

Supporting Statement for Form HA-L90
Request to Show Cause for Failure to Appear
20 CFR 404.938, 20 CFR 416.1438, and 20 CFR 404.957(b)(i) and (ii)
OMB No. 0960-0794

A. Justification

1. Introduction/Authoring Laws and Regulations

Sections 205, 1631(d)(1) and 1872 of the *Social Security Act* provide the authority for the Social Security Administration (SSA) to collect the information requested on Form HA-L90. Sections 20 CFR 404.938, 416.1438, and 404.957(b)(i) and (ii) of the *Code of Federal Regulations* set forth the procedures and policies for implementing these regulations.

2. Description of Collection

When claimants who requested a hearing before an administrative law judge (ALJ) fail to appear at their scheduled hearing, the ALJ may reschedule the hearing if the claimants establish good cause for missing the hearings. To establish good cause, following: (1) SSA did not properly notify the claimant of the hearing, or (2) an unexpected event occurred without sufficient time for the claimant to request a postponement. The claimants can use paper Form HA-L90 or HA-L90-OP1 to provide their reason for not appearing at their scheduled hearings; or the claimants' representatives can use Electronic Records Express (ERE), OMB Control No. 0960-0753, to submit the HA-L90 online. SSA uses the HA-L90 for new cases, and the HA-L90-OP1 for redeterminations cases. We need two versions of the paper form, as the ALJ follows different procedures when determining the good cause on redetermination cases (cases that have a prior decision and evidence on file), than they do for new cases (where we have no evidence on file). If the ALJ determines the claimants established good cause for failure to appear at the hearing, the ALJ will schedule a supplemental hearing; if not, the ALJ will make a claims eligibility determination based on the claimants' evidence of record. Respondents are claimants, or their representatives, seeking to establish good cause for failure to appear at a scheduled hearing before an ALJ.

3. Use of Information Technology to Collect the Information

SSA did not create electronic versions of these forms under the agency's Government Paperwork Elimination Act (GPEA) plan because approximately 40,000 respondents complete these forms during any calendar year, which is less than the GPEA cut-off of 50,000. However, claimants who appoint a representative may have their appointed representatives submit a completed Form HA-L90 or HA-L90-OP1 via Electronic Records Express (OMB No. 0960-0753). Approximately 80 percent of claimants have appointed representatives who use Electronic Records Express to complete this form.

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 collect similar data.

5. Minimizing Burden on Small Respondents

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

6. Consequences of Not Collecting Information or Collecting it Less Frequently

To comply with Federal law, SSA must collect the information on the HA-L90. If SSA did not collect the information when necessary, the ALJ would dismiss the claimant’s case when the claimant did not appear at their scheduled hearing. Since we only collect this information on an as needed basis, we cannot collect it 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 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 October 26, 2017, at 82 FR 49694, and we received no public comments. SSA published the second Notice on January 12, 2018, at 83 FR 1651. 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 payment or gifts to the respondents.

10. Assurances of Confidentiality

SSA protects and holds confidential the information we collect 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

We estimate that approximately 39,500 respondents use the HA-L90 annually, and that 500 respondents will use the new HA-L90-OP1 annually. The following chart calculates the burden for these two forms:

Modality of Completion	Number of Respondents	Frequency of Response	Average Burden per Response (minutes)	Estimated Total Annual Burden (hours)
HA-L90	39,500	1	10	6,583
HA-L90-OP1	500	1	10	83
TOTAL	40,000			6,666

The total burden of **6,666** represents burden hours. SSA based this burden on current management information data, and we did not calculate a separate cost burden.

13. Annual Cost to Respondents

There is no known cost burden to the respondents.

14. Annual Cost to Federal Government

The annual cost to the Federal Government is approximately \$36,000. This estimate accounts for costs from the following areas: (1) designing, printing, and distributing the form; and (2) SSA employee (e.g., field office, 800 number, DDS staff) information collection and processing time.

15. Program Changes or Adjustments to the Information Collection Request

The minor reduction in the burden estimate stems from the addition of the new HA-L90-OP1. Previously, we did not include a separate form for the few hundred respondents who requested good cause for rescheduling redetermination hearings, and recalculating the burden estimates with two forms (rather than one), caused a slight change in the total burden estimate. Please see the Addendum for more information regarding the new HA-L90-OP1.

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. 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 collection.