

Supporting Statement for Form HA-52
Notice of Bench Decision
20 CFR Parts 404.953 and 416.1453
OMB No. 0960-0694

A. Justification

1. Introduction/Authoring Laws and Regulations

Applicants for Social Security, Old Age, Survivors, and Disability Insurance (OASDI) benefits and Supplemental Security Income (SSI) payments have the statutory right to appear and present evidence about their claims at a hearing before a judge. When a judge holds a hearing, the Social Security Administration (SSA) must make a decision on the basis of evidence produced there (sections 205(b)(1) and 1631(c)(1)(A) of the *Social Security Act* (the *Act*)). Both the *Act* and SSA's regulations discuss the administrative review process for determining entitlement to payments. 20 CFR §§404.953 and 416.1453 of the *Code of Federal Regulations* (CFR) provide that the judge may enter into a fully favorable oral decision based on the preponderance of the evidence into the record of the hearing proceedings. If the judge enters a fully favorable decision into the record, the judge may issue a written decision that incorporates the oral decision by reference. We call this process the incorporation-by-reference procedure. The regulations also provide that if the parties involved want a record of the oral decision, they may submit a written request.

2. Description of Collection

SSA collects identifying information to determine how to send parties a favorable incorporation-by-reference oral decisions made at an administrative law judge hearing. Respondents learn of the Notice of Bench Decision when SSA mails the respondent a notice indicating they have received a fully favorable decision via the HA-82 (Notice of Bench Decision), which also informs the respondents about their rights to appeal and their rights to obtain a copy of the favorable decision. In most cases, respondents who receive a fully favorable decision will not wish to appeal the decision; however, SSA still informs the respondents of their right to appeal any decision that they do not agree with, even if it is fully favorable. If the respondents agree with the judge's decision, they do not have to do anything once they receive the HA-82. If the respondent does not agree with the judge's decision, they may request Appeals Council review of that decision. The HA-82 informs the respondent regarding the following: 1) how to file an appeal using SSA's secure online process available at www.ssa.gov/benefit/disability/appeal.html; which also lists the information respondents need to provide to file an appeal; 2) that the respondent may request a record of the judge's fully-favorable oral decision by requesting it in writing, along with information on how they wish to receive the decision, and mailing that request to SSA; 3) how to appeal the decision if the respondent does not agree with the judge's decision (even if it is a fully favorable decision) and wants to appeal; specifically informing the respondent they can use

form HA-520 (OMB No. 0960-0277, Request for Review of Hearing Decision/Order) to request a review of the hearing or they can write a letter to SSA requesting the review; 4) provides a phone number to contact SSA with questions, and a mailing address to send appeals; and 5) explains the time limit to appeal is within 60 days of the date the respondent gets the letter, and that SSA employees collect the information only once. When SSA receives an appeal through SSA's website, or a written letter from the respondent, SSA's Appeals Council reviews the entire case and may do the following: 1) deny the appeal; 2) return the case to the judge who made the decision or another judge for a new decision; 3) issue its own decision; or 4) dismiss the respondent's case. After the Appeals Council makes a decision they mail the respondent a notice informing them of their decision. If the respondent sends a request in writing for a copy of the favorable Bench Decision, SSA processes the information from the respondent, and sends them a copy of the decision (which the judge also saves in the respondents claims folder). The respondents are applicants for Disability Insurance Benefits and Supplemental Security Income payments based on disability, or their representatives as applicable, who receive a fully favorable oral decision under the regulations cited above.

There are no psychological costs associated with this instrument collection.

The respondents are disability applicants, and their representatives, who receive a fully favorable oral decision under the applicable regulations.

3. **Use of Information Technology to Collect the Information**

There is no standardized form for collecting this information. Instead, when SSA notifies respondents of a fully favorable decision via the HA-52, the notice includes instructions on how to contact us to obtain a written record of the oral decision. Although we do not have a standard form, we accept responses both by fax and through written requests.

Furthermore, if the respondent does not agree with the judge's decision, they appeal the decision using SSA's secure online process at www.ssa.gov/benefit/disability/appeal.html, or they can provide a response in writing and mail to SSA or send through fax. As previously explained, we account for the appeals process under OMB No. 0960-0277. Therefore, we do not

4. **Why We Cannot Use Duplicate Information**

The nature of the information we collect and the manner in which we collect it precludes duplication. SSA does not use another collection instrument to obtain similar data.

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 SSA did not collect this information, parties wishing to request written records of incorporation-by-reference oral rulings would have no means of doing so. This inaction would be a violation of claimants’ rights and would compromise the integrity of the incorporation-by-reference procedure. As we only collect the information when a claimant requests a written record of a fully favorable oral decision, we cannot collect it less frequently. There are no technical or legal obstacles that prevent 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 August 29, 2025 at 90 FR 42294, and we received no public comments. SSA published the second Notice on March 23, 2026 at 90 FR 13915. If we receive any comments in response to this 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**
 The information collection does not contain any questions of a sensitive nature.

12. **Estimates of Public Reporting 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 (dollars)*	Total Annual Opportunity Cost (dollars)**
HA-82	622	1	5	52	\$14.27*	\$742**

* We based this figure on the average DI payments based on SSA's current FY 2026 data ([Effect of COLA on Average Social Security Benefits](#)).

** 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)****
622	1	15	156	\$2,226****

**** 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 data from actual interviews, as well as from years of conducting this information collection. Per our management information data, we believe that 15 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 ICR is 52 burden hours (reflecting SSA management information data), which results in an associated theoretical (not actual) opportunity cost financial burden of **\$2,968**. 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 on the respondents.

14. **Annual Cost to the Federal Government**

The annual cost to the Federal Government is approximately **\$6,135**. This estimate accounts for costs from the following areas:

Description of Cost Factor	Methodology for Estimating Cost	Cost in Dollars
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Designing and Printing the Form	Design Cost + Printing Cost	\$0*
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	\$1,610
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		\$5,030

* 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 this information collection.

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

When we last cleared this IC in 2023, the burden was 208 hours. However, we are currently reporting a burden of 52 hours. This change stems from a decrease in the number of responses from 2,500 to 622. In addition this decrease stems from a reduction of bench decisions issued to respondents. 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.

* **Note:** The total burden reflected in ROCIS is **207**, while the burden cited in #12 of the Supporting Statement is **52**. 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**

SSA is not requesting an exception to the requirement to display the OMB approval expiration date.

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.