

Supporting Statement for Form SSA-1560
Petition for Authorization to Charge and Collect a Fee for Services Before the Social Security Administration
20 CFR 404.1720 – 404.1730, and 416.1520 – 416.1530
OMB No. 0960-0104

A. Justification

1. Introduction/Authoring Laws and Regulations

People who represent claimants before the Social Security Administration (SSA), and want to receive a fee for their services are required to obtain SSA's authorization of the fee under the *Social Security Act (Act)*. One way for requestors to obtain the authorization is to submit a fee agreement before the administration's decision on a claim; the other way is for requestors to submit the fee petition Form SSA-1560 with all required documentation after the decision on a claim. The legal authority for requesting to obtain the authorization to charge and collect a fee for service is available in sections 206(a) and (b) and 1631 of the *Act*, and in the 20 CFR 404.1720-404.1730 and 416.1520-416.1530 of the *Code of Federal Regulations*. The legal authority for sanctioning a representative who is collecting an unauthorized fee is available in section 206(a) of the *Act*.

2. Description of Collection

SSA uses Form SSA-1560 to collect all of the information necessary from the representative to authorize a reasonable fee for service. In addition, the representatives indicate on the form if they have been disbarred or suspended from a court or bar to which they were previously admitted to practice as an attorney; or if they have been disqualified from appearing before a Federal program or agency. We need this information for regulatory mandated compliance. SSA must authorize a fee to the representative, if the representative requests to be paid from the expected past-due benefits of the claimant. The representative submits the SSA-1560 after a claim decision, or any time when the representation is terminated, to request authorization to charge and collect a fee under the fee petition process. Since this information is mandated by regulation, the form is mandatory for the representative to obtain authorization to charge and collect a fee. SSA collects the information on the form through either fax or mail, and we scan it to the claimants' electronic folders. This collection is on a claim-by-claim basis, if the individual representatives decided to use this option to receive authorization of a fee, and representatives must submit the documentation once per claim. SSA employees then evaluate and process the request for authorization of a fee. The respondents are representatives who use this form to request a fee via the fee petition process.

3. Use of Information Technology to Collect the Information

Form SSA-1560 is available at www.ssa.gov in fillable PDF format. Once the form is completed, the representative prints it, and mails or faxes it to the agency with supporting documentation. We estimate that 100% of the respondents use

this method to complete the form and send it to SSA. SSA stores the form will in the electronic claims folder. SSA plans to create an Internet version of Form SSA-1560 in the future; however, we do not currently have the resources to implement this form as an Internet application. In addition, as other IT Mod revisions take precedence to this form, we do not, yet, have a timeline for electronic implementation for the SSA-1560.

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

In certain situations, approval of a fee agreement is administratively unfeasible, either because it could lead to authorization of fees in excess of the statutory limit under the fee agreement process, or could otherwise cause inequity for the claimant or the representative. In those situations, the fee petition process (Form SSA-1560) is the only option for the representative to request to charge and collect a fee authorized by SSA as demanded by the Act. Since we only collect this information as needed, 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 February 5, 2020, at 85 FR 6671, and we received no public comments. The 30-day FRN published on April 7, 2020, at 85 FR 19565. 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

Per our current management information data, approximately 24,153 respondents take 30 minutes each to complete form SSA-1560 each year. The following chart shows the burden information for this collection:

Modality of Completion	Number of Respondents	Frequency of Response	Average Burden per Response (minutes)	Estimated Total Annual Burden (hours)	Average Theoretical Hourly Cost Amount (dollars)*	Total Annual Opportunity Cost (dollars)**
SSA-1560	24,153	1	30	12,077	\$72.21*	\$872,080**

* We based this figure on average U.S. lawyer’s salary shown on the Bureau of Labor Statistic’s website (<https://www.bls.gov/oes/current/oes231011.htm>).

** This figure does not represent actual costs that SSA is imposing on recipients of Social Security payments to complete this application; rather, these are theoretical opportunity costs for the additional time respondents will spend to complete the application. **There is no actual charge to respondents to complete the application.**

The total burden for this ICR is **12,077** burden hours (reflecting SSA management information data), which results in an associated theoretical (not actual) opportunity cost financial burden of **\$872,080**. SSA does not charge respondents to complete our applications.

13. Annual Cost to the Respondents (Other)

This collection poses a cost burden on the respondents, as they need to print out the SSA-1560 once they fill it out. Since each respondent only needs to print these once per year, we estimate the cost for printing the 5-page form, at approximately \$0.05 cents per page, is \$0.25 per respondent. Therefore, the total cost for all of the respondents to print this form is approximately \$6,038.

14. Annual Cost To Federal Government

The annual cost to the Federal Government for this collection is approximately \$43,999. This estimate accounts for costs from the following areas: (1) designing, and publishing the PDF version of the form on the SSA website; 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

Previously we reported a burden of 22,183 hours; however, we are currently reporting a burden of 12,077 hours. This burden decrease reflects our most recent management information data, which shows a decrease in the usage for this form. Per our data, this decrease stems from fewer claims processed in FY 2019, which,

in turn, means that fewer respondents use this form. We expect this data to fluctuate from year to year, and happen to have seen a steady decrease in the use of this form over the past three years. Although the number of respondents decreased, SSA did not take any actions to cause this change.

16. Plans for Publication Information Collection Results

SSA will not publish the results of the information collection.

17. Displaying the OMB Approval Expiration Date

SSA is not requesting an exception to the requirement to display an expiration date.

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.

ADDENDUM TO THE SUPPORTING STATEMENT

The Addendum to the Supporting Statement is your opportunity to provide important supplementary information which has no place in the Supporting Statement. Note that it is **not** mandatory to create an Addendum for every IC. You only need to create an Addendum if one of the situations described below applies to you.

**Addendum for <INSERT Title of Form, Survey, Regulation, or any other Information Collection Type>
<INSERT Form Number, if applicable>**

OMB No. 0960-XXXX (NOTE: If this is a new ICR, enter “0960-NEW”)

Terms of Clearance

If the last time OMB cleared your ICR they imposed “terms of clearance” – i.e., conditions for approval— you must list those terms of clearance here and explain how you fulfilled them. If you were unable to fulfill them, explain why and discuss the steps you will take to complete them as soon as possible, if this is feasible.

Revision to the Collection Instrument

If you are making changes to your IC or ICs, you must describe (in detail) and justify each change. Use this format:

Change 1: *We are removing questions #1 and #2 from form SSA-123.*

Justification 1: *We are removing these questions because we can now obtain the relevant information from other sources, so it is no longer necessary to make respondents take the time to complete these questions.*

Change 2: *We are changing the language in question #3 from “INSERT old language” to “INSERT new language.”*

Justification 2: *We are making this language change for clarification purposes.*

Note that if you are making changes to an IC, you must also disclose the following information:

- When you will start using the new version (Immediately after OMB approval? At a certain date?);
- What you will do with stocks of the old version (Will the field offices continue to use them? Will you destroy them, or simply use them until we run out of copies and then switch to the new version?).

When making revisions to an IC, make sure to include copies of the old and new versions of the ICs with your ICR submission. Alternately, you can include a marked-up copy of the old version showing the changes. If there are extensive changes, we encourage you to work with the Forms Management Team (team leader is Christa Adle Hammer, 5-4873) to create a mock-up of the new form for your OMB clearance package.

Creating a Different Modality of Your IC

If you are re-clearing an existing paper form, but are creating for the first time a new modality of this IC (ex: new electronic version), discuss that in the Addendum.

Sample language:

In this ICR we are requesting clearance of a new Internet-based version of form SSA-123. This version, which respondents can complete and submit online, will save time for both respondents and SSA field office employees.

PRIVACY ACT, COMPUTER MATCHING, AND PAPERWORK REDUCTION ACT INSTRUCTIONS

Below are several items you should consider for your actual form, survey, etc.

Privacy Act Statement

In many cases, your IC will require a Privacy Act (PA) statement. If your IC is new, contact (**WHO IS THE CONTACT?**), who will review the IC and provide the appropriate guidance. If you are submitting an existing IC for re-clearance, we will forward it to OGC for their review as part of our business process. We will inform you if OGC changed your PA statement so you can make the change to your form.

Computer Matching

Computer matching involves an exchange of electronic data between SSA and other Federal/State government databases. If your IC will involve computer matching, you must also provide the following statement after the PA language:

We may also use the information you give us when we match records by computer. Matching programs compare our records with those of other Federal, State, or local government agencies. Many agencies may use matching programs to find or prove that a person qualifies for benefits paid by the Federal Government. The law allows us to do this even if you do not agree to it.

Paperwork Reduction Act (PRA) Statement and OMB Control Number

You must include the PRA Statement with any IC you use with the public. The public includes anyone who is not a Federal employee, including DDS, state governments, private companies/contractor, etc.

Typically, you can provide the PRA statement at the end of your form, after the PA statement. However, if the respondent will not receive a copy of the collection instrument (e.g., for a telephone or field-office interview), you must share the PRA statement in another manner. You can do this through a survey pre-notice letter (for research projects), or by reading it to the respondent.

SSA must display the OMB Control Number (0960-XXXX, also at the top of your supporting statement/addendum) on every public-use form, survey, etc. Ideally, you should ensure its placement is the top right-hand corner of the document as follows "OMB No. 0960-XXXX." If we are collecting the information during a telephone or personal interview, you can include the number in a pre-survey notification letter or handout, but you should also repeat it during the interview.

For Internet-based applications, we typically display the PRA statement, OMB No, and OMB approval expiration date on one of the introductory welcome screens for the application.

Below is the PRA statement that we generally use for SSA's public forms. If the nature of your IC requires slight variations, discuss with the CRC analyst who is clearing your IC. Please **do not** make changes to the PRA statement on your own.

Paperwork Reduction Act Statement - This information collection meets the requirements of 44 U.S.C. § 3507, as amended by section 2 of the Paperwork Reduction Act of 1995. You do not need to answer these questions unless we display a valid Office of Management and Budget control number. We estimate that it will take about XX minutes/hours <INSERT appropriate response time> to read the instructions, gather the facts, and answer the questions. **SEND OR BRING THE COMPLETED FORM TO YOUR LOCAL SOCIAL SECURITY OFFICE. You can find your local Social Security office through SSA's website at www.socialsecurity.gov. Offices are also listed under U. S. Government agencies in your telephone directory or you may call Social Security at 1-800-772-1213 (TTY 1-800-325-0778). You may send comments on our time estimate above to: SSA, 6401 Security Blvd, Baltimore, MD 21235-6401. Send only comments relating to our time estimate to this address, not the completed form.**