

Supporting Statement for Form SSA-765
Response to Notice of Revised Determination
20 CFR 404.913-404.914, 404.992(b), 416.1413-416.1414, and 416.1492(d)
OMB No. 0960-0347

A. Justification

1. Introduction/Authoring Laws and Regulations

When the Social Security Administration (SSA) determines (1) claimants for initial disability benefits do not actually have a disability, or (2) current records indicate the disability recipients' disability ceased, SSA notifies the disability claimants or recipients of this decision. In response to this notice, the affected claimants and disability recipients have the following recourse: (1) they may request a disability hearing to contest SSA's decision, and (2) they may submit additional information or evidence for SSA to consider. The legal authority governing these actions is the *Social Security Act*, sections 205(b); and the *Code of Federal Regulations*, sections 20 CFR 404.913-410.914, 416.1413-416.1414, 404.992(b), and 416.1492(d). Disability claimants, recipients, and their representatives use Form SSA-765, the Response to Notice of Revised Determination, to accomplish these two actions.

2. Description of Collection

Disability recipients and claimants or their representatives use Form SSA-765 to (1) request a hearing on their claim or (2) submit additional information and evidence for SSA to consider in making our determination. If respondents request the first option, SSA's Disability Hearings Unit uses the form to schedule a hearing; ensure an interpreter is present, if required; and ensure the disability recipients or claimants and their representatives receive a notice about the place and time of the hearing. If respondents choose the latter option, SSA uses the form and other evidence to re-evaluate the claimant's case and determine if the new information or evidence will change SSA's decision. The respondents are disability claimants, current disability recipients, or their representatives.

3. Use of Information Technology to Collect the Information

Because of the volume of respondents for this collection is below the Government Paperwork Elimination Act 40,000 cut-off, SSA did not create an electronic version of this form under the agency's GPEA plan.

4. Why We Cannot Use Duplicate Information

The nature of the information we collect and the manner in which we collect it preclude duplication. SSA does not use another collection instrument to obtain similar data.

5. Minimizing Burden on Small Respondents

This collection does not significantly affect small businesses or other small entities.

- 6. Consequence of Not Collecting Information or Collecting it Less Frequently**
If SSA did not conduct this information collection, denied disability applicants and current disability recipients whose payments SSA plans to stop would have no means of requesting a hearing or submitting additional information, which would be a violation of the regulations cited in #1 above. Because SSA only collects this information when the above circumstances arise, 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 25, 2015, at 80 FR 51647, and we received no public comments. SSA published the second Notice on October 30, 2015 at 80 FR 66967. If we receive comments in response to the 30-day Notice, we will forward them to OMB. We did not consult with the public in the revision of this form.
- 9. Payment or Gifts to Respondents**
SSA provides no payments or gifts to the respondents, other than disability payments, where applicable.
- 10. Assurance of Confidentiality**
SSA protects and holds confidential the information it is requesting 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 sensitive questions.
- 12. Estimates of Public Reporting Burden**
Approximately 1,925 respondents take 30 minutes each to complete Form SSA-765 annually, for an estimated total annual burden of 963 hours. The total burden reflects burden hours, and we did not calculate a separate cost burden.
- 13. Annual Cost to the Respondent**
There is no known cost burden to the respondents.
- 14. Annual Cost to the Federal Government**
The annual cost to the Federal Government for this collection is \$2,965. This figure represents the costs of printing, distributing, and processing 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 this information collection.

17. Displaying the OMB Approval Expiration Date

OMB granted SSA an exemption from the requirement to print the OMB approval expiration date on our 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 otherwise useable editions of forms with expired OMB approval, thus avoiding Government waste.

18. Exception 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.