

Supporting Statement for Form SSA-821-BK
Work Activity Report – Employee
20 CFR 404.1520(b), 404.1571-404.1576,
404.1584-404.1593, and 416.971-416.976
OMB No. 0960-0059

A. Justification

1. Introduction/Authoring Laws and Regulations

Sections 223(d) and 1633 of the *Social Security Act (Act)* provide the Social Security Administration (SSA) the authority to provide regulations for administering the disability provisions of the law. The appropriate regulations are contained in Sections 20 CFR 404.1520(b), 404.1571 - 404.1576, 404.1584 - 404.1593, and 416.971 - 416.976 of the *Code of Federal Regulations*. Section 223(d) of the *Act* defines the term “disability” as the inability to engage in any substantial gainful activity (SGA) by reason of any medically determinable physical or mental impairment which one expects to result in death, or which lasted, or which one expects to last, for a continuous period of not less than 12 months. Social Security Disability (SSDI) and Supplemental Security Income (SSI) applicants can become entitled to payments based on their inability to engage in SGA because of a physical or mental condition. When disability recipients work, they must report the work so SSA can evaluate it to determine if they continue to meet the disability requirements of the law.

2. Description of Collection

SSA uses Form SSA-821-BK to collect employment information to determine whether individuals worked after becoming disabled and, if so, whether the work is SGA. We use the information to make a determination of eligibility for disability payments. Specifically, we use Form SSA-821-BK to obtain information from individuals during the initial SSI and SSDI claims process; the Continuing Disability Review (CDR) process; and appeals involving work issues. An SSA employee may fill out the form during an in office or telephone interview, or the applicants or recipients may fill it out themselves. SSA reviews and evaluates the data to determine if the applicant or recipient meets the disability requirements of the law. If respondents work when they apply for benefits, they must complete this collection to obtain SSI or SSDI. The respondents are SSDI applicants or recipients, and SSI applicants.

3. Use of Information Technology to Collect the Information

This form is available as a print-only PDF on SSA’s website. SSA did not create an electronic version of Form SSA-821-BK under the agency’s Government Paperwork Elimination Act (GPEA) plan due to agency priorities and limited resources.

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 significantly affect small businesses or other small entities.

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

If we did not use Form SSA-821-BK, we would have no way to determine whether an applicant or recipient's work is SGA, which could cause an incorrect initial disability decision, or result in overpayments to recipients who were receiving payments despite engaging in SGA. Failing to provide all or part of the information may prevent an accurate and timely decision on any claim filed. Because we 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

The 60-day advance Federal Register Notice published on July 10, 2018, at 83 FR 31987, and we received no public comments. The 30-day FRN published on October 3, 2018 at 83 FR 49965. If we receive any comments in response to this Notice, we will forward them to OMB.

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

Modality of Completion	Number of Respondents	Frequency of Response	Average Burden Per Response (minutes)	Estimated Total Annual Burden (hours)
SSA-821-BK	300,000	1	30	150,000

The total burden for this ICR is **150,000** hours. We based these figures on current management information data. 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 on the respondents.

14. Annual Cost to Federal Government

The annual cost to the Federal Government is approximately \$232,000. 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

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 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 information collection.