

February 4, 2025

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 ID Number SSA-2024-0052

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.

Thank you for the opportunity to comment on proposed changes to the following forms: the Work Activity Report, the Claimant's Medication, and the Waiver of Right to Appear-Disability Hearing.

I. Work Activity Report

We commend the agency's attempts to simplify and clarify the explanatory language on this form. However, we still believe that the agency is underestimating the time burden for completion. SSA estimated that this form would take 30-45 minutes to complete; however, it is the experience of our members that these forms can often take far longer as respondents struggle to remember and find the details of prior employment. Importantly however, the transition to a 5-year lookback period does alleviate some of the time burden, for the agency and the respondents.

II. Claimant's Medication

We agree that gathering up-to-date information on the claimant's medications is an important part of preparing the disability file; however, we think that the form could be further improved by adding the word "estimated" to "date first prescribed." Many respondents have been on their medications for years and have little idea when the medication was first prescribed, nor can they easily find this information. Because of the importance of official paperwork in their disability claim, many

respondents are therefore fearful that putting the incorrect date in this slot could jeopardize their claim. As such, they are more likely to leave the column blank than they are to estimate. If the word “estimated” were added to the column, the agency would likely be gathering more of the data that they seek. Similarly, if an additional column were added for “ongoing side effects experienced as a result of this medication,” the agency would likely capture meaningful data without an increased burden.

III. Waiver of Right to Appear-Disability Hearing

The language on this form is structured for someone who is appearing at a Continuing Disability Review hearing. Specifically, the form states “I understand that a hearing will give me an opportunity to present witnesses and explain in detail to the disability hearing officer, who will decide my case, the reasons why my disability benefits should not end.” Both “disability hearing officer” and “the reasons why my disability benefits should not end” imply that this form speaks only to Continuing Disability Review hearings. And yet, the form is titled “Waiver of Right to Appeal – Disability Hearing” and the supporting documents indicate that “claimants for Social Security disability payments or their representatives can use Form SSA-773-U4 to waive their right to appear at a disability hearing.” However, with the language as is, this form does not actually capture those who might want to waive their right to a standard disability hearing. We recommend changing the language to encompass both types of hearings, or creating a second form that speaks to disability hearings specifically.

We also recommend changing “represent” to “appear on my behalf” in the following sentence: “Although the above has been explained to me, I do not want to appear at a disability hearing, or have someone represent me at a disability hearing.” A respondent could have someone representing them for their Social Security disability case while simultaneously waiving their right (and that of the representative) to appear in front of the decision-maker. As such, the language should accurately reflect this.

Thank you for the consideration that you give to these forms and for allowing us the opportunity to comment.

Sincerely,

A handwritten signature in black ink, appearing to read "David Camp". The signature is stylized with a large initial "D" and a long horizontal stroke.

David Camp
Chief Executive Officer