

**Addendum to the Supporting Statement for
Form HA-504, Acknowledgement of Receipt (Notice of Hearing)
Form HA-L83, Acknowledgement of Receipt (Notice of Hearing) Cover Letter
Form HA-L2, Request for Hearing Acknowledgement Letter
Form HA-L54, Notice of Ways to Attend a Hearing
Form HA-55, Objection to Appearing by Audio or Agency Video
Form HA-56, Agreement to Appearing by Online Video
Form HA-510, Waiver of Written Notice of Hearing
20 CFR 404.936, 404.938, 404.939, 404.950, 416.1436, 416.1438, 416.1439, 416.1450
OMB No. 0960-0671**

Background

On August 26, 2024, we published the final rule, *Setting the Manner of Appearance of Parties and Witnesses at Hearings*, at 89 FR 68341, which updates our regulations to change the ways in which the Social Security Administration conducts hearings, by expanding our hearing options, as well as changing our definitions of each type of hearing. Specifically, under the final rule, SSA may schedule claimants to attend their hearing in one of four ways: (1) in person at one of SSA’s offices, (2) by audio using a telephone in a private location the claimant chooses, (3) by agency video using SSA’s video equipment at one of SSA’s offices, or (4) by online video using a personal electronic device, such as a smartphone, tablet, or computer with an internet connection, in a private location the claimant chooses. Claimants can object to attending their hearing by audio or agency video, and SSA will only schedule a claimant to attend by online video if the claimant agrees to appear in that manner.

As we explained in the accompanying Supporting Statement, this information collection request (ICR) will make changes to the existing OMB-approved information collections (ICs) under OMB No. 0960-0671.

Changes we are making to these ICs because of the final rule are in blue font. We are also making other non-substantive changes to improve the readability, usability, and accuracy of the ICs, and to align them with other forms. **These non-final rule related changes are in black font.**

Revision to the Collection Instruments

- **Form HA-504, Acknowledgement of Receipt (Notice of Hearing)**

- o **Change #1:** We replaced “be present” at the hearing with “attend the hearing.”

Justification #1: The revised language better describes a claimant’s attendance at the various manners of appearance.

- o **Change #2:** We revised the language in the note explaining dismissals.

Justification #2: We reorganized the language to make it easier for claimants to understand.

- o **Change #3:** We revised the Privacy Act Statement.

Justification #3: SSA's Office of the General Counsel recommended revisions to the Privacy Act Statement after conducting a systematic review of SSA's Privacy Act Statements on agency forms. As a result, SSA is updating the Privacy Act Statement.

- o **Change #4:** On Form HA-504-OP1, we replaced "telephone" as the location of the hearing with "You will appear by audio, using a telephone, at a private location of your choice."

Justification #4: We revised this language for consistency with the language from the Final Rule, which uses the term "audio." The language now also explains where the claimant can be located during an audio hearing.

- o **Change #5:** On form HA-504-OP2, we replaced "online video" as the location of the hearing with "You will appear by online video, using a personal electronic device, such as a smartphone, tablet, or computer with an internet connection, in a private location of your choice."

Justification #5: We revised this language for consistency with the language from the Final Rule, which explains that online video involves using a personal electronic device. The language now also explains where the claimant can be located during an online video hearing.

- **Form HA-L83, Acknowledgement of Receipt (Notice of Hearing) Cover Letter**

- o **Change #1:** We replaced "telephone" with "audio" or "audio using a telephone" throughout.

Justification #1: We revised this language for consistency with the language from the Final Rule, which uses the term "audio."

- o **Change #2:** We replaced "video teleconferencing (VTC)" with agency video.

Justification #2: We revised this language for consistency with the language from the Final Rule, which uses the term "agency video."

- o **Change #3:** We provided a telephone number for the claimant to call if they have technical difficulties during an audio or online video hearing.

Justification #3: This information will assist claimants in receiving

assistance resolving technical difficulties they might encounter during audio and online video hearings.

- o **Change #4:** We removed language explaining that we scheduled a claimant to appear by telephone due to extraordinary circumstances.

Justification #4: We revised this language for consistency with the language from the Final Rule, which no longer requires extraordinary circumstance to schedule a claimant to appear by audio (e.g., telephone).

- o **Change #5:** We revised language explaining what happens if a claimant no longer agrees to appearing by online video.

Justification #5: We revised this language for consistency with the language from the Final Rule. Under the Final Rule, SSA may schedule the claimant to appear by one of the other available manners if the claimant no longer agrees to appear by online video.

- o **Change #6:** We revised the Privacy Act Statement.

Justification #6: SSA's Office of the General Counsel recommended revisions to the Privacy Act Statement after conducting a systematic review of SSA's Privacy Act Statements on agency forms. As a result, SSA is updating the Privacy Act Statement.

- o **Change #7:** We made minor revisions throughout the "Issues Language" section.

Justification #7: We revised this language for consistency with our regulations and subregulatory policies.

- **Form HA-L2, Request for Hearing Acknowledgement Letter**

- o **Change #1:** We explained that the Notice of Hearing will tell the claimant the manner of appearance in addition to the time and, if applicable, the place of the hearing.

Justification #1: We revised this language for consistency with the language from the Final Rule. Under the Final Rule, SSA sets the time and manner of appearance. SSA also sets the place of the appearance if SSA schedules the claimant to appear by agency video or in person.

- o **Change #2:** We replaced the description of the VTC hearing with a summary of the ways that the claimant can attend the hearing: audio, agency video, online video, and in person.

Justification #2: We revised this language for consistency with the language from the Final Rule. Under the Final Rule, agency video replaces VTC, and makes audio, agency video, online video, and in person standard manners of appearance.

- o **Change #3:** We added a paragraph explaining that we may call the claimant to help them prepare for the hearing.

Justification #3: We added this language to notify claimants that we might be calling them in the future to discuss their case. We anticipate that this notification will make claimants more responsive when we call them.

- **Form HA-L54, Notice of Ways to Attend a Hearing**

- o **Change #1:** This new notice explains the various manners of appearance and their requirements.

Justification #1: We created this notice to explain the ways we may schedule claimants to attend their hearing. We made this notice separate from the HA-L2 so that information about the manners of appearance would stand out to claimants and not get lost among the other information in the HA-L2. This new notice will replace the Claimant Enhanced Outreach Notices.

- **Form HA-55, Objection to Appearing by Audio or Agency Video**

- o **Change #1:** We changed the title from “Objection to Appearing by Video Teleconference” to “Objection to Appearing by Audio or Agency Video.”

Justification #1: We made this change for consistency with the Final Rule. Under the final rule, “agency video” replaces “video teleconference,” and the claimant can object to appearing by audio and agency video.

- o **Change #2:** We added language summarizing the various manners of appearance. We also added instructions to complete Form HA-55 only if the claimant objects to appearing by audio or agency video.

Justification #2: We added the summary language so that claimants can make an informed decision even if they did not read the accompanying cover letter, HA-L54. We also wanted to prevent claimants from inadvertently completing this form when they did not actually object to appearing by audio or agency video.

- o **Change #3:** We added the option to object to audio and agency video.

Justification #3: We made this change for consistency with the Final Rule. Under the final rule, the claimant can object to appearing by audio and agency

video.

- **Form HA-56, Agreement to Appearing by Online Video**

- o **Change #1:** This form is a new form allowing claimants to agree to appearing by online video.

Justification #1: We created this form pursuant to the Final Rule. Under the Final Rule, SSA may schedule a claimant to appear by online video only if they agree to appearing in that manner.

- **Claimant Enhanced Outreach Notices and Claimant Enhanced Outreach Calls**

- o **Change #1:** We are retiring the Claimant Outreach Notices.

Justification #1: The new notice, HA-L54 collects the necessary information prior to a hearing; therefore, it replaces the need for the Claimant Outreach Notices.

- o **Change #2:** We are replacing the Claimant Enhanced Outreach Calls with one combined call, as needed.

Justification #2: Since we will use the HA-L54 to collect the necessary information prior to a hearing, we will no longer need to collect the manner of appearance information during Claimant Outreach Calls. We do not anticipate needing to conduct Claimant Outreach Calls with most respondents. However, we expect we may still need an outreach call to initiate the hearings process with some respondents.

- **Form HA-510-OP1, Option to Accept an Earlier Hearing Waiver of Timely Written Notice of Hearing**

- o **Change #1:** We are retiring this form, as we completed our testing phase and determined that we will no longer use it.

Justification #1: We created and tested this form to determine if respondents would prefer to complete a form at the beginning of the hearings process that would allow for a waiver of the hearing notice in anticipation of the possibility that SSA may find an opening later in the process due to a cancellation. During the testing phase, the HA-510-OP1 was optional for respondents to complete and allowed them to show interest in waiving the 75-day requirement for receipt of the hearing notice earlier in the process than the current HA-510. SSA had hoped this would allow us to schedule hearings more quickly in instances where someone cancelled, opening an earlier time slot. In practice, however, we found respondents were not willing to fill out a preemptive form with no guarantee that they would obtain an earlier hearing time slot. In addition, we found that respondents were more amenable to

using the HA-510 upon learning of a cancellation which created an earlier hearing time slot, rather than filling out the HA-510-OP1 at the start of the hearings process. Because the testing for this form did not yield our intended results, we are discontinuing the use of the HA-510-OP1.

Note: Since the same respondent base tested the HA-510-OP1 as uses the current HA-510, we do not anticipate any burden change due to the removal of this test form.

Summary of Implementation Plan

We will not have any inventory of existing stock to destroy because our systems generate our notices and forms on an “as needed” basis. We plan to update our systems with these new notices and forms. The systems will have a switch that will turn on the new notices and forms on the effective date of the Final Rule. Once the switch is turned on, the systems will generate the new notices and forms going forward, thus implementing these revisions.

Revisions to the Public Reporting Burden

As we noted in the final rule, the implementation of the final rule will result in overall burden reduction for the public of about **168,366** hours. The chart below shows the overall burden reduction due to the final rule:

OMB #; Form #; CFR Citations	Number of Respondents	Frequency of Response	Average Burden Per Response (minutes)	Current Estimated Total Burden (hours)	Anticipated New Number of Responses Under Regulation	Anticipated Estimated Total Burden Under Regulation (hours)	Estimated Burden Savings (hours)
HA-504+ HA-504-OP1 HA-504-OP2 404.938(c) 413.1438(c)	700,000	1	30	350,000	700,000	350,000	0
HA-L83 404.936(f); 404.938; 416.1436(f); 416.1438	700,000	1	30	350,000	700,000	350,000	0
HA-L83 - Good cause for missing deadline -	5,000	1	5	417	5,000	417	0

OMB #; Form #; CFR Citations	Number of Respondents	Frequency of Response	Average Burden Per Response (minutes)	Current Estimated Total Burden (hours)	Anticipated New Number of Responses Under Regulation	Anticipated Estimated Total Burden Under Regulation (hours)	Estimated Burden Savings (hours)
404.936(f)(2); 416.1436(f)(2)							
HA-L83 - Objection stating issues in notice are incorrect – sent 5 days prior to hearing 404.939; 416.1439	35,000	1	5	2,917	35,000	2,917	0
HA-L2 Acknowledgement Letter 404.936 416.1436	500,000	1	5	41,667	500,000	41,667	0
HA-L54, HA-56, and HA-55 – 404.936; 404.938; 416.1436; 416.1438	500,000	1	10	83,333	500,000	83,333	0
HA-L2 - Verification of New Residence 404.936(d)(4); 416.1436(d)(1)	35,000	1	5	2,917	35,000	2,917	0
HA-L54 - Notification of objection to audio and agency video and agreement to online video more than 30-days after receipt of notice showing good	13,500	1	10	2,250	13,500	2,250	0

OMB #; Form #; CFR Citations	Number of Respondents	Frequency of Response	Average Burden Per Response (minutes)	Current Estimated Total Burden (hours)	Anticipated New Number of Responses Under Regulation	Anticipated Estimated Total Burden Under Regulation (hours)	Estimated Burden Savings (hours)
cause 404.936(d)(1) and (e)(1); 416.1436(d)(1) and (e)(1)							
HA-510 - 404.938(a); 416.1438(a)	4,000	1	2	133	4,000	133	0
Claimant Enhanced Outreach – Initial Call No Representative (Unrepresented Claimant/ProSe)	75,190	1	10	12,532	0	0	12,532
Claimant Enhanced Outreach – Initial Call with Representative	201,400	1	10	33,567	0	0	33,567
Claimant Enhanced Outreach – Follow Up Call – No Representative (Unrepresented Claimant/ProSe)	37,500	1	60	37,500	0	0	37,500
Claimant Enhanced Outreach – Follow Up Call – With Representative	120,800	1	30	60,400	0	0	60,400
Claimant Enhanced Outreach Call	0	1	30	0	75,190	37,595	37,595
Remote Hearing	280,000	1	10	46,667	0	0	46,667

OMB #; Form #; CFR Citations	Number of Respondents	Frequency of Response	Average Burden Per Response (minutes)	Current Estimated Total Burden (hours)	Anticipated New Number of Responses Under Regulation	Anticipated Estimated Total Burden Under Regulation (hours)	Estimated Burden Savings (hours)
Options Letter and Form Mailed to Representative							
Microsoft Teams Video Hearing Call Script – Representative Payee Outreach	50	1	20	17	0	0	17
Microsoft Teams Hearing Call Script – Claimant Outreach	50	1	20	17	0	0	17
Totals	3,204,490			1,024,334	2,567,690	871,229	153,071