

Supporting Statement for Application of Circuit Court Law
20 CFR §§ 404.985 and 416.1485
OMB No. 0960-0581

A. Justification

- 1. Introduction/Authoring Laws and Regulations** - Section 205(a) of the *Social Security Act (Act)* gives the Commissioner of the Social Security Administration (SSA) the authority to make rules and regulations to establish procedures for carrying out the purposes of the Act. Under regulations at section 20 CFR 404.985 and 416.1485 of the *Code of Federal Regulations (CFR)* for applying circuit court law, SSA is required to consider United States Court of Appeals decisions when they may affect our decisions on claims we have previously adjudicated. To conform with these regulations, we prepare a ruling acquiescing on the appeals court's decision explaining how we will apply the court's decision to the claims we have already processed. SSA develops criteria for our adjudicators to identify claims that may be subject to readjudication based on the particular acquiescence ruling (AR). In such situations, claimants have the right to request SSA reconsider an earlier decision on their claim based on applying the AR.

- 2. Description of Collection** - SSA sends a notice to claimants whose claims we identify or who self-identify (via the Federal Register published AR) providing information about the AR and their right to request readjudication. After reviewing the notice, the claimant or the claimant's authorized representative will be able to decide whether requesting readjudication of their claim is in the claimant's best interest. The notice informs claimants they can request readjudication by contacting their local SSA field office or through a written response on the AR notice. Claimants must decide whether or not to respond to the notice and provide the requested information to move forward with readjudication.

The respondents are claimants for Social Security benefits and Supplemental Security Income payments who request a readjudication of their claim based on an AR notice.

- 3. Use of Information Technology to Collect the Information** - SSA did not create an electronic version of a method to respond to AR notices under the agency's Government Paperwork Elimination Act because less than 50,000 respondents would respond to any given notice.

- 4. Why We Cannot Use Duplicate Information** - The nature of the information we are collecting and the manner in which we are collecting it preclude 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 collect this information, we would be unable to determine if a claimant's claim is subject to readjudication based on an AR. Consequently, SSA would be unable to readjudicate claims pursuant to the regulations for applying circuit court law. This collection of information is performed only when we publish an AR and we identify claims that may be subject to readjudication, or the claimant requests application of the AR to a prior determination or decision; therefore, 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 C.F.R. § 1320.5.
8. **Solicitation of Public Comment and Other Consultations with the Public** - SSA published the 60-day advance Federal Register Notice on September 17, 2012 at 77 FR 57178, and we received no public comments. We published the second Notice on November 29, 2012, at 77 FR 71204. If we receive any public comments in response to the second notice, we will forward them to OMB. There have been no outside consultations with members of the public.
9. **Payment or Gifts to Respondents** - SSA does not provide payment 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 C.F.R. Parts 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** - We expect to publish one to two ARs per year on average. Each AR could involve up to 50,000 claimants. Our best estimate for the number of notices is 5,000 for each AR or 10,000 annually. We calculate an estimated 17 minutes per response. Accordingly, the burden is 2,833 hours. Each claimant needs to request readjudication only once. The public reporting burden of 17 minutes for each response to a notice is based on our experience with similar field operations. The total burden reflects burden hours, and we did not calculate a separate cost burden.
13. **Annual Cost to Respondents (Other)** - This collection does not impose a known cost burden to the respondents.
14. **Annual Cost to Federal Government** - The annual cost to the Federal Government is approximately \$67,905. This estimate is a projection of the costs for printing and distributing the collection instrument and for collecting the information.

15. **Program Changes or Adjustments to the Information Collection Request** - There are no changes to the public reporting 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** – SSA is not requesting an exception to the requirement to display an expiration date.
 18. **Exceptions to Certification Statement** - SSA is not requesting an exception to the certification requirements at 5 C.F.R. § 1320.9 and related provisions at 5 C.F.R. § 1320.8(b)(3).
- B. Collection of Information Employing Statistical Methods**
SSA does not use statistical methods for this information collection.