mail or from the claimant after they complete their sections in person, will complete the SSA portion of Form HA-520 that confirms when and where the form was received, that it was received within 65 days of the hearing decision or dismissal order, and the type of benefits the claimant is appealing. If the form is received after the 65-day window has closed, additional documentation can be provided by the claimant (or given to FO staff, if the claim is being made in-person) to justify why the late filing has good cause. For claimants filing HA-520s in an FO, field staff will then produce copies to be

kept in SSA records, given to the claimant, and given to any appointed representatives (if applicable).

The Form HA-520 collects information on why the claimant wishes to request AC review of the hearing decision or dismissal order (the “argument”). However, arguments and appeal reasons submitted are highly variable in terms of length and specificity and may include conclusory statements such as “I am disabled” or multipage statements or briefs.

Additionally, the Form HA-520 requires the respondent to identify or submit with the form any additional evidence not previously submitted that relates to the period on or before the date of the hearing decision. If the respondent has additional evidence that relates to the period on or before the date of the hearing decision, they must inform the AC about it or submit it alongside the submission of this form.

A claimant or an appointed representative may also request an extension of time (EOT) to submit additional evidence or arguments to the AC. While the AC will accept an EOT request in writing or by telephone, the HA-520 and i520 include the option for the claimant to request an EOT on the forms themselves. For an initial EOT request, the AC generally provides the claimant or appointed representative 25 days from the date of the notice granting the EOT.

In situations where the respondent submits the HA-520 or i520 without providing additional evidence or requesting an EOT, the AC will review the request based on the existing file.

In sum, SSA uses the information to establish that the claimant filed the request for review within the prescribed time and to ensure the claimant completed the requisite steps permitting the AC review. The AC uses the information to: (1) document the claimant’s reason(s) for disagreeing with the hearing decision or dismissal order; (2) determine whether the claimant has additional evidence to submit; and (3) confirm whether the claimant has a representative or wants to appoint one, regardless of if they had a representative during the initial hearing or hearing request. The respondents are generally claimants requesting review of a hearing decision or order of dismissal, or their appointed representative, guardian, parent of a minor claimant, or representative payee. If the respondent is a representative, the appropriate SSA-1696 must have already been filed or be filed alongside the HA-520. The respondent may also be a third party filing the request for review on behalf of the claimant. If a third party responds, staff assisting the AC may contact the claimant to notify the claimant of the appeal and determine whether the claimant wants to proceed and/or whether the claimant was attempting to appoint the third party as a representative.

- 3. Use of Information Technology to Collect the Information**

In accordance with the agency's Government Paperwork Elimination Act plan, we developed the internet version of Form HA-520, the i520. The i520 allows claimants and appointed representatives to submit appeals and evidence electronically. However, at this time, this method is not available for appeals to the Office of Appellate Operations (OAO). Based on our data, we estimate approximately 75% of respondents under this OMB number use the electronic version.
- 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 collect this information, claimants would have no way to appeal a denied or dismissed claim to the next level of adjudication. Because we only collect this 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 December 30, 2020 at 85 FR 86638, and we received no public comments. The 30-day FRN published on March 1, 2021 at 86 FR 12068. 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**

This 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)**	Average wait time in field office (minutes)***	Total Annual Opportunity Cost (dollars)****
HA-520 – Paper	37,900*	1	30	18,950	\$12.81**	24***	\$436,949****
i520 – Internet	113,700	1	45	85,275	\$12.81**		\$1,092,373****
Totals	151,600			104,225			\$1,529,322****

* We note that this figure may include forms completed by the FO.

** We based this figure on average DI payments based on SSA's current FY 2021 data (<https://www.ssa.gov/legislation/2023factsheet.pdf>).

*** We based this figure on the average FY 2020 wait times for field offices, 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 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)*****
37,900	1	30	18,950	\$242,750*****

***** 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 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 the **30 & 45** minutes shown in our chart above 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 **104,225** burden hours (reflecting SSA management information data), which results in an associated theoretical (not actual) opportunity cost financial burden of **\$1,772,072**. 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 to the respondents.

14. Annual Cost to Federal Government

The annual cost to the Federal Government is approximately \$923,457. 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	\$8,370
Distributing, Shipping, and Material Costs for the Form	Distribution + Shipping + Material Cost	\$5,175
SSA Employee (e.g., field office, 800 number, DDS staff) Information Collection and Processing Time	GS-9 employee x # of responses x processing time	\$903,292
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	\$6,620
Quantifiable IT Costs	Any additional IT costs	\$0*

Total		\$923,457
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* 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 2018, the burden was 35,000 hours. However, we are currently reporting a burden of 104,225 hours. This change stems from a decrease in the number of responses from 175,000 to 151,600. In addition, we agreed with OMB to increase our burden per response for this form, which increased the overall burden for the ICR. 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 **123,175**, while the burden cited in #12 of the Supporting Statement is **104,225**. This discrepancy is because the ROCIS burden reflects the following components: field office 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 of Information Collection Results

SSA will not publish the results of the information collection.

17. Displaying the OMB Approval Expiration Date

For the paper Form HA-520, 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 i520, 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 did not use statistical methods for this information collection.