Supporting Statement for Form SSA-770
Notice Regarding Substitution of Party Upon Death of Claimant Reconsideration of Disability Cessation
20 CFR 404.907-404.921 and 416.1407-416.1421
OMB No. 0960-0351

A. Justification

1. Introduction/Authoring Laws and Regulations

Section 205(b) of the *Social Security Act* and Sections *20 CFR 404.907-404.921* and *416.1407-416.1421* of the *Code of Federal Regulations* require the Social Security Administration (SSA) to provide claimants who receive an initial or revised determination that a disability ceased or did not exist with an evidentiary hearing at the reconsideration level of appeal. *20 CFR 404.908(b)* states that any person who demonstrates in writing that the initial determination adversely affects their rights becomes a party to the consideration. If a claimant dies, an eligible individual (e.g., surviving spouse, child) may serve as a substitute party for reconsideration of disability cessation.

2. Description of Collection

When a claimant dies before we make a determination on their request for reconsideration of a disability cessation, SSA searches the applicant's records on the Master Beneficiary Record for a qualified substitute party to pursue the appeal. We look for a widow or widower of the deceased, a surviving divorced spouse, a child, a disabled child, a parent, the administrator or executor of the deceased's estate, or any person we consider qualified to pursue the appeal. Once we identify a qualified substitute, we send Form SSA-770 to them for completion, or inform the potential respondent they can access a fillable PDF version of the form on SSA's website. SSA employees use the information collected on Form SSA-770 as the basis for deciding whether to continue with a qualified substitute party or discontinue the appeals process.

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

<u>**Psychological Cost :**</u>

- **Requirement for Program:** The SSA-770, Notice Regarding Substitution of Party Upon Death of Claimant Reconsideration of Disability Cessation asks the surviving family members of the deceased to consider whether they would like to proceed with a reconsideration appeal of a disability cessation determination for the deceased individual.

- **Psychological Cost:** The respondents, often close family members or representatives of the deceased, may find the form causes additional emotional stress or distress while they are in mourning. The emotional burden of making decisions during a period of grief may lead some respondents to delay completing the form or to decide not to proceed with the reconsideration process at all.

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 receive benefits. Therefore, we have taken this potential psychological cost into account when calculating our burden in #12 below.

The respondents are substitute applicants who are pursuing a reconsideration request for a deceased claimant.

3. Use of Information Technology to Collect the Information

Form SSA-770 is available as a fillable PDF on SSA's website. The respondent completes the form and returns it back to the field office by mail, fax, or in person. Per our current records, only about 20% of respondents complete or submit this form in person. This collection does not currently have a fully public-facing Internet version, as we prioritized other information collections for full electronic conversions. Given that IT Mod programming is an ongoing, dynamic project, we cannot provide specific timelines for when we will be able to make any particular ICR available via Internet web-based application. We will ultimately convert most existing ICRs to full electronic versions depending on how they fall within our overall IT Mod schema, but this may be unconnected to the PRA approval lifecycle.

Due to the relatively low volume of submissions (less than 300 per year), we have not prioritized the development of an electronic submission process for the SSA-770. Also, since this form cannot be used by the claimant and is filled out by the third party, it is difficult to use the mySSA account upon submission and have that linked to the number holder's account. Therefore, at this time, we do not allow respondents to submit the SSA-770 through the Upload Documents evidence portal, as we need to further explore how a third party could file the form or access the claimant's mySSA account after the claimant's death. Given the high volume of conversions we are coordinating and the more urgent nature of some of the other conversions, we ultimately decided not to prioritize this ICR for conversion to fully submittable PDF at this time. When we are able to schedule this form for conversion to a submittable PDF, we will submit a Change Request to OMB to request prior approval.

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 we did not use Form SSA-770, we would not have a structured format for establishing substitute parties who wish to pursue reconsideration requests on behalf of deceased applicants. Because we only collect the information once, 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 July 31, 2026, at 91 FR 48470, and we received no public comments. The 30-day FRN published on September 24, 2026, at 91 FR 60677. If we receive any comments in response to this Notice, we will forward them to OMB. We did not consult with the public in the development revision of this form.

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**
Please see the burden chart below:

Method of Completion	**Number of Respondents**	**Frequency of Response**	**Average Burden Per Response (minutes)**	**Estimated Total Annual Burden (hours)**	**Average Theoretical Cost Amount (dollars)***	**Average Wait Time in Field Office (minutes)****	**Total Annual Opportunity Cost (dollars) *****
SSA-770	237	1	5	20	$ 33.54 *	21**	$3,455***

* We based this figure on an average U.S. citizen's hourly salary ($33.54), as reported by Bureau of Labor Statistics data (Occupational Employment and Wage Statistics).

** We based this figure on the average FY 2026 wait time for field offices (21 minutes), based on SSA's current management information data. This figure reflects both data from our systems and the data posted on our public facing website (Social Security performance | SSA) on the date we drafted this document. As the figures fluctuate daily, the wait times may be different on the website than they appear here. We continue to monitor our website and management information data on call back times to ensure we report updated figures when possible. While we have included wait time for all respondents, we note that respondents are not required to complete the form in person and those who mail or drop off a completed form do not experience any wait time. In addition, our records show that only approximately 20% of the respondents travel to a field office to complete or submit this form.

*** 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. **<u>There is no actual charge to respondents to complete the application</u>**.

In addition, OMB's Office of Information and Regulatory Affairs (OIRA) is requiring SSA to use a rough estimate of a 30-minute, one-way, drive time in our calculations of the time burden for this collection. OIRA based their estimation on a spatial analysis of SSA's current field office locations and the location of the average population centers based on census tract information, which likely represents a 13.97 mile driving distance for one-way travel. We depict this on the chart below:

Total Number of Respondents Who Visit a Field Office	Frequency of Response	Average One-Way Travel Time to a Field Office (minutes)	Estimated Total Travel Time to a Field Office (hours)	Total Annual Opportunity Cost for Travel Time (dollars)****
47+	1	30	24	$805****

+ As mentioned above, per our records, approximately 20% of the respondents travel to a field office to complete or submit this form.
****We based this dollar amount on the Average Theoretical Hourly Cost Amount in dollars shown on the burden chart above.

Per OIRA, we include this travel time burden estimate under the *5 CFR 1320.8(a)(4),* which requires us to provide "time, effort, or financial resources expended by persons [for]…transmitting, or otherwise disclosing the information," as well as *5 CFR 1320.8(b)(3)(iii)* which requires us to estimate "the average burden collection…to the extent practicable." SSA notes that we do not obtain or maintain any data on travel times to a field office, nor do we have any data which shows that the average respondent drives to a field office, rather than using any other mode of transport. SSA also acknowledges that respondents' mode of travel and, therefore, travel times vary widely dependent on region, mode of travel, and actual proximity to a field office.

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 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)*******
237	1	5	20	$671*****

*****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 **5** minutes accurately shows the average burden per response for reading the instructions, gathering the facts, and answering the questions. Based on our current management information data, the current burden information we provided is accurate. The total burden for this ICR is **20** burden hours (reflecting SSA management information data), which results in an associated theoretical (not actual) opportunity cost financial burden of **$4,931**. 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 Federal Government

The annual cost to the Federal Government is approximately **$5,150**. 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	$1,284
Distribution, 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	$446
Full-Time Equivalent Costs	Out of pocket costs + Other expenses for providing this	$0*

	service	
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		**$5,150**

* We have inserted a $0 amount for cost factors that do not apply to this collection.

** The field offices do not print or distribute these forms. Rather, respondents typically use our website to complete this form through our fillable PDF and print the form themselves to submit to us via mail, fax, or on rare occasions, in person (as mentioned in #3 above). Therefore, we have no cost to the federal government for printing or distributing this form.

SSA is unable to break down the costs to the Federal government further than we already have. First, since we work with almost every US citizen, we often do bulk mailings, and cannot track the cost for a single mailing. In addition, it is difficult for us to break down the cost for processing a single form, as field office staff often help respondents fill out several forms at once, and the time it takes to do so can vary greatly per respondent. As well, because so many employees have a hand in each aspect of our forms, we use an estimated average hourly wage, based on the wage of our average field office employee (GS-9) for these calculations. 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 cleared this ICR in 2023, the burden was 32 hours. However, we are currently reporting a burden of **20** hours. This change stems from a decrease in the number of responses from 384 to 237. This fluctuation is normal because it depends on the number of claimants who decease during the appeal process and on whether their representatives choose to continue the process after the claimant's death. There is no change to the burden of time per response. Although the number of responses changed, SSA did not take any action to cause this change. These figures represent current Management Information data.

*Note: The total burden reflected in ROCIS is **241**, while the burden cited in #12 of the Supporting Statement is **20**. This discrepancy is because the ROCIS burden reflects the following components: field office waiting time + learning costs + a rough estimate of a 30-minute, one-way, drive burden. In contrast, the chart in #12 above 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.