

Supporting Statement for Form SSA-3441
Disability Report-Appeal
20 CFR 404.1512, 416.912, 404.916(c), 416.1416(c), 422.140, 404.1713, 416.1513, 404.1740(b)
(4), and 416.1540(b)(4)
OMB No. 0960-0144

A. Justification

1. Introduction/Authoring Laws and Regulations

Sections 205(a), 223(d), and 1631(e) of the *Social Security Act (Act)*, as well as 20 CFR 404.1512 and 416.912 of the *Code of Federal Regulations (Code)* require individuals filing for Social Security or Supplemental Security Income (SSI) benefits based on disability to provide evidence showing how their impairment(s) affect their ability to work or function. 20 CFR 404.916(c) and 416.1416(c) state that SSA will include any new evidence applicants submit in connection with their request for reconsideration in this review. Section 205(b) of the *Act* as well as 20 CFR 405, *Subpart C*, and 20 CFR 422.140 of the *Code*, requires the Social Security Administration (SSA) to provide a reconsideration of an initial denial at the State Disability Determination Services (DDS) level, and an evidentiary hearing at the reconsideration appeal level, for individuals who appeal an unfavorable disability determination. SSA denies the claim when we find the physical or mental impairment for which such benefits are payable to have ceased, not to have existed, or not to be disabling. 20 CFR 404.1713 and 416.1513, which include mandatory use of electronic services, as well as 20 CFR 404.1740(b)(4) and 416.1540(b)(4) require a representative requesting direct fee payment to conduct business with us electronically at the times and in the manner we prescribe.

2. Description of Collection

SSA requires disability applicants who wish to appeal a less than fully favorable disability determination to complete the SSA-3441. This form allows claimants to disclose any changes to their disability or resources that might influence SSA's determination. SSA may use the information to: (1) reconsider and review an initial disability determination; (2) review a continuing disability cessation; and (3) evaluate a request for a hearing before an administrative law judge (ALJ). The information we collect also assists the State DDSs and ALJs in: (1) preparing for the appeals and hearings, and (2) issuing a determination or decision on an individual's entitlement (initial or continuing) to disability benefits. Respondents are individuals who appeal denial, reduction, or cessation of Social Security disability income and Supplemental Security Income (SSI) payments, who are requesting a hearing before an ALJ, or their representatives.

Following an initial disability determination, claimants receive a decision notice that includes instructions for filing an appeal. Claimants can complete the SSA-3441 independently using the paper form or online (i3441). If they use the paper form, they can mail it ahead of time or bring it to the field office (FO) at the time

of their interview and a claims representative will key the information into the Electronic Disability Collect System (EDCS). If claimants complete the i3441, the FO uses the information collected to file the claim.

3. Use of Information Technology to Collect the Information

In accordance with the agency's Government Paperwork Elimination Act plan, SSA created two electronic versions of form SSA-3441. SSA designed the electronic methods to collect the same information as the paper form, but they may be formatted differently and may include certain enhancements (e.g., instructions for claims representatives, help screens, dynamic pathing, etc.) to guide the interviewer or applicant through the appeal process. Currently, we collect approximately 99% of the total responses either through EDCS screens or via an Internet version of this form (i3441).

- **EDCS SSA-3441** – Applicants can call or go to an SSA field office to provide the information required by the collection. In these cases, a claims representative interviews applicants and enters their answers into the EDCS SSA-3441 screens. Based on our data, approximately 14% of respondents under this OMB number use the EDCS version.
- **Internet 3441 (i3441)** – The i3441 is a fully electronic version of the paper form available on the Internet through www.ssa.gov or an individual's mySSA.gov account. Applicants can access, complete, and submit the i3441 electronically, or, if they wish, their representatives can do so. SSA designed the i3441 to walk users through this information collection. It contains numerous help screens and explanations about why we ask certain information on the form. Based on our data, approximately 85% of respondents under this OMB number use the i3441.

4. Why We Cannot Use Duplicate Information

The nature of the information we collect and the manner in which we collect it preclude 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 SSA-3441, the public would have no way to apply for reconsideration, benefits cessation appeal, or for a hearing before an ALJ. This would violate sections 221(c) and (d) of the Act. 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 August 19, 2024, at 89 FR 67141, and we received no public comments. The 30-day FRN published on October 22, 2024, at 89 FR 84431. If we receive any comments in response to this Notice, we will forward them to OMB.

In 2021, the User Experience Group (UXG) within SSA’s Office of Digital Transformation (ODT), along with the Office of Disability Policy, evaluated the usability and user experience of the SSA-3368 Adult Disability Report. User interviews allowed the UXG to measure the effectiveness and ease of use of the SSA-3368 by looking at how comprehensible, understandable, and easy the form was to navigate and the likelihood that claimants or claimant representatives could complete it with few or no errors.

SSA has adopted the following recommendations from that study in our current revisions to the SSA-3441:

- A complete redesign and restructuring of the Medicines and Medical Treatment sections, and
- A new section to identify the form completer.

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)	Estimate s Total Annual Burden (hours)	Average Theoretical Hourly Cost Amount (dollars)*	Average Wait Time in Field Office (minutes)*	Total Annual Opportunity Cost (dollars)***
SSA-3441-BK (Paper Form)	24,645	1	50	20,538	\$13.31*		\$273,361
Electronic Disability	159,971	1	50	133,309	\$13.31*	24**	\$2,626,021

Collect System (EDCS) – Individuals							
Electronic Disability Collect System (EDCS) - Representatives	44,192	1	45	33,144	\$58.40*		\$1,935,610
i3441 (Internet Application) - Individuals	696,896	1	33	383,293	\$13.31*		\$5,101,630
i3441 (Internet Application) - Representatives	583,031	1	28	272,081	\$58.40*		\$15,889,530
Totals	1,508,735			842,365			\$25,826,150

* We based these figures on average the Occupational Employment and Wage Statistics DI hourly wages for National Occupational Employment and Wage Estimates FY 2023 data (https://www.bls.gov/oes/current/oes_nat.htm#00-0000), as reported by Bureau of Labor Statistics data (<https://www.ssa.gov/legislation/2024FactSheet.pdf>), as well as a combination of those two figures (for the paper form, as we do not collect data on whether the paper forms are filled out by individuals or representatives or both).

** We based this figure on the average FY 2024 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	Frequency of	Average One-	Estimated	Total Annual
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of Respondents Who Visit a Field Office	Response	Way Travel Time to a Field Office (minutes)	Total Travel Time to a Field Office (hours)	Opportunity Cost for Travel Time (dollars)****
159,971	1	30	79,986	\$1,064,614****

****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 calculated the following Learning Cost time burden based on the estimated time and effort we expect respondents will take to learn about this program, its applicability to their circumstances, and to cover any additional research we believe respondents may need to take to understand how to comply with the program requirements (beyond reading the instructions on the collection instrument):

Total Number of Respondents	Frequency of Response	Estimate Learning Cost (minutes)	Estimated Total Annual Burden (hours)	Total Annual Learning Cost (dollars)**
881,512	1	5	73,459	\$977,739****

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

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 **28, 33, 45, and 50** minutes accurately shows the average burden per response for

learning about the program; receiving notices as needed; reading and understanding instructions; gathering the data and documents needed; answering the questions and completing the information collection instrument; scheduling any necessary appointment or required phone call; consulting with any third parties (as needed); and waiting to speak with SSA employees (as needed). Based on our current management information data, the current burden information we provided is accurate. The total burden for this ICR is **842,365** burden hours (reflecting SSA management information data), which results in an associated theoretical (not actual) opportunity cost financial burden of **\$27,868,507**. 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 \$3,005,838. 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 and uploading into inForm; Systems to store form in inForm and make it available on our website	\$2,042
Distributing, Shipping, and Material Costs for the Form	Distribution + Shipping + Material Cost (we no longer distribute or ship this form)	\$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	\$2,997,425
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	\$8,413
Quantifiable IT Costs	Any additional IT costs	\$0*
Total		\$3,007,881

*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, it is difficult for us to break down the cost for processing a single form, as field office and State Disability Determination Services staff often help respondents fill out several forms at once, and the time it takes to do so can vary greatly per respondent. In addition, 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 collection, we showed a burden of 584,756 hours. However, we are currently reporting a burden of 842,365 hours. This change stems from (a) an increase in the number of responses and (b) our consideration of the psychological cost to the public. 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 **986,339**, while the burden cited in #12 of the Supporting Statement is **842,365**. 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 + learning costs. 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

For the paper Form SSA-3441-BK, SSA will not publish 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 the OMB approval date. Since SSA does not periodically (e.g., on an annual basis), revise and reprint its public-use forms, OMB granted this exemption so SSA would not have to destroy stocks of otherwise useable forms with expired OMB approval dates, thereby avoiding Government waste.

For the electronic versions of form (EDCS-3441 and i3441), 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 IC instrument.