

Supporting Statement for Form SSA-2032-BK
Request for Waiver of Special Veterans Benefits (SVB) Overpayment Recovery
Or Change in Repayment Rate
20 CFR 408.900–408.950
OMB Control No. 0960-0698

A. Justification

1. Introduction/Authoring Laws and Regulations

Title VIII of the *Social Security Act* (the *Act*) provides for the payment of benefits to certain World War II veterans who reside outside the United States. Section 808 of the *Act* explains the recovery of overpayments under the Special Veterans Benefits (SVB) program. Section 210 of *Pub. L. 108-203 (H.R. 743)* expands the “Authority for Cross-Program Recovery of Benefit Overpayments.” We use Form SSA-2032-BK, “Request for Waiver of Special Veterans Benefits Overpayment Recovery or Change in Repayment Rate” because SSA has the authority through these sections of the law to recover the overpayment or change a repayment rate for SVB beneficiaries.

SSA set forth the policies for implementing the pertinent sections of the *Act* in 20 CFR 408.900 - 408.950 of the *Code of Federal Regulations*. 20 CFR 408.923(b) provides overpaid individuals with the opportunity to request a different rate of withholding from their SVB payments to recover an overpayment. 20 CFR 408.931(b) and 408.932(c), (d), and (e) provide overpaid individuals with an opportunity to request a different rate of withholding from their *Title II* benefits to recover an SVB overpayment. In addition, the SVB beneficiary may ask SSA to review the determination that an overpayment balance still exists and to waive collection of the balance. 20 CFR 408.941(b) and 408.942 requires an overpaid individual who is subject to a Federal income tax refund offset to either send SSA evidence that the overpayment is not past due, or legally enforceable, or request waiver of the overpayment.

2. Description of Collection

Title VIII of the *Act* requires SSA to pay a monthly SVB benefit to qualified World War II veterans who reside outside the United States. When an SVB overpayment occurs in the amount of \$30.01 or more, SSA mails a notice to the respondent explaining the following: 1) The amount and cause of the SVB overpayment; 2) a monthly list of the amounts that were paid and the amounts that should have been paid; 3) a request for refund of the full amount of the overpayment within 30 days, or if refund of the full amount is not possible, a request for partial payment using the envelope enclosed with the notice; 4) an alternative manner to resolve the overpayment (e.g., 10 percent rate of recovery, collection by installments, etc.) if full refund is not made; 5) the right to request waiver of the overpayment collection; 6) the right to request reconsideration of the facts of the overpayment (e.g., existence, amount, etc.); 7) an explanation of how to request waiver and/or reconsideration; and 8) informs the respondents they can call SSA, write to the address provided on the notice, or visit an SSA office

with the letter if they need help. SSA also encloses an envelope for refund purposes, and encloses Form SSA-2032-BK, Request for Waiver of Special Veterans Benefits Overpayment Recovery or Change in Repayment Rate with the notice. Form SSA-2032-BK explains how the beneficiary can request a waiver of recovery of the overpayment or a change in the repayment rate and provides the respondent with information regarding appeal rights. The respondent completes the SSA-2032-BK and mails it back to SSA to ensure SSA obtains the information necessary to establish whether the claimant meets the waiver of recovery provisions of the overpayment, and to determine the repayment rate if we do not waive repayment. When SSA receives Form SSA-2032-BK, we input the information into SSA's Modernized Claims System (MCS). If the respondent indicates they are without fault in Item 2A of the SSA-2032-BK, they must also meet the following conditions for SSA to approve the waiver request:

- 1) Recovery would defeat the purpose of *Title VII* of the Act if it would deprive the without fault debtor of income required for ordinary and necessary living expenses. In this situation, SSA would waive recovery.
- 2) Recovery would be against equity and good conscience when a without fault debtor relies on benefit payments or on notice that such payments are to be made and gives up a valuable right or changes their position for the worse.

SSA makes a determination in 10 days and mails the respondent a notice letting them know if SSA approved or denied the request. If SSA denies the request the respondent can appeal the decision as stated in the notice.

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

Psychological Cost:

- o **Requirement for the Program:** The SSA-2032-BK application process asks individuals to provide some personal information about themselves so SSA can determine whether they are eligible to receive a Waiver of SVB Overpayment Recovery or Change in Repayment Rate.
- o **Psychological Cost:** The respondent may perceive these questions as unduly invasive, and these factors can lead to individuals choosing to delay or abandon completing this form.

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

The respondents are SVB beneficiaries who have overpayments on their Title VIII record and wish to file a claim for waiver of recovery or change in repayment rate

3. Use of Information Technology to Collect the Information

SSA mails the SSA-2032-BK is mailed to the respondent with the notice; however, if the respondent needs an additional copy of the SSA-2032-BK, it is available as a print-only PDF on SSA's website. Due to the low volume of respondents for this form, and because the population who can receive SVB are World War II veterans, the youngest of whom are now in their mid to late 90's, SSA did not schedule this form for electronic implementation. As we expect the respondent pool to continue to decrease over the next several years, until there are no longer any respondents who are eligible for SVB, SSA anticipates that this form will be obsolete by the mid-2020s. As of June 2022, we have 34 beneficiaries still receiving SVB. Additionally, this collection does not currently have a fully public-facing submittable PDF version, as we prioritized higher volume information collections for full electronic conversions, and because we anticipate discontinuing this information collection within the next several years.

4. Why We Cannot Use Duplicate Information

The nature of the information we collect and the manner in which we collect it preclude duplication. The SSA-632-BK (0960-0037) collects data similar to that collected here. However, the SSA-632-BK is more generic, whereas the design of the SSA-2032-BK is specific for SVB overpayments, or change in repayment rate, for SVB beneficiaries. For instance, SSA requires Title II and Title XVI waiver applicants using the SSA-632-BK to provide authorization to Access to Financial Institutions, which is not a requirement on the SSA-2032-BK. While it would be possible for SVB beneficiaries to use the SSA-632-BK, we provide them with a form tailored to SVB for this purpose to ensure we process it using the SVB requirements listed in #2 above.

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-2032-BK, SVB beneficiaries would not have a way to request a waiver of an overpayment, or a different rate of withholding to repay the overpayment without the added requirement to provide authorization to Access to Financial Institutions. Therefore, the use of the SSA-2032-BK creates an easier method for the SVB respondents to make this request. Because we only collect the information both when we detect an overpayment and when the SVB beneficiary requests it, 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 November 23, 2022, at 87 FR 71734, and we received no public comments. SSA published the second Notice on February 21, 2023 at 88 FR 10614. If we receive comments in response to the 30-day 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

As stated in #2 above, we need to ask some questions which some respondents may perceive as sensitive in nature to assess their eligibility for benefits under this program. These include questions financial statement questions which include: 1) members of household members; 2) assets; 3) monthly household income; and 4) household expenses. As such, this information collection may have psychological costs pertaining to collection of personal questions (which we also discussed in #2 above). However, we must ask these questions to determine whether an applicant meets the statutory and regulatory conditions for entitlement under our programs.

12. Estimates of Public Reporting Burden

SSA calculated the below burden using our management information data by estimating the amount of time respondents take to learn about the program; receive notices as needed; read and understand instructions; gather the data and documents needed; answer the questions and complete the information collection instrument; schedule any necessary appointment or required phone call; consult with any third parties (as needed); and wait to speak with SSA employees (as needed). In addition, we also considered any potential psychological costs associated with completion of this collection when calculating the 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	Total Annual Opportunity Cost (dollars)**
-------------------------------	------------------------------	------------------------------	--	--	---	--

)		(dollars)*	
SSA-2032	34	1	120	68	\$28.01*	\$1,905**

* We based this figure on the average U.S. worker’s hourly wages, as reported by Bureau of Labor Statistics data (https://www.bls.gov/oes/current/oes_nat.htm).

** 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 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)****
34	1	30	17	\$476****

*** 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 previously processed documentation from years of conducting this information collection . Per our management information data, we believe that **120** 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 collection instrument is **120** burden hours (reflecting SSA management information data), which results in an associated

theoretical (not actual) opportunity cost financial burden of **\$2,381**. 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 **\$92,659**. 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	\$50
Distributing, Shipping, and Material Costs for the Form	Distribution + Shipping + Material Cost	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	\$89.189
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		\$92,659

*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. 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 2019, the burden was 268 hours. However, we are currently reporting a burden of 68 hours. This change stems from a decrease in the number of responses from 134 to 34. As mentioned above, we expect to continue to see a decrease in the number of responses, due to the decrease in the SVB eligible population. 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.

Note: The total burden reflected in ROCIS is **833**, while the burden cited in #12 of the Supporting Statement is **85**. This discrepancy is because the ROCIS burden reflects the 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

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.