

November 20, 2024

Office of Management and Budget
Attn: Desk Officer for SSA

Social Security Administration
OLCA, Attn: Reports Clearance Director
Mail Stop 3253 Altmeyer, 6401 Security Blvd.
Baltimore, MD 21235

Re: Docket No: SSA-2024-0040

To Whom It May Concern:

These comments are submitted on behalf of the National Organization of Social Security Claimants' Representatives (NOSSCR), a specialized bar association for attorneys and advocates who represent Social Security Disability Insurance (SSDI) and Supplemental Security Income (SSI) claimants throughout the adjudication process and in federal court. NOSSCR operates a nationwide referral service whereby individuals who are seeking assistance can call (845) 682-1881 and be connected with a registered representative in their local area who can provide representation.

Thank you for allowing us the opportunity to comment on your proposed collection activities.

I. *New Applicant Survey*

We are encouraged by the agency's proposal to collect information from applicants and beneficiaries regarding their experiences with the application process so that the agency can continue to make meaningful improvements and best serve eligible customers. We understand the agency's desire to poll individuals who were awarded, denied, and those who are still participating in the application process in order to view a sampling of experiences across the spectrum for those who apply. However, we caution the agency to create a mechanism whereby the opinions of those who were denied can be effectively weighed against those who are still in the application process and those who have been awarded. Human nature suggests that those denied will necessarily harbor a negative opinion of the process, whereas those awarded might view the same experience differently. Thus, two individuals who had the exact same experience (with the same application frustrations) might provide contrary opinions based solely on their ultimate outcome—with the awarded applicant responding positively from the perspective that the application-hassles were "worth it" and the denied applicant opining with the mindset that the entire process was a

“waste of time.” Proper weighing of these outcomes is crucial to fully understanding the experience.

We appreciate that the agency intends to collect data on the experiences that survey respondents have with representation during the application process. We encourage the agency to ask targeted questions about when the respondent was first able to utilize representation and whether they would have preferred information about and access to representation prior to beginning the application process. Existing data¹ shows that represented individuals are awarded at a significantly higher rate than those without representation, and the application packages of represented individuals are routinely more complete and organized than those without. We encourage the agency to consider the following sample questions:

- When did you first learn that you could have the assistance of a representative and that no fee would be owed unless you were awarded benefits?
- Would it have been helpful to learn about the availability of a representative earlier in the process?
- What mechanism would have been most useful to announce to you that the assistance of a representative is available? (Verbal instructions from agency staff, notice and referral number on the initial application, online notice when beginning the online application, none of the above, all of the above).

II. *Statutory Benefit Continuation Election Statement*

We applaud the agency’s creation of proposed Form SSA-792. The proposed form successfully utilizes plain language and provides respondents with a clear path to properly selecting the appropriate option. We encourage the agency to create an online version of this form as soon as practicable. We also request that the agency increase the timeframe for a response to 30 days. Limiting the response time to 10 or 15 days is not sufficient for disabled individuals who may not have the daily capacity to check their mail or who may not have the mental capacity to understand the meaning of the letter. By increasing the response time to 30 days, vulnerable individuals will have sufficient time to receive notice and seek any needed assistance.

III. *Disability Report-Appeal*

As stated at the outset, NOSSCR operates a nationwide referral service that connects applicants with registered representatives. The proposed improvements to Form SSA-3441-BK already include an instructions section titled “if you need help.” We encourage the agency to add in language indicating that the applicant has the right to a representative, that no fee will be charged by the representative unless the claim is ultimately awarded, and that a representative can be reached via our referral service by calling (845) 682-1881. By connecting applicants with representation

¹ FY2010-FY2018 Hearing Statistics with and without Representation, SSA FOIA Proactive Disclosure, 7/2/2020.

sooner in the process, we are confident that application packages will be more accurate and complete, thereby allowing the agency to improve processing times.

IV. Request for 800# Automated Telephone Services Knowledge-Based Authentication

We support the agency's request for 800# knowledge-based authentication as it should reduce customer hold-times and allow for faster resolution of customer questions. However, we encourage the agency to make certain that 1) there is an option for an applicant's representative (or other third-party) to interact with this system on behalf of a claimant after inputting proper identifying information, and 2) there is an option to easily bypass this system and request a human.

Thank you for your consideration and the opportunity to submit comments on these important proposals.

Sincerely,

A handwritten signature in black ink, appearing to read 'David Camp', with a stylized flourish at the end.

David Camp
Chief Executive Officer