Office of Management and Budget

 Attn: Desk Officer for SSA

Social Security Administration

OLCA, Attn: Reports Clearance Director

3100 West High Rise

6401 Security Blvd.

Baltimore, MD 21235

November 9, 2021

*via regulations.gov*

**Comments on revised SSA-632 and SSA-634 Forms, Docket No. SSA-2021-0044**

Dear Madam or Sir,

The National Organization of Social Security Claimants' Representatives (NOSSCR), whose thousands of members represent Social Security claimants and benficiaries before SSA and in federal court, is pleased to offer these comments on proposed revisions of Form SSA-632-BK, Request for Waiver of Overpayment Recovery, and Form SSA-634, Request for Change in Overpayment Recovery. NOSSCR members often help Social Security beneficiaries complete these forms when SSA alleges overpayments of SSI or Title II benefits, and we share SSA's goal of making these forms as clear and minimally burdensome as possible.

Burden Estimate

We disagree with SSA's burden estimate for these forms. SSA states that its reduction in estimated burden "stems from a decrease in the number of responses from 1,060,000 to 500,000." We are not aware of any reason why so many fewer beneficiaries would be informed that SSA believes they were overpaid, or why allegedly overpaid beneficiaries would be so much less likely to request waivers or changes in overpayment recovery. To the extent that SSA may have received fewer submissions of the SSA-632 or SSA-634 in recent years, these are likely due to a temporary and now-concluded postponement of certain workloads that revealed overpayments, a temporary and now-concluded streamlined procedure for requesting waivers, and the ongoing closure of SSA field offices to the public for nearly all matters. If SSA's response to the pandemic has resulted in fewer overpayment notices going out, or fewer people requesting waivers, it seems likely that there are backlogs and pent-up demand that will lead to far *more* requests for waiver or changes in overpayment recovery. SSA's estimate that less than half as many forms will be completed appears unlikely.

Additionally, it is unclear why SSA expects the completion of the SSA-632 will take an average of 120 minutes while the SSA-634, which asks very similar questions about income, assets, and expenses, will take only 45 minutes. The proposed SSA-634 indicates that even SSI recipients and other recipients of assistance based on need will need to provide detailed financial information, while they are able to skip those sections of the SSA-632. Therefore, it is even

possible that it will take longer to complete the 634 than the 632.

SSA-632

In Question 4, it would be clearer to say:

*I am requesting waiver for (check one):*

* *the entire overpayment amount*
* *the remaining balance of the overpayment*

In Question 5, it may not be clear to people what "your changes" means. By asking the question in the present tense, it obscures the fact that SSA really needs to know about obstacles to understanding and reporting at the time the overpayment occurred, which might have been years or decades before the overpayment was identified and/or the waiver or change in recovery requested. It would be better for the question to say:

*At the time you were overpaid, did you have any obstacles to understanding what information needed to be reported to us, or problems making those reports?*

Questions 6 and 7 leave out people who get SSI and not Title II but have another source of income. Such people should not be required to fill out the rest of the form. The current SSA-632 does not require them to do so. Also, by asking about SSI in both questions 6 and 7, the proposed form is needlessly confusing. It would be better to reword these questions as:

*6. A dependent is a person who depends on you for support and who you can claim on your tax return. Are you or any dependent household member currently receiving SSI?*

*7. A dependent is a person who depends on you for support and who you can claim on your tax return. Are you or any dependent household member currently receiving Temporary Assistance for Needy Families (TANF) or a pension based on need from the Department of Veterans Affairs (VA)?*

The "if yes" and "if no" instructions for 6 and 7 can remain unchanged.

Question 8 is missing boxes for "yes" and "no." Also the word "income" can be omitted before "tax return" to match Questions 6 and 7.

In Question 10A, it is unclear whether the form wants to know if any member of the household owns more than one vehicle, or if the total number of vehicles is 2 or more. It would be better to reword as:

*"How many family vehicles do you, your spouse, and your dependents own? Vehicles include but are not limited to cars, trucks, motorcycles, boats, snowmobiles, and animal-drawn vehicles used for transportation and not solely for recreation. Devices like wheelchairs or mobility scooters are not vehicles."*

This more closely matches the definition in POMS SI 01130.200. Then, rather than the boxes saying yes or no, there could just be a line for a number to be entered, and the instructions would say *"If two or more, list all vehicles below. If zero or one, continue to 10B."*

SSA-634

It would be clearer to put question 2 after questions 3 and 4, and to consider if there is a way for people who receive SSI, TANF, or a VA pension based on need not to need to fill out as much of Sections 2-6. They do not need to fill it out for the SSA-632, so questions 6 and 7 on that form could serve as a template.

Conclusion

Thank you again for the opportunity to comment on these forms. We appreciate SSA's efforts to make requesting a waiver or change in recovery for an overpayment as efficient as possible.

Sincerely,

Barbara Silverstone

Executive Director