

Supporting Statement for Form SSA-1560-U4
Petition to Obtain Approval of a Fee for Representing a Claimant Before the Social
Security Administration
20 CFR 404.1720 and 404.1725; 20 CFR 416.1520 and 416.1525
OMB No. 0960-0104

A. Justification

1. A representative must file either a fee petition or a fee agreement with the Social Security Administration (SSA) in order to charge a fee for representing a claimant in proceedings before the Agency. The statutory authority for requiring this information is found in the *Social Security Act (the Act)*, sections 206(a)(1) and 1631(d)(2)(A). The implementing regulations are at 20 CFR 404.1720, 404 .1725, 416.1520 and 416.1525 of the *Code of Federal Regulations*. If the representative files a fee petition (Form SSA-1560-U4) to obtain approval of a fee for representing a claimant, SSA reviews the information to determine a reasonable fee for the representative's services. Section 206(a)(1)(4)(A) of the Act provides that when the person representing the claimant is an attorney, the Commissioner shall certify payment out of past-due benefits a fee equal to as much as 25 percent of past-due benefits. The implementing regulations are at 20 CFR 404.1720 and 404.1725.
2. A Social Security claimant's representative, an attorney or a non-attorney, uses Form SSA-1560-U4 to petition SSA for authorization to charge and collect a fee. A claimant may also use the form to agree or disagree with the requested fee amount or other information the representative provides on the form. The SSA official responsible for setting the fee uses the information submitted on the form to determine a reasonable fee amount that the representative may charge and collect for his or her services before the Agency. Respondents are attorneys and non-attorneys who are representatives of claimants for Social Security benefits.
3. Due to the low volume of respondents and the Agency's limited resources, the SSA-1560-U4 is not currently scheduled for electronic implementation. Also, because SSA prioritizes those collections which have larger volumes of respondents for electronic conversion, we are not sure when this collection will be reevaluated for electronic implementation.
4. The nature of the information being collected and the manner in which it is collected preclude duplication. There is no other collection instrument used by SSA that collects data similar to that collected here.
5. The collection of information does not have a significant impact on a substantial number of small businesses or other small entities.

6. If this information were not collected, representatives would be denied the statutory right (under the fee petition process) to charge and collect fees from claimants they have represented before SSA. Therefore, the 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 first Federal Register Notice was published on March 28, 2008 at 73 FR 16734 and SSA has received no public comments. The second Notice was published on May 28, 2008 at 73 FR 30656, and there have been no outside consultations with members of the public.
9. SSA provides no payment or gifts to the respondents.
10. The information requested 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. Approximately 34,624 business respondents use form SSA-1560-U4, annually. The estimated average response time is 30 minutes, for a total of 17,312 burden hours. The total burden is reflected as burden hours and no separate cost burden has been calculated. All respondents complete a paper form because there is no electronic version at this time.
13. There is no known cost burden to the respondents.
14. The annual cost to the Federal Government is approximately \$8,900. This estimate is a projection of the costs for printing and distributing the collection instrument and for collecting the information.
15. There are no changes in the public reporting burden.
16. The results of the information collected 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 approval. SSA does not periodically revise and reprint its public-

use forms (e.g., on an annual basis). This exemption was granted so that otherwise usable 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.

B. Collections of Information Employing Statistical Methods

Statistical methods are not used for this information collection.