

Supporting Statement for Form SSA-561-U2
Request for Reconsideration
20 CFR 404.907-404.921, 416.1407-416.1421, 418.1009, and 418.1325
OMB No. 0960-0622

A. Justification

1. Introduction/Authoring Laws and Regulations

Per section 205(b)(1) of the *Social Security Act (Act)*, the Social Security Administration (SSA) provides an evidentiary hearing at the reconsideration level of appeal. Upon request by individuals or applicants who show in writing that SSA disadvantaged their rights, the Commissioner shall give such applicants reasonable notice and an opportunity for a hearing with respect to such decision. In addition, if SSA holds a hearing for the applicant, SSA shall affirm, modify, or reverse the Commissioner's findings of the fact and such decision based on the evidence adduced at the hearing.

SSA extends this hearing process to comparable cases under title XVI of the *Act* in 20 *CFR* 404.907 through 404.921 and 416.1407 through 416.1421 of the *Code of Federal Regulations*. In addition, section 251(a) of *Public Law (Pub. L.) 106-169* creates a new title VIII, section 809(a)(1) of this title, and extends this hearing process to comparable cases under title VIII.

Per section 1869(b) of the *Act*, any individual who is dissatisfied with an initial determination regarding Medicare entitlement, benefits, or coverage, is entitled to a reconsideration of the determination. Section 105(a)(2)(B) of *Pub L. 103-296* (the Social Security Independence and Program Improvements Act, which established SSA as an independent agency) stipulated SSA and the Department of Health and Human Services (HHS) to share responsibility for the Medicare (title XVIII) appeals process. This statute provides the process by which SSA would continue to perform the hearings function for determinations made by SSA about Medicare Part A and Part B entitlement. SSA also continues to conduct reconsiderations of initial determinations regarding Medicare entitlement. Since January 2007, SSA makes the determinations regarding Medicare Part B income-related monthly adjustment amount (IRMAA) required under section 1839(i) of the *Act (Pub. L. 108-173)*. Consistent with the procedure for Medicare entitlement issues, SSA will continue to conduct reconsiderations of initial determinations as provided in 20 *CFR* 418-1325.

20 *CFR* 404.1713 and 416.1513 require claimant representatives to use our electronic services at the times and in the manner we prescribe on matters for which they request direct fee payment. The Requiring Electronic Filing of Appeals for certain Representatives Federal Register Notice mandates the use of the i561 by claimant representatives who file a reconsideration request on a client's behalf and request direct fee payment on the matter. In this ICR, we are accounting for the requirement for representatives to use the electronic version of this collection.

2. Description of Collection

Individuals use the SSA-561-U2, the associated MCS or MSSICS interview, or the Internet application (i561) to initiate a request for reconsideration of a denied claim. SSA uses the information to document the request and to determine an individual's eligibility or entitlement to Social Security benefits (title II), SSI payments (title XVI), Special Veterans Benefits (title VIII), Medicare (title XVIII), and for initial determinations regarding Medicare Part B income-related premium subsidy reductions. The respondents are individuals filing for reconsideration.

3. Use of Information Technology to Collect the Information

Form SSA-561-U2 is available in electronic form. Respondents who wish to file request for reconsideration may do so using an internet version of the SSA-561-U2, the i561. Information from the i561 propagates into SSA's Modernized Claims Systems and Modernized Supplemental Security Income Claims Systems (MCS and MSSICS). The collection instrument is also available through MCS and MSSICS to respondents who file request for reconsideration by mail or through a personal interview in a field office. SSA estimates that 62% of the respondents will use the i561 to file a request for reconsideration.

4. Why We Cannot Use Duplicate Information

The nature of the information SSA is collecting and the manner in which we are collecting 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 use this form, claimants would not be able to explain their reasons for requesting reconsideration, including recent information in the evaluation, or having SSA's determination of the Medicare Part B income-related monthly adjustment amount reconsidered. Therefore, we cannot collect the information 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 collect this information in a manner inconsistent with 5 *CFR* 1320.5.

8. Solicitation of Public Comment and Other Consultations with the Public

SSA published the 60-day advance Federal Register Notice on December 1, 2011, at 76 FR 74838, and we received no public comments. We published the 30-day Notice on January 31, 2012, at 77 FR 4857. If we receive any comments on the second Notice, we will forward them to OMB. We did not consult with the public on this information collection.

9. Payment or Gifts to Respondents

SSA provides no payment or gift to 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

Approximately 1,461,700 respondents file a reconsideration request annually. The estimated average completion time is 8 minutes for using the MCS, MSSICS, or the paper SSA-561-U2, and 5 minutes for the i561. There is no difference in time estimate for MCS, MSSICS, and the paper form, so we show them all in one line on the chart below. The annual reporting burden is as follows:

Collection Method	Number of Respondents	Frequency of Response	Estimated Completion Time	Total Burden Hours
Paper & Modernized Claims System	550,370	1	8 minutes	73,383
iAppeals (i561)	911,330	1	5 minutes	75,944
Totals	1,461,700			149,327

The total burden reflects burden hours, and we did not calculate a separate cost burden.

13. Annual Cost to the Respondents (Other)

There is no known cost burden to the respondents.

14. Annual Cost to the Federal Government

The annual cost to the Federal Government is approximately \$6,105,942 as a projection of the costs for printing and distributing the collection instrument and for collecting the information. The costs to the Federal Government will be minimal upkeep costs, which all of SSA’s other Internet applications share.

15. Program Changes or Adjustment to the Information Collection Request

When we last cleared the i561 portion of this IC in November 2011, the burden was 60,904 hours. This change stemmed from a decrease in the number of minutes it takes to complete the i561 due to screen changes, which reduced and clarified the instructions. When we cleared the entire IC collection in August 2010, the burden was 341,064 hours.

However, we are currently reporting a burden of 149,327 hours. This change stems from the decreased time due to the screen changes in November 2011 as well as the projected increase in the number of respondents who will complete the i561. In addition, we expect a decrease in the burden hours because claimant representatives who file a request for reconsideration and request direct fee payment on the matter will be required to use the i561, which takes less time to complete.

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. Exemption 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.