

**Supporting Statement for Form HA-4608,
Waiver of Your Right to Personal Appearance Before a Judge
20 CFR 404.948(b)(1)(i), 404.956, 416.1448(b)(1)(i), and 416.1456
OMB No. 0960-0284**

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 (or have a representative appear on their behalf) and present evidence about their claims at a hearing before a judge. Sections 20 *CFR* 404.948(b)(1)(I), 404.956, 416.1448(b)(1)(i), and 416.1456 of the *Code of Federal Regulations* require a claimant filing for OASDI, or SSI, based on disability to provide SSA with a signed written waiver if they choose not to appear before a judge. These regulations authorize the Social Security Administration (SSA) to collect the information Form HA-4608 requests. SSA uses the information from the HA-4608 to facilitate the processing of the case and support the claimant's application for benefits based on disability.

2. Description of Collection

Per Social Security Administration's (SSA) regulations, if a claimant is dissatisfied with a determination or decision listed in 20 *CFR* 404.930 or 416.1430, the claimant may request a hearing before a judge and has a right to appear at a hearing before a judge. The claimant requests a hearing before a judge by submitting Form HA-501, Request for Hearing by Administrative Law Judge (OMB No. 0960-0269). At a hearing, claimants have the right to present evidence; have witnesses testify on their behalf; and present their case to the judge. A hearing may provide the judge with additional information to make a more informed decision. However, in some cases, claimants may choose to waive their right to appear before a judge for various reasons, including if they feel the evidence of record stands on its own, or if they are unable to attend a hearing due to extenuating circumstances.

When the claimant submits Form HA-501 to SSA, the claimant may check the box which indicates they do not wish to appear and request that SSA make a decision based on the evidence in the claimant's case. Form HA-501 instructs the claimant to complete Form HA-4608 when the claimant selects this box. SSA mails Form HA-4608 to the claimant with a prepaid envelope to return to SSA. If the claimant decides to waive their right to appear before a judge after submitting the HA-501, the claimant may obtain Form HA-4608 from an SSA field office, the hearing office handling the case or SSA's website through the Upload Documents portal (OMB No. 0960-0830). SSA explains the claimant's right to appear and the effect of waving that right and obtain the claimant's written waiver.

The claimant completes Form HA-4608 by providing SSA with the requested information, explaining the reason they do not want to appear and signing and dating the form. SSA does not require the claimant to complete the HA-4608 to waive the right to

appear at a hearing, SSA also accepts a written request from the claimant in lieu of the form.

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

Psychological Costs

Requirement for the Program: Form HA-4608 allows the claimant to waive his or her right to appear before a judge and request a decision be made based solely on the evidence of record.

Psychological Cost: The claimant may worry that not appearing could result in a negative outcome, as they are not taking the opportunity to present additional evidence or answer questions the judge may have. This worry can lead to stress and concern about being evaluated solely on written information, which may be incomplete, as well as uncertainty about the process and potential consequences of the waiver.

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 ensure respondents understand the impact of waiving their right to appear. Therefore, we have taken this potential psychological cost into account when calculating our burden in #12 below.

The respondents are Respondents are applicants or claimants for OASDI and SSI, or their representatives, who request to waive their right to appear before a judge.

3. Use of Information Technology to Collect the Information

SSA mails Form HA-4608 to the claimant with an prepaid envelope to return to SSA. Form HA-4680 is also available on SSA's website as a downloadable, fillable PDF, as well as through two submittable PDF options (see below).

This collection has a public-facing fillable and submittable PDF version which utilizes *Adobe Sign* technology to accept and process an electronic signature (eSignature). The online submittable version mirrors the paper version and provides respondents with an online service option as an alternative to mailing, faxing, or bringing the form to an SSA field office. The respondents initiate the online version from our website and complete, electronically sign, and submit it online using the *Adobe Sign* web application. Use of the *Adobe Sign* web application does not present any added burden on respondents, nor does it require respondents to download and install the application locally on their device or pay any subscription or licensing fees. Respondents enter their responses into structured data fields on the screens within the *Adobe* platform by following a secure link that *Adobe Sign* sends to the email address the respondent provides. The respondent receives an email from *Adobe Sign* with instructions for how to access, complete, eSign, and submit the form using this online service. Upon submission, the online submittable version of the form electronically transmits an image of the completed form to the

Electronic Viewing System (eVIEW) for SSA technicians to process.

In addition, this collection has a public-facing fillable and submittable version which the respondent can submit using SSA's Upload Documents Portal (OMB No. 0960-0830). Upload Documents allows the respondent to complete the fillable PDF, electronically sign it, and submit the information through the Upload Documents Portal. The submittable version mirrors the paper version and provides respondents with an online service option as an alternative to mailing, faxing, or bringing the form to an SSA field office. Use of the Upload Documents Portal does not require respondents to download and install the application locally on their device or pay any subscription or licensing fees, and we account for the burden for using Upload Documents under OMB No. 0960-0830.

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.

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 HA-4608, we may inadvertently deprive individuals of the right to waive a personal appearance before a judge, which would violate statutory and regulatory requirements relating to fair hearings and due process. Because we only collect the information on an as needed basis, 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 August 27, 2026, at 91 FR 55421, and we received public comments from a 1 commenter. Please see the Addendum for the summary of the public comments and SSA's responses. The 30-day FRN published on October 29, 2026, at 91 FR 68213. 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:

Metho 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-4608	4,132	1	5	344	\$14.27*	\$4,909**
HA-4608 (Upload Document)	1,483	1	5	124	\$14.27*	\$1,769**
Totals	5,615			468		\$6,678**

* We based this figure by averaging both the average disability payments (\$14.27) 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 did not include travel time as per our current management information data, respondents who complete the paper forms return them to us via mail, or submittable PDF only. Should this change in the future, we will include the language and chart for travel time to a field office.

There are no learning costs associated with Form HA-4608. As part of the hearing process, SSA provides claimants with information about their right to a personal appearance and the consequences of waiving that right. Claimants use the HA-4608 to document his or her voluntary decision to waive a personal appearance. We account for the learning cost for the hearing process under the OMB approval for the HA-501 (OMB No. 0960-0269).

We base our burden estimates on current management information data, which includes data 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 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 **468** hours (reflecting SSA management information data), which results in an associated theoretical (not actual) opportunity cost financial burden of **\$6,678**. 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 **\$13,503**. 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	\$80
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	\$10,083
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		\$13,503

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

** We centrally print this form, and are unable to provide a figure for the centralized printing. We are unable to provide the exact figure for this form as we print it along with several other agency forms. Since we account for the cost of the centralized printing of these forms elsewhere, we do not want to double-count the cost for the printing here.

***SSA is unable to break down the costs to the Federal government further than we

already have. First, we do not track design costs or upkeep costs (as these are based on employee time and may vary from collection to collection). In addition, it is difficult for us to break down the cost for processing a single form, as field office and hearings office staff often help respondents fill out several forms at once, and the time it takes to do so can vary greatly per respondent. Also, 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. Finally, SSA prefers not to provide breakdowns of estimated payment to employees who process these items for a variety of reasons (only one of which is that it is not possible to do this entirely accurately).

15. Program Changes or Adjustments to the Information Collection Request

When we last cleared this IC in 2023, the burden was 1,000 hours. However, we are currently reporting a burden of 468 hours. This change stems from the decrease in the number of respondents is due to the expanded manner of appearance options available for claimant to appear at hearings as well as decrease in hearing receipts during this period.

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.