

**Supporting Statement for Methods for Conducting Personal Conferences When Waiver of
Recovery of a Title II or Title XVI Overpayment Cannot Be Approved
20 CFR 404.506(e)(3), 404.506(f)(8), 416.557(c)(3), and 416.557(d)(8)
OMB No. 0960-0769**

A. Justification

1. Introduction/Authoring Laws and Regulations

The Social Security Administration (SSA) conducts personal conferences when we cannot approve a request for a waiver of recovery of Title II or Title XVI overpayments. SSA conducts these conferences face-to-face, by telephone, or by video teleconference. The authorizing citations for this information collection are as follows: Sections 1631(a)-(d) and (g) of the *Social Security Act (Act)*(42 U.S.C. 902(a)(5), 1320b-17, 1381, 1381a, 1382(c) and (e), and 1383(a)-(d) and (g)); 31 U.S.C. 3720A. These sections require SSA to recover overpayments we make to recipients of Federal Retirement, Survivors, Disability Insurance Benefits, Health Insurance benefits, or Supplemental Security Income (SSI) payments. The regulations also require SSA to give overpaid individuals the right to request waiver of recovery. When we cannot approve a request for waiver of overpayment, the regulations require that we schedule a personal conference with recipients who still contend they are without fault in causing the overpayment or do not have the ability to repay the debt.

2. Description of Collection

SSA employees conduct the personal conferences mentioned above as one-time face-to-face, telephone, or video conference interviews. At the time of the conference, the overpaid recipients may provide documents to support their contention they are without fault in causing the overpayment and do not have the ability to repay the debt. They may submit a personal statement or gather and present any previously submitted documentation or forms related to their case during their conference. For instance, they may present the SSA-795 Statement of Claimant or Other Person (OMB #0960-0045); or the SSA-632 Request for Waiver of Overpayment Recovery or Change in Repayment Rate (OMB #0960-0037). If respondents decide not to attend the personal conference, SSA makes a final waiver decision based on available information. The respondents are overpaid beneficiaries or SSI recipients for whom SSA denied their initial request for a waiver of recovery of an overpayment, thus requiring a personal conference with them when SSA cannot approve the waiver.

3. Use of Information Technology to Collect the Information

In most cases, we collect the information through various OMB-approved, SSA forms. The information collection requests (ICRs) for the forms SSA-795, Statement of Claimant or Other Person (OMB #0960-0045), or the SSA-632, Request for Waiver of

Overpayment Recovery or Change in Repayment Rate (OMB #0960-0037), provide information on the use of information technology to collect the information. Since we already show the burden information for those OMB-approved forms under their own OMB approvals, we do not include that information here. For this ICR, SSA uses a personal conference to collect the information. SSA did not create an electronic version of the personal conference under the agency's Government Paperwork Elimination Act (GPEA) plan because we have no application process for the personal conferences. Under *Title II* of the *Act*, field office employees document the results of the personal conference on the internal Form SSA-635, Waiver Determination, or accompanying Modified Claims System screen, for personal conferences involving overpayments. Under *Title XVI* of the *Act*, field office employees complete the SSA-5002, Report of Contact, or the accompanying Modified Supplemental Security Income Claims System screen to document the personal conference. Both forms are also used for other internal processes, and do not record the personal conference itself, but the results of the personal conference. Therefore, we are not seeking OMB approval for these internal use forms.

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

Individuals who do not provide the information required to prove they are without fault for their overpayments, will not meet SSA's requirements for waiver of recovery of an overpayment. In addition, those individuals who do not meet the waiver of recovery requirements will be unable to pursue further levels of administrative appeal, and will be obligated to accept SSA's previous determination we made on their claims. Since we only collect this information on an as needed basis, 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

SSA published the 60-day advance Federal Register Notice published on August 29, 2016, at 81 FR 59261, and we received no public comments. SSA published the second Notice on November 2, 2016 at 81 FR 76407. If we receive any comments in response to the 30-day Notice, we will forward them to OMB. We did not consult with the public on the revision of this form.

9. Payment or Gifts to Respondents

SSA does not provide payments 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 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

The following chart shows the annual burden for the requirements of the regulation citations:

Title/Section & Collection Description	Number of Respondents	Frequency of Response	Average Burden Per Response (minutes)	Estimated Total Annual Burden (hours)
Title II Personal Conference 404.506(e)(3) and 404-506(f)(8) submittal of documents, additional mitigating financial information, and verifications for consideration at personal conferences.	19,663	1	30	9,832
Title XVI Personal Conference 416.557(c)(3) and 416-557(d)(8) submittal of documents, additional mitigating financial information, and verifications at personal conferences.	56,464	1	30	28,232
Totals	76,127			38,064

Approximately 76,127 respondents take 30 minutes each to complete the personal conference each year. Accordingly, the burden is **38,064** hours. This figure represents burden hours, and we did not calculate a separate cost burden

13. Annual Cost to the Respondents (Other)

This collection does not impose a known cost burden to the respondents.

14. Annual Cost To Federal Government

SSA already accounted for the costs to collect the information in the OMB approved forms (e.g. SSA-632, SSA-795). In addition, we already account for conducting these personal conferences within the salaries of the field office employees who conduct them. Therefore, this ICR does not impose an additional annual cost to the Federal Government.

15. Program Changes or Adjustments to the Information Collection Request

The reduction in the burden estimate is due to a more accurate estimate from previous years of the number of personal conferences SSA completed annually. The previous data reported was based on rough estimates of the number of overall waivers denied using the assumption that all denied waivers required a personal conference. The current data more accurately reflects the number of waivers processed that required a personal conference before SSA could properly grant or deny the waiver, since we do not require a personal conference in all instances.

We also removed ICs in ROCIS to group like regulation sections together (Title II and Title XVI). This shows a change in ROCIS; however, it does not show the cause for the decrease (as explained above).

16. Plans for Publication Information Collection Results

SSA will not publish the results of the information collection.

17. Displaying the OMB Approval Expiration Date

We already accounted for the OMB Approval Expiration Dates in the various ICRs for the OMB-approved forms (e.g. SSA-632, SSA-795). In addition, since we are requesting approval of the personal conferences based on regulatory requirements, we cannot display an expiration date within our regulations.

18. Exceptions 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.