

**Supporting Statement for Form HA-504,
Acknowledgement of Receipt (Notice of Hearing)
20 CFR 404.938 and 416.1438
OMB No. 0960-0671**

A. Justification

1. *Sections 205(b)(1) and 1631(c)(1)(A) and (B) of the Social Security Act (the Act), and 20 CFR 404.938 and 416.1438 of the Code of Federal Regulations (the Code) authorize the Social Security Administration (SSA) to collect the information on Form HA-504. The Act and the regulations require that a claimant, who requests a hearing on his or her claim for benefits and receives a notice of hearing, must provide acknowledgment of the notice and indicate whether the claimant will or will not be present at the hearing at the place and time shown on the Notice. Sections 205(d) and 1631(c) of the Act, as well as 20 CFR 404.936(d),(e)&(f), 404.950(a), 416.1436(d),(e)&(f), and 416.1450(a) of the Code authorize SSA to establish the time and place of the hearing, and request the claimant to present evidence during the hearing.*

2. Form HA-504 is used to acknowledge receipt of the notice of hearing issued by an Administrative Law Judge (ALJ), as well as to establish the time and place of the hearing and remind the claimant to gather evidence in support of their claim. There are two versions of this form, the HA-504 which contains a checkbox for the claimant to indicate that they do not want to appear at their hearing by video teleconference, and the HA-504-OP1 which does not contain the teleconference checkbox. The determination as to which version of the form is used is based on where the claimant lives, where the ALJ is and where the experts involved in the case are located. If the hearing can be done via teleconferencing, we send the HA-504 and try to schedule a teleconference. At this time, only about 10% of all hearings are scheduled via teleconferencing.

Depending on the claimant's response, the ALJ will either: (1) prepare for the hearing as scheduled; or (2) reschedule the hearing to a different date and/or location. In those incidents where the claimant indicates that they do not want a video hearing, the ALJ must reschedule the hearing as a face-to-face hearing. The respondents are applicants for Social Security benefits who want to have a hearing to appeal an unfavorable entitlement or eligibility determination.

3. Implementing the capacity to accept fully electronic submission of Form HA-504 has not, yet, been scheduled based upon competition with Agency priorities and limited resources. However, we do accept responses through email as well as fax. All responses are considered paper responses as we have no current means to accept fully electronic responses.

4. The information the ALJ collects on this form does not duplicate information already presented by the claimant, nor is it information that can easily be provided by a source

other than the claimant. The information collected is essential for the orderly functioning of the hearing process and to safeguard the claimant's rights under the law and regulations.

5. This collection does not have an impact on small businesses or other small entities.
6. If this information were not collected, it would disrupt the hearing process for both the claimant and the Agency, and could violate statutory and regulatory requirements relating to fair hearings and due process. Therefore, this information cannot be collected less frequently. There are no technical or legal obstacles that prevent burden reduction.
7. There are no special circumstances that would cause this information collection to be conducted in a manner that is not consistent with 5 CFR 1320.5.
8. The 60-day advance Federal Register Notice was published on October 18, 2007, at 72 FR 59133, and SSA has received no public comments. The second Notice was published on January 7, 2007, at 73 FR 1253. There have been no outside consultations with members of the public.

The first Federal Register Notice neglected to show that this ICR is a revision, and did not reflect both versions of Form HA-504. We corrected this in the second Notice. The second Notice also corrected the burden information to show a more accurate estimate of usage based on current data and to include the time estimate for gathering evidence.

9. SSA provides no payment or gifts to the respondents.
10. The information requested on this form is protected and held confidential 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. The information collection does not contain any questions of a sensitive nature.
12. The two versions of Form HA-504 are used by approximately 600,000 respondents annually. The estimated average response time is 30 minutes to complete the Form and gather evidence for the hearing, for a total of 300,000 burden hours as reflected on the chart below:

Version of the HA-504	Number of Respondents	Frequency of Response	Average Burden Per Response (minutes)	Total Annual Burden (hours)
HA-504 (with Teleconferencing)	60,000	1	30	30,000
HA-504-OP1 (without	540,000	1	30	270,000

Teleconferencing)				
Totals	600,000			300,000

The total burden is reflected as burden hours, and no separate cost burden has been calculated.

13. There is no known cost burden to the respondents.
14. The annual cost to the Federal Government is approximately \$264,786. This estimate is a projection of the costs for printing and distributing the collection instrument and for collecting the information.
15. The increase in the annual reporting burden from is due an adjustment increase in the number of respondents since 2005. We also combined the burden for the form and the time to gather and provide evidence, which was reported separately in the last OMB package. Lastly, we are correcting the number of annual responses for the HA-504 and HA-504-OP1 that we inadvertently overstated in the 2005 OMB package.
16. The results of the information collection will not be published.
17. OMB has granted SSA an exemption from the requirement that the expiration date for OMB approval be printed on its program forms. SSA produces millions of public-use forms, many of which have a life cycle longer than that of an OMB clearance. SSA does not periodically revise and reprint its public-use forms (e.g., on an annual basis). This exemption was granted so that otherwise useable editions of forms would not be taken out of circulation because the expiration date had been reached. In addition, government waste has been avoided because stocks of forms will not have to be destroyed and reprinted.
18. 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

Statistical methods are not used for this information collection.