

**Justification for Non-Substantive Changes for Form SSA-10
Application for Widow's and Widower's Insurance Benefits
20 CFR 404.335-404.338, and 404.603
OMB No.0960-0004**

Background

Sections 202(e) and 202(f) of the *Social Security Act (Act)* set forth the requirements for entitlement to widow's or widower's benefits, including the requirement to file an application. In addition, 20 CFR 404.335-404.338 of the *Code of Federal Regulations (Code)* state the policies for implementing the requirements from Sections 202(e) and 202(f) of the *Act*, including the requirement to apply for benefits. To become entitled to benefits, 20 CFR 404.603 of the *Code* requires a claimant to file an application. Therefore, the Social Security Administration (SSA) designated Form SSA-10 to meet the application requirement.

On January 5, 2025, Congress signed the Social Security Fairness Act of 2023 (SSFA), which repealed the WEP and Government Pension Offset (GPO) provisions for benefits payable for months after December 2023. Therefore, SSA will no longer collect pension information for individuals due Social Security benefits for January 2024 and thereafter. We are making the following modifications to the paper version of the SSA-10 to remove the pension questions.

Paper Form SSA-10

- **Change #1:** We are removing question #19 (a) and (b):
 - #19 (a) "Have you qualified for, or do you expect to qualify for a pension or annuity (or lump sum in place of a pension or annuity) based on your own employment and earnings for the Federal Government of the United States, or one of its States or local subdivisions that was not covered under Social Security? (Social Security benefits are not government pensions).
 - #19 (b) Check a box -If:
 - I received a government pension or annuity,
 - I received a lump sum in place of a government pension or annuity,
 - I applied for and am awaiting a decision on my pension or lump sum,

Justification #1: We are removing the questions as they are no longer needed based on the implementation of the Social Security Fairness Act (SSFA) which repeals the offset provisions for pensions benefits payable for months after December 2023.

SSA will implement the changes to this IC upon OMB approval.

These updates do not affect the reported public burden as we are collecting the same data reported in already approved Information Collections (ICs).