

- Section 408.1009 explains that you must file a request for reconsideration within 60 days after you receive our notice of initial determination. This section also explains that you may ask for more time to request a reconsideration if you had good cause for missing the 60-day deadline.

- Section 408.1011 explains the standards we follow in determining whether you had good cause for missing the 60-day deadline to request a review.

- Section 408.1013 explains that, in requesting a review of our initial determination, you can ask for a case review or, in cases involving suspension, reduction, or termination of your SVB payments, an informal or formal conference. If you request a case review, you will be given the opportunity to review the evidence in our files and then present oral and written evidence to us. If you are permitted to request an informal conference, you will also have the opportunity to present witnesses. If you are permitted to request a formal conference, you will also be given the opportunity to request us to subpoena adverse witnesses and relevant documents and to cross-examine adverse witnesses.

- Section 408.1014 explains that, if you request a review of our initial determination on your application to receive SVB, you may elect only a case review.

- Section 408.1015 explains that, if we notify you that we plan to suspend, reduce or terminate your SVB payments, you have the choice of a case review, an informal conference, or a formal conference.

- Section 408.1016 explains the rules we follow if you request a formal or informal conference.

- Section 408.1020 explains how we make a reconsidered determination and that the person who makes it will have no prior involvement with the initial determination.

- Section 408.1021 explains that a reconsidered determination is binding unless you request the next stage of the administrative review process within the stated time.

- Section 408.1022 explains that we will send you a notice of our reconsidered determination that explains the reasons for our determination and your further appeal rights.

- Section 408.1030 provides a cross-reference to the SSI rules in §§ 416.1423–416.1428 that explain when you may use the expedited appeals process (EAP). Under the EAP, you may go directly to a Federal District Court without first completing the

administrative review process if the only factor preventing a determination that is favorable to you is a provision of the law you believe is unconstitutional.

- Section 408.1040 provides a cross-reference to the SSI rules in §§ 416.1429–416.1440 that describe hearings before an ALJ and explain when you may request an ALJ hearing. As explained in § 416.1436, we hold ALJ hearings in the 50 States, the District of Columbia and the Northern Mariana Islands.

- Section 408.1045 provides a cross-reference to the SSI rules in §§ 416.1444–416.1461 that describe additional procedures that apply when you request a hearing before an ALJ.

- Section 408.1050 provides a cross-reference to the SSI rules in §§ 416.1467–416.1482 that describe procedures before the Appeals Council and explain when you may request Appeals Council review of an ALJ decision.

- Section 408.1060 provides a cross-reference to the SSI rules in §§ 416.1483–416.1485 that explain what happens if a Federal Court remands your case back to SSA for further review.

- Section 408.1070 provides a cross-reference to the SSI rules in §§ 416.1487–416.1494 that explain the circumstances under which we will reopen and revise a final determination we previously made on your request for review.

Subpart K—Representation of Parties

As explained above, we believe that a number of the SSI provisions on representation of parties should also apply under the SVB program. Section 408.1101, therefore, explains that, for purposes of claimant representation under the SVB program, we would follow the rules in §§ 416.1500–416.1505, 416.1507–416.1515 and 416.1540–416.1599 of our SSI rules.

Subpart L—Federal Administration of State Recognition Payments

This subpart would set forth our rules on Federal administration of a State's recognition payment program. Specifically:

- Section 408.1201 explains what State recognition payments are.

- Section 408.1205 explains that a State may enter into an agreement with SSA under which SSA will administer the State's recognition payment program by determining your eligibility for the payments and by making recognition payments on the State's behalf.

- Section 408.1210 explains that a Federal-State agreement must, at a minimum, specify who is eligible for

recognition payments; what fees the State must pay to SSA to administer the program; how long the agreement is valid; and how the agreement can be modified or terminated.

- Section 408.1215 explains how you establish eligibility for State recognition payments. Under this section, your application for SVB under subpart C of this part is also an application for any Federally administered State recognition payments for which you may be eligible. We determine your eligibility for and the amount of your recognition payments using the rules in subparts A through K of part 408 of our regulations.

- Section 408.1220 explains that we pay State recognition payments on a monthly basis and include them with your SVB monthly payment.

- Section 408.1225 explains that if you receive an overpayment of State recognition payments, we will adjust future recognition payments to which you are entitled. Under this section, the rules we follow on recovery (or waiver) of SVB overpayments (*see* §§ 408.910 through 408.941) also apply to State recognition payments.

- Section 408.1226 explains that, if you are underpaid, we will pay the underpayment directly to you.

- Section 408.1230 explains that you can waive your right to State recognition payments by making a written request.

- Section 408.1235 explains that a State must transfer to SSA each month the amounts of its estimated recognition payments and administrative fees on the established transfer date. This section also provides for SSA to account for the funds it receives from the State and permits the State to audit the payments we make under the agreement.

Conforming Changes on Overpayments

As indicated above, § 408.930 of these proposed rules would reflect the authority in section 808(a)(1)(B) of the Act to adjust your title II benefits to recover a title VIII overpayment. To conform to this change, we are also revising our title II rules at § 404.401(c) to explain that we may adjust your title II benefits to recover a title VIII overpayment. We are also revising § 416.570 to indicate that we will not adjust your SSI benefits to recover an SVB overpayment unless you specifically request us to do so.

Clarity of These Regulations

Executive Order 12866, as amended by Executive Order 13258, requires each agency to write all rules in plain language. In addition to your substantive comments on these proposed rules, we invite your