

October 18, 2021

Social Security Administration
Attn: Reports Clearance Director
3100 West High Rise
6401 Security Boulevard
Baltimore, Maryland 21235

Submitted via OR.Reports.Clearance@ssa.gov

Re: Response to SSA's Agency Information Collection Activities: Proposed Request, 86 FR 46307 (August 18, 2021), Docket No: SSA-2021-0029

The following comments are submitted on behalf of the Legal Aid Society of Columbus (LASC). LASC represents low-income, disabled individuals and seniors across Central Ohio on a variety of legal issues they face with the Social Security Administration (SSA). This includes alleged overpayments and disability cessations. LASC's mission is to provide free civil legal aid and advocacy to combat unfairness and injustice and to help people to rise out of poverty. As part of this mission, LASC also advocates for improvements in the SSA's disability programs and to ensure individuals facing a Continuing Disability Review (CDR) have access to representation and adequate decisions.

These recommendations are regarding the SSA's request for such comments on form SSA-454-BK (Continuing Disability Review Report or "CDR"). Specifically, SSA is seeking comments on the accuracy of the agency's burden estimate; the need for the information; its practical utility; ways to enhance its quality, utility, and clarity; and ways to minimize burden on respondents, including the use of automated collection techniques or other forms of information technology.

The current Form SSA-454-BK should be revised for quality and clarity. These changes in turn, could minimize the burden on respondents and align closer to SSA's burden estimate. From our experience, the current CDR form takes much longer than 60 minutes to complete as many of the questions may include details that neither the disabled individual nor those assisting them with completing the form may know. Recommendations for revisions include:

1. Pages 1-2: We have had many clients with barriers to accessing benefits, in part, because they lack an understanding of English. While SSA does have policies to govern the use of interpreters, a lack of translated notices and other documents (such as the CDR form) will continue to be an unnecessary hurdle for individuals with Limited English Proficiency (LEP). We recommend including a statement with contact information for how to request assistance in completing this form by contacting an agency interpreter for the benefit of a disabled person or individual helping a disabled person who cannot speak, read, write, or otherwise understand English. SSA policy also states that any notice sent to an LEP individual requiring contact regarding a claim must include the following statement: "We provide free interpreter services to conduct your Social Security business. However, if

you prefer to have your own interpreter, you may do so, but with the understanding that our own interpreter may be present.”¹

2. Page 3, Question 1E: Remove the box asking if the disabled individual has a phone number where SSA can leave a message.
3. Page 3-4, Section 2: For ease of flow, move this section to the end, prior to Section 11, since this information is seeking the author of the form, as well as contacts if SSA needs additional information from other sources.
4. Page 4, Paragraph with Question 3A, insert the following: “...list the physical and/or mental *health* conditions...”
5. Page 5-11, Section 4: As this is the most cumbersome and time-extensive portion of the CDR form, we recommend distilling it substantially by asking the individual to just provide the names of any health care providers (with a list of examples including a doctor, hospital, clinic, or other health care professional) they have visited in the last 12 months and that entity’s contact information (i.e., phone and address). SSA can request a copy of medical records with the disabled individual’s permission and should request a copy from each entity listed in the CDR. By reducing this Section, a disabled individual does not have to try and remember all of the dates or tests conducted during the 12-month period. The entities identified will have all of this information.
6. Page 12, Section 6: For ease of flow, move this section to the end, prior to Section 11 since this information is seeking contacts if SSA needs additional information from other sources.
7. Page 12-13 and 15, Sections 7, 8 and 10: As all three of these sections are seeking information related to education, training, employment, and other support services, we recommend consolidating these questions into one section. Also, Questions 7 C-E are already addressed under Section 1 and can therefore be removed.
8. Page 14, Question 9A: This is an open-ended question without much guidance and should be removed. Asking a disabled individual what they do in a “typical day” can be difficult if they do not have a “typical day” or if they forget to include pertinent information because the question is open-ended.

Conclusion

We appreciate the opportunity to comment on the Continuing Disability Review, Form SSA-454-BK. If you have any questions, please contact Dilynn Roettker at droettker@columbuslegalaid.org or Kristy Michel at kmichel@columbuslegalaid.org.

Sincerely,

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¹ POMS DI 23040.001.