

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

A. Justification

1. Introduction/Authoring Law and Regulations

Introduction

This Information Collection Request (ICR) seeks Paperwork Reduction Act (PRA) approval for changes to multiple existing OMB-approved information collections (ICs) stemming from an associated final rule, *Setting the Manner of Appearance of Parties and Witnesses at Hearings*. We made these changes due to comments we received when we published the Notice of Proposed Rulemaking (NPRM) ¹ for this final rule on May 19, 2023. We responded to the comments on the NPRM in the “Comments and Responses” section of the final rule preamble, and we explain the rule-related revisions to the associated information collections in the Addendum to this Supporting Statement.

Background

In summary, the final rule associated with this ICR changes 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. This rule clarifies that claimants may appear for hearings remotely using a telephone even without extraordinary circumstances. Claimants may also appear remotely by video using private electronic devices with approved online video conferencing applications, rather than only using SSA owned video equipment.

Authoring Laws and Regulations

Sections 205(b)(1), and 1631(c)(1)(A) and (B) of the *Social Security Act (Act)*, and 20 CFR 404.936, 404.938, 404.939, 416.1436, 416.1438, and 416.1439 of the *Code of Federal Regulations (Code)* authorize the Social Security Administration (SSA) to collect the information on Form HA-504, Form HA-55, Form HA-56, and Form HA-510, along with their respective cover letters. The *Act* and the regulations require claimants to: (1) acknowledge receipt of the Notice of Hearing and (2) indicate whether they will attend their hearing at the time and date shown on the notice. Sections 205(d) and

¹ [NPRM: Federal Register :: Setting the Manner of Appearance of Parties and Witnesses at Hearings](#)

1631(c) of the Act, as well as 20 CFR 404.936, 404.950(a), 416.1436, and 416.1450(a) of the Code authorize SSA to: (1) establish the time, manner of appearance, and, if applicable, place of the hearing and (2) ask claimants to present evidence during the hearing. Finally, sections 404.939 and 416.1439 of the Code allow the respondents to submit an objection regarding any incorrect issues within the notices or cover letters.

2. Description of Collection

If a claimant is dissatisfied with one of the determinations or decisions listed in 20 CFR 404.930 or 416.1430, the claimant may request a hearing. Claimants and their representatives learn about our hearing process and how to request a hearing through the notice of determination or decision, our field offices, and our website. Upon receiving a request for a hearing, covered under OMB Control No. 0960-0269, SSA sends these notices, letters, and forms to the claimant and their representative, if applicable.

We use the information obtained on the completed forms to manage the means by which SSA conducts the hearing before an administrative law judge (judge) or administrative appeals judges (judge), and the scheduling of the hearing with the judge.

SSA may schedule claimants to attend their hearing in one of four ways: (1) in person at one of our 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. For audio and online video, the private location the claimant chooses must be located within the 50 states, the District of Columbia, American Samoa, Guam, the Northern Mariana Islands, the Commonwealth of Puerto Rico, or the United States Virgin Islands. 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.

SSA use the notice HA-L2, Request for Hearing Acknowledgement Letter, to acknowledge receipt of the claimant's request for hearing and to explain the hearing process. This notice briefly explains the four ways by which SSA schedules hearings, as well as how respondents may object or agree to attend these hearings, and how long they have to respond. This notice also informs the respondent that: they may provide additional evidence, along with how to submit it; they have a right to representation; they may review the evidence in their file, as well as how to access their file; and they have the right to an interpreter.

SSA uses the notice HA-L54, Notice of Ways to Attend a Hearing, to explain in more detail the various ways to attend a hearing, the requirements for each hearing type, the ability to object to attending by audio or agency video, and the ability to agree to attending by online video. The HA-L54 also serves as a cover letter for Form HA-55 and

Form HA-56. Even though they contain similar information, SSA sends the HA-L2 separately from the HA-L54 to ensure that claimants are aware of the various ways that SSA may schedule them to attend a hearing.

SSA uses Form HA-55, Objection to Appearing by Audio or Agency Video, as a way for the claimants to object to an appearance via audio or agency video for their hearing with the judge. If they choose not to make their appearance via audio or agency video, they must return the HA-55 to SSA within 30 days of receiving the notice, prior to SSA scheduling the hearing.

SSA uses Form HA-56, Agreement to Appearing by Online Video, as a way for the claimants to agree to an appearance via online video (using MS Teams). Respondents only use this form if they agree to the online video appearance. The instructions on both the HA-L54 and Form HA-56 make this use of the Form HA-56 clear to the respondent. As stated above, claimants who wish to object to an appearance by agency video must use the HA-55 to object.

SSA uses all versions of Form HA-504, Acknowledgement of Receipt (Notice of Hearing) for claimants to acknowledge they will appear for their hearing with a judge; establish the time, manner, and, if applicable, place of the hearing; and remind claimants to gather evidence in support of their claim. The difference between the HA-504, HA-504-OP1, and the HA-504-OP2 is the language used for the selection checkboxes as determined by the type of appearance for the hearing (in-person, agency video, online video, or audio). SSA determines which version of the form to use based on the manner of appearance. Depending on the claimant's response, the judge will either: (1) prepare for the hearing as scheduled; or (2) reschedule the hearing for a different date or location.

The cover letter for the HA-504, the HA-L83, Notice of Hearing, explains the claimants' need to notify SSA of their wish to object to the time and place set for the hearing no later than five days prior to the hearing or 30 days after they receive the HA-504. The HA-L83 also explains the good cause stipulation for missing the deadline for objecting to the time and place of the hearing. In addition, the HA-L83 explains to the claimants how to submit in writing any additional evidence they would like the judge to consider during their hearing, or any objections they have to the issues on their claim.

SSA uses Form HA-510, Waiver of Timely Written Notice of Hearing, for the claimant to document that they waive their right to receive the Notice of Hearing as specified in the HA-L83 cover letter for the HA-504, Notice of Hearing. We typically use the HA-510 when there is an available opening on the judge's schedule due to a late cancellation or postponement of a hearing. If the claimants agree to the time slot to have their hearings earlier, then the claimants also agree to waive the requirement to receive the initial hearing notice 75 days prior to the scheduled hearing, or an amended hearing notice 20 days prior to the scheduled hearing. In those cases, the claimant completes one

version each of Forms HA-510 and HA-504 prior to the hearing.

SSA may use the combined Enhanced Outreach Call to contact some unrepresented respondents who may need assistance preparing for their hearing. Such calls generally review the right to representation, review the evidence in the claim file, and inquire about additional evidence. SSA only conducts these calls when necessary to assist a respondent prepare for a hearing, and when we have sufficient resources to do so.

We identified the following psychological costs based on the requirements for this information collection:

- **Psychological Cost #1:**
 - **Requirement for the Program:** The HA-504, HA-55, and HA-56 have time limits for submission.
 - **Psychological Cost:** The respondent may find the time limits too restrictive, which could lead to individuals choosing to delay or abandon completing this form.
- **Psychological Cost #2:**
 - **Requirement for the Program:** The HA-L83 and HA-L2 ask individuals to inform SSA about or submit all evidence to SSA that relates to whether they are blind or disabled.
 - **Psychological Cost:** The respondent might perceive that the agency distrusts them and their claim for benefits. Because of this perception, some may find the entire process stressful to the point that it may take them longer to complete the application, or they may postpone it, or stop answering the questions entirely.

We understand these psychological costs may cause respondents to delay their completion of these information collections or cause them to abandon the information collections entirely. However, we require full completion of these information collections to receive benefits. Therefore, we have taken these potential psychological costs into account when calculating our burden in #12 below.

The final rule requires minor revisions to our existing information collections to expand the types of hearings we conduct, and to revise definitions. In addition, we are also including two new forms, the HA-L54, and the HA-56, which will enable better communication of the new policies to the respondents. We anticipate these revisions will result in less confusion and will allow us to schedule hearings faster for the public.

The respondents are applicants for Social Security disability payments who request a hearing to appeal an unfavorable entitlement or eligibility determination.

3. Use of Information Technology to Collect the Information

SSA did not make Forms HA-504, HA-504-OP1, HA-504-OP2, HA-55, or HA-510 available electronically under the Government Paperwork Elimination Act, as we prioritized other information collections for full electronic conversions. In addition, we send these agency-initiated applications to respondents with pre-filled information. We currently do not have the means to pre-fill information and send individualized forms to the respondents electronically, as that would require us to build a new system, and we do not have the resources and manpower to do that at this time. Finally, we cannot send these via email, as the pre-filled information contains personal identifiable information (PII) of the respondents, and email is a non-secured means of transferring PII. We will reassess our ability to create an electronic version of these information collections if and when technological advances are created that would allow for us to make these collections available via the Internet in a fully secure way.

However, representatives who have applied for the Appointed Representative Services (ARS) suite may submit electronic responses through SSA's web-based application, Electronic Records Express Third-Party (0960-0767), or via facsimile. We show the burden for Electronic Records Express Third Party within the documentation for 0960-0767, so we do not include it here.

4. Why We Cannot Use Duplicate Information

The nature of the information we collect and the manner in which we collect it precludes duplication. The information we collect on these forms does not duplicate information the claimant already presented, nor is it information easily provided by any source other than the claimant. The information we collect is essential for the orderly functioning of the hearing process and safeguards claimants' rights under the law and regulations.

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, it would disrupt the hearing process for both the claimant and the agency and could violate statutory and regulatory requirements relating to fair hearings and due process. Therefore, we cannot collect this information 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

SSA published a notice of proposed rulemaking (NPRM) in the Federal Register on May 19, 2023, at 88 FR 32145. In response to the NPRM, members of the public submitted multiple comments regarding this regulatory change. The agency addressed the public comments we received in the preamble of the published final rule (however, none of these were comments on the associated forms).

We published the final rule on August 26, 2024, at 89 FR 68341. If we receive any public comments on our time estimates or on the information collections associated with this rule, we will share them with 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 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

The charts below show the burdens for the information collections under this Information Collection Request (ICR). As some of the currently approved information collections under OMB No. 0960-0671 are not affected by the final rule, we have included two separate charts: one for information collections affected by the final rule, and one for those that remain unaffected.

The chart below shows the burden for all of the information collections in this ICR affected by 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	700,000	1	30	350,000	700,000	350,000	0

OMB #; Form #; CFR Citations	Number of Respondents	Frequency of Response	Average Burden Per Response (minutes)	Current Estimate d Total Burden (hours)	Anticipated New Number of Responses Under Regulation	Anticipate d Estimated Total Burden Under Regulation (hours)	Estimated Burden Savings (hours)
HA-504-OP2 404.938(c) 413.1438(c)							
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 - 404.936(f)(2); 416.1436(f)(2)	5,000	1	5	417	5,000	417	0
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 Acknowledgemen t 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 -	35,000	1	5	2,917	35,000	2,917	0

OMB #; Form #; CFR Citations	Number of Respondents	Frequency of Response	Average Burden Per Response (minutes)	Current Estimate d Total Burden (hours)	Anticipated New Number of Responses Under Regulation	Anticipate d Estimated Total Burden Under Regulation (hours)	Estimated Burden Savings (hours)
Verification of New Residence 404.936(d)(4); 416.1436(d)(1)							
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 cause 404.936(d)(1) and (e)(1); 416.1436(d)(1) and (e)(1)	13,500	1	10	2,250	13,500	2,250	0
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	37,500	1	60	37,500	0	0	37,500

OMB #; Form #; CFR Citations	Number of Respondents	Frequency of Response	Average Burden Per Response (minutes)	Current Estimate d Total Burden (hours)	Anticipated New Number of Responses Under Regulation	Anticipate d Estimated Total Burden Under Regulation (hours)	Estimated Burden Savings (hours)
Enhanced Outreach – Follow Up Call – No Representative (Unrepresented Claimant/ProSe)							
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 Options Letter and Form Mailed to Representative	280,000	1	10	46,667	0	0	46,667
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	3,207,490			1,024,334	2,567,690	871,229	153,105

The following chart shows the theoretical cost burdens associated with this final rule:

OMB #; Form #; CFR Citations	Anticipated Number of Respondent s	Frequency of Response	Average Burden Per Response (minutes)	Anticipate d Estimated Total Burden Under Regulation (hours)	Average Theoretical Hourly Cost Amount (dollars)*	Total Annual Opportunity Cost (dollars)**
HA-504+ HA-504-OP1 HA-504-OP2 404.938(c) 413.1438(c)	700,000	1	30	350,000	\$22.39*	\$7,836,500**
HA-L83 - 404.936(f); 404.938; 416.1436(f); 416.1438	700,000	1	30	350,000	\$22.39*	\$7,836,500**
HA-L83 - Good cause for missing deadline - 404.936(f)(2); 416.1436(f)(2)	5,000	1	5	417	\$22.39*	\$9,337**
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	\$22.39*	\$65,312**
HA-L2 Acknowledgement Letter 404.936	500,000	1	5	41,667	\$22.39*	\$932,924**

OMB #; Form #; CFR Citations	Anticipated Number of Respondent s	Frequency of Response	Average Burden Per Response (minutes)	Anticipate d Estimated Total Burden Under Regulation (hours)	Average Theoretical Hourly Cost Amount (dollars)*	Total Annual Opportunity Cost (dollars)**
416.1436						
HA-L54, HA-56, and HA-55 – 404.936; 404.938; 416.1436; 416.1438	500,000	1	10	83,333	\$22.39*	\$1,865,826**
HA-L2 - Verification of New Residence 404.936(d)(4); 416.1436(d)(1)	35,000	1	5	2,917	\$22.39*	\$65,312**
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 cause 404.936(d)(1) and (e)(1); 416.1436(d)(1) and (e)(1)	13,500	1	10	2,250	\$22.39*	\$50,378**
HA-510 - 404.938(a); 416.1438(a)	4,000	1	2	133	\$22.39*	\$2,978**
Clamant Enhanced Outreach – Initial Call No	0	1	10	0	\$0*	\$0**

OMB #; Form #; CFR Citations	Anticipated Number of Respondent s	Frequency of Response	Average Burden Per Response (minutes)	Anticipate d Estimated Total Burden Under Regulation (hours)	Average Theoretical Hourly Cost Amount (dollars)*	Total Annual Opportunity Cost (dollars)**
Representative (Unrepresented Claimant/ProSe)						
Clamant Enhanced Outreach – Initial Call with Representative	0	1	10	0	\$0*	\$0**
Clamant Enhanced Outreach – Follow Up Call – No Representative (Unrepresented Claimant/ProSe)	0	1	60	0	\$0*	\$0**
Clamant Enhanced Outreach – Follow Up Call – With Representative	0	1	30	0	\$0*	\$0**
Claimant Enhanced Outreach Call	75,190	1	30	37,595	\$22.39*	\$839,625
Remote Hearing Options Letter and Form Mailed to Representative	0	1	10	0	\$0*	\$0**
Microsoft Teams Video Hearing Call Script – Representative Payee Outreach	0	1	20	0	\$0*	\$0**
Microsoft Teams Hearing Call	0	1	20	0	\$0*	\$0**

OMB #; Form #; CFR Citations	Anticipated Number of Respondent s	Frequency of Response	Average Burden Per Response (minutes)	Anticipate d Estimated Total Burden Under Regulation (hours)	Average Theoretical Hourly Cost Amount (dollars)*	Total Annual Opportunity Cost (dollars)**
Script – Claimant Outreach						
Microsoft Teams Hearing Call Script – Claimant Outreach	0	1	20	0	\$0*	\$0**
Totals	2,567,690			871,229		\$19,506,819**

* We based these figures on average DI hourly wages based on SSA's current FY 2024 SSI data (<https://www.ssa.gov/legislation/2024FactSheet.pdf>); and on average U.S. citizen's hourly salary, as reported by Bureau of Labor Statistics data (https://www.bls.gov/oes/current/oes_stru.htm), as well as the combination of both figures.

** 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.**

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 the burden times on the above chart accurately show the average burden per response for reading the instructions, gathering the facts, and answering the questions. The total burden for this ICR is **871,229** burden hours (reflecting SSA management information data), which results in an associated theoretical (not actual) opportunity cost financial burden of **\$19,506,819**. SSA does not charge respondents to complete our applications.

Upon OMB approval of this ICR for the final rule, we will update the burden figures associated with this information collection to reflect these revised burdens.

13. Annual Cost to the Respondents

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 \$2,705,717. 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	\$31,417
Distributing, Shipping, and Material Costs for the Form	Distribution + Shipping + Material Cost	\$174,000
SSA Employee (e.g., field office, 800 number, DDS staff) Information Collection and Processing Time	GS-9 employee x # of responses x processing time	\$2,496,880
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		\$2,705,717

* 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. The Office of Hearings Operations (OHO) prints the form(s) locally and mails them to the claimants and representative payees who complete and return these forms to OHO by mail (the costs for printing and mailing are included in the first two lines of the above chart). An OHO employee scans the paper forms into the electronic record file (as noted above, if the representative payee uses ERE, OMB No. 0960-0767, to submit these forms, SSA employees do not do anything at all; however, we account for all of these ERE transactions under OMB No. 0960-0767). We have calculated these costs as accurately as possible based on the information we collect for creating, updating, processing, and maintaining these information collections.

15. **Program Changes or Adjustments to the Information Collection Request**

When we last cleared this IC in 2023, the burden was 1,186,999 hours. However, we are currently reporting a burden of 833,634 hours. This change is a result of a decrease in the number of responses from 2,762,500 to 2,492,500, as well as the removal of the Enhanced Outreach Notices and the combination of the Enhanced Outreach Calls to one call total. 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.

In addition, we are including the new notice, Form HA-L54, Notice of Ways to Attend a Hearing; and the new form, Form HA-56, Agreement to Appearing by Online Video, both of which increase the overall burden for this information collection. We note that the minor burden increase for adding these two new information collections does not affect the overall decrease for this ICR due to the decrease in the number of respondents.

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.

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.