

Supporting Statement for Form SSA-769
Request for Change in Time/Place of Disability Hearing
20 CFR 404.914 (c) (2) and 416.1414 (c) (2)
OMB No. 0960-0348

A. Justification

1. Introduction/Authoring Laws and Regulations

Section 205(b) of the Social Security Act (*Act*) requires the Social Security Administration (SSA) to provide an evidentiary hearing at the reconsideration level of appeal for claimants who have received an initial or revised determination that a disability did not exist or has ceased. In addition, sections 20 CFR 404.914 (c)(2) and 416.1414 (c)(2) of the *Code of Federal Regulations* call for the claimant to request at the earliest possible date that the time or place of the hearing be changed if the scheduled date or location poses difficulties.

2. Description of the Collection

Claimants use Form SSA-769 to request a change in time or place of a scheduled disability hearing. Disability hearing officers (DHO) also use the form to determine if they should grant the request. When DHOs grant the request, they use the form to reschedule and document the hearing. Respondents are claimants who wish to request a change in time or place of their hearing.

3. Use of Information Technology to Collect the Information

SSA will not be implementing an electronic version of the form under the agency's Government Paperwork Elimination Act (GPEA) due to the low number of respondents (less than our GPEA cut-off of 50,000 respondents).

4. Why We Cannot Use Duplicate Information

The nature of the information we collect and the manner in which we collect 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

SSA cannot collect this less frequently. We use the form only when a claimant requests a reconsideration hearing and wants to change the time or place of the hearing. If we did not collect this information, we would be depriving claimants of their right to have a disability hearing at a time and place they can attend. 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 November 17, 2015, at 80 FR 71908, and we received no public comments. SSA published the second Notice on February 8, 2016 at 81 FR 6568. 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 of Gifts to Respondents

SSA does not provide payments or gifts to respondents.

10. Assurances of Confidentiality

SSA protects and holds confidential the information from this collection 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

This information collection does not contain any questions of a sensitive nature.

12. Estimates of Public Reporting Burden

Approximately 7,483 respondents use Form SSA-769 annually. The estimated response time is 8 minutes, for 998 burden hours. The total burden reflects burden hours, and we did not calculate a separate cost burden.

13. Annual Cost to the Respondents

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 \$46,095. This estimate is a projection of the costs for printing and distributing the collection instrument and for processing the information.

15. Program Changes or Adjustment 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

OMB granted SSA an exemption from the requirement to print the OMB expiration date for OMB on its program forms. SSA produces millions of public-use forms with a life cycle exceeding those of an OMB approval. SSA does not periodically revise and reprint its public-use forms (e.g., on an annual basis), so OMB granted this exemption so SSA would not have to destroy stocks of otherwise usable 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.

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