

Addendum to the Supporting Statement for SSA-820-BK
Work Activity Report - Self-Employment
20 CFR 404.1520(b), 404.1571-404.1576, 404-1584-404.1593, and 416-971-416.976
OMB No. 0960-0598

Minor Revisions to the Collection Instrument

SSA is making the following revisions:

SSA-820-BK

- **Change #1:** We are revising the language on page 1 under the What You need to Do section

o Old Language:

Please complete and return the completed form within 15 days to the address shown above. It is important to fill out the form carefully and completely . It is important to fill out the form carefully and completely.

o New Language:

Please complete and return the form within 15 days to the address shown above. It is important to fill out the form carefully and completely. You may also submit this form online at <https://www.ssa.gov/forms/ssa-820.html>.”

Justification #1: We are revising the language, to make grammatically correct, and to direct the individual to the option to fill out and submit the form online.

- **Change #2:** We are revising the referral language on page 2 SSA-820-BK
Updated the referral language if the individual needs more help.

o Old Language:

If You Have Questions

- If you have questions, or need help completing the form:
- Visit our website at www.ssa.gov to find general information about Social Security
- .Call us toll-free at 1-800-772-1213, or call your local office at _____. You may also call your Social Security contact, _____, at _____. We can answer most questions over the phone.
- Write or visit any Social Security office. If you plan to visit an office, you may call ahead to make an appointment. The office that services your area is located at:_____
- If you are deaf or hard of hearing ,our toll-free TTY number is 1-800-325-0778.
- If you are outside the United States or its territories:
 - If you are in Canada, visit www.ssa.gov/foreign/canada.htm to find the office that services your area/
 - Contact your nearest Federal Benefits Unit (FBU). Visit www.ssa.gov/foreign/foreign.htm for a list of FBUs
 - Write to the Social Security Administration at:
P.O. Box 17769

Baltimore, Maryland 21235-7769
USA

Please have this letter with you if you call or visit an office. If you write, please include a copy of this letter. It will help us answer your questions.

o New Language:

Need more help?

1. Visit www.ssa.gov for fast, simple, and secure online service.
2. Call us at 1-800-772-1213, weekdays from 8:00 am to 7:00 pm. If you are deaf or hard of hearing, call TTY 1-800-325-0778. Please mention this letter when you call.
3. You may also call your local office at _____.

How are we doing? Go to www.ssa.gov/feedback to tell us.

Justification #2: We are revising the language for notice alignment. We are not updating the SSA-820-APP because the system does not have the functionality to automatically propagate the individual's local field office phone number or address.

SSA-820- APP

- **Change #3:** We are updating the URL for Updating the URL for reporting Social Security fraud to <http://oig.ssa.gov/report> on Page 2 of the SSA-820-APP
- **Justification #3:** We are updating the URL to match the current paper version SSA-820-BK. The link will take the individual directly to the page in which to submit a report.

SSA will implement these revisions upon OMB's approval.

Public Comments and Responses

We published the 60-day advance Federal Register Notice on September 8, 2023, at 88 FR 62136, and we received the following public comments from the Community Legal Services of Philadelphia for the Work Activity Report - Self-Employment Data Collection:

Overall Comments on the Work Activity Report-Self-Employment:

- **Comment #1:** The commenter states SSA does not provide an estimate for how long it takes respondents to travel to and from SSA Field Offices to complete these forms, and SSA does not include an estimate of the time spent by claimants to collect relevant documents necessary to complete the SSA-820-BK, such as business records, bank statements, and tax records, expenses related to items needed to help the respondent work, or to contact SSA for questions or clarification.

SSA Response #1: SSA recognizes that travel times may vary for respondents depending on

several factors, including where they live in the nation and the time or day they choose to do business with SSA. As we use this information collection nation-wide, we provide an average estimate of a 30-minutes travel time to an SSA Field Office (which reflects the average time across the whole nation), with the understanding that the respondent may need to submit information under several OMB-approved applications once they arrive at the field office. To ensure we are not double counting the time estimate, we therefore only provide the estimated time for traveling to the field office for each of these information collections. SSA does not publish the travel time on the Federal Register Notice; however, SSA provides the average one-way travel time to the field office on a chart in #12 of the final Supporting Statement. In addition, SSA considers the time it takes respondents 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 our overall burden estimate per response for the information collection. We base our estimates on the average times it takes most respondents to complete these tasks for the purposes of submitting the information collection. The estimates we provide in the Supporting Statement and Federal Register Notice are based on our current management information data.

- **Comment #2:** The commenter states respondents seeking field office service and phone service wait time seem low, considering the average wait time in 2023 is 35 minutes. The commenter also commented that the estimated 19-minute wait time does not take into account the frequency of dropped calls due to issues with SSA's phone system and does not factor in that after waiting for 19 minutes many respondents will give up or need to hang up and call again later, which significantly adds to their wait time.

SSA Response #2: SSA appreciates your feedback regarding the wait time. In many cases, there would be no wait time by phone or in office to complete the SSA-820-BK as an SSA field office employee often completes the form during a scheduled interview in the field office, or during a phone appointment with no wait time. In addition, SSA requires SSA technicians to call and try to attest the form by phone; this call would have no wait time since it's initiated by SSA. As we understand there is a possibility of a wait time for telephone or in office visits, and that experiences can vary based on the time of day or specific days, we use an average wait time in our calculations which we base on our current management information data from field offices and from our teleservice centers and automated telephone system.

- **Comment #3:** The commenter states the projected time to complete the SSA-820-BK online appears inadequate considering the respondent needs to provide their email address and wait for an email from adobesign@adobesign.com containing a link and instructions on how to access the form, before the respondent can start the form. The commenter states the adobe sign link has a 15-day expiration, if the adobe sign link expires before the respondent completes the form, they must request a new link, and the respondent must sign and submit the form in one go, or the information previously entered by the respondent will be lost; which will require the respondent to restart. The commenter states SSA's estimation overlooks the supplementary instructions respondents need to follow and the extra steps necessary to access the online form compared to the paper version.

SSA Response #3: SSA appreciates your feedback regarding the time it takes for the respondent to provide their email and wait form an email from adobesign@adobesign.com, and SSA agrees the project time should be updated; therefore, we are changing the Average Burden per Response time (minutes) from 30 minutes to 35 minutes to account for the additional time. We updated this information on the chart in #12 of the Supporting Statement for this information collection.

- **Comment #4:** The commenter states SSA may ask for employment information for multiple years depending on the respondent's employment history and specific situation and depending on the respondent's employment history and specific situation. The commentor also specified this can require respondents to obtain records that are not as easily accessible as current records, such as bank statements and tax records, or obtain real estate information, which significantly adds to the time to complete the form. They also mentioned that SSA's definition of items that constitute an impairment related work expense is not necessarily a well understood concept, so many respondents may need time to research this on their own or may seek guidance from SSA by going into a field office, calling the office directly, or by calling the 800 number. They suggest that these steps may add considerable time for the respondent to complete the information collection.

SSA Response #4: SSA typically prefills the form with self-employment information we have on file. If SSA asks for multiple years of earnings information, most year's information will propagate into the form and the individual would not need to provide tax information unless the individual disagrees with SSA records. Form SSA-820-BK provides eight examples of the items or services that may qualify as an impairment related work expense which reduces the need for the respondent to spend time researching the topic. SSA does request information about work from the time of the alleged onset date for initial claims. However, SSA does not typically ask for employment information for multiple years for post-entitlement situations if the individual timely reports their work. SSA accounts for the time the respondents need to research information under the Learning Costs and under the average burden per response provided on the charts in #12 of the finalized Supporting Statement. As stated above, we estimate these averages based on current management information data.

- **Comment #5:** The commenter states that for those respondents with impairment-related work expenses that are not reimbursed by their health insurance, completing the form requires providing the cost of the items and the date the respondent paid for the items, which can add significant time to the completion time depending on the number of items and how available this information is to the respondent. In addition, they suggest that many respondents will have to spend considerable time going through their expenses to identify these costs, locating receipts, calculating the monthly expenses, etc., all of which adds significant time to their responses.

SSA Response #5: SSA does not request proof of Impairment Related Work Expenses unless it's pertinent to the claim. 20 CFR 404.157(a) and 20 CFR 416.976(a) state that we subtract costs of items and services when deciding if work is substantial gainful activity (SGA). If the individual is working below SGA or the review period is during the trial work

period, SSA will not request proof. For SSI individuals, the SGA determination is used to establish initial eligibility. Since we typically do not ask for this information, that is reflected in the averages we use for the estimated burden for this information collection.

- **Comment #6:** The commenter states SSA estimates the average cost to be \$12.81, however outside the cost of travelling to and from the SSA field office, and the opportunity cost of the time spent waiting in the field office for service. The commenter also states if a respondent chooses to complete the form in this manner, the most likely cost associated with completing this form is obtaining the necessary records, and may need to request statements from their bank, which usually involves a fee. The commenter states in their experience as a legal service provider, the fee can be assessed per page, or at a flat rate, with significant variation.

SSA Response #6: SSA estimates the theoretical financial opportunity cost in hourly wages (\$12.81) the respondents might have earned if they were working instead of filling out our applications or submitting documentation to the agency due to their impairment(s). The SSA-820-BK asks respondents for self-employment tax returns, it does not require the respondent to provide bank statements or spend significant amounts of money to obtain the necessary documentation.

- **Comment #7:** The commenter suggests SSA take steps to ensure this form is as accessible as possible, including ensuring that the form is written in as clear and concise language as possible and analyzing the form for literacy level. They also recommend SSA make this form available in multiple languages, as many of the respondents are limited in proficiency in English.

SSA Response #7: SSA created the Adobe Sign version of this form to make it more accessible for respondents. We also routinely review the form to ensure we are using accessible language. Finally, SSA provides an interpreter free of charge to individuals requesting language assistance or when it is evident that such assistance is necessary to ensure that the individual is not disadvantaged. We include information on the request for language assistance on our website.