

# Your Right To Representation



**Y**ou can have a representative, such as an attorney, help you when you do business with Social Security. We will work with your representative, just as we would with you.

For your protection, your representative cannot charge or collect a fee from you without first getting written approval from us. However, your representative may accept money from you in advance as long as it is held in a trust or escrow account.

Both you and your representative are responsible for providing us with accurate information. It is illegal to furnish false information knowingly and willfully. If you do, you may face criminal prosecution.

## What a representative can do

Once you appoint a representative, he or she can act on your behalf in most Social Security matters by:

- Getting information from your Social Security file;
- Helping you get medical records or information to support your claim;
- Coming with you, or for you, to any interview, conference or hearing you have with us;
- Requesting a reconsideration, hearing or Appeals Council review; and
- Helping you and your witnesses prepare for a hearing and questioning any witnesses.

Your representative also will receive a copy of the decision(s) we make on your claim(s).

## Choosing a representative

You can choose an attorney or other qualified person to represent you. You also can have more than one representative. However, you cannot have as a representative someone who has been suspended or disqualified from representing others before the Social Security Administration or who may not, by law, act as a representative.

Some organizations can help you find an attorney or give you free legal services if you qualify. Some attorneys do not charge unless you receive benefits. Your Social Security office has a list of organizations that can help you find a representative.

You can appoint one or more people in a firm, corporation or other organization as your representative, but you **may not** appoint the firm, corporation or organization itself.

After you choose a representative, you must tell us **in writing** as soon as possible. To do this, get Form SSA-1696-U4, *Appointment of Representative*, from our website at [www.socialsecurity.gov](http://www.socialsecurity.gov) or from any Social Security office.

You must give the name of the person you are appointing and sign your name. If the person is **not** an attorney, he or she must, in writing, give his or her name; state that he or she accepts the appointment; and sign the form.

## What your representative may charge you

In order to charge you a fee for services, your representative first must file either a fee agreement or a fee petition with us.

Your representative **cannot** charge you more than the fee amount we approve. If you or your representative disagree with the fee we approve, either of you can ask us to look at it again.

A representative who charges or collects a fee without our approval, or charges or collects too much, may be suspended or disqualified from representing anyone before the Social Security Administration and also may face criminal prosecution.

## Filing a fee agreement

If you and your representative have a written fee agreement, your representative may ask us to approve it any time before we decide your

(over)

claim. Usually, we will approve the agreement and tell you in writing how much your representative may charge as long as:

- You both signed the agreement;
- Your claim was approved and resulted in past-due benefits; and
- The fee you agreed on is no more than 25 percent of past-due benefits or \$5,300, whichever is less.

If we do not approve the fee agreement, we will notify you and your representative in writing that your representative must file a fee petition.

## Filing a fee petition

Your representative may give us a fee petition after completing the work on your claim(s). This written request should describe in detail the amount of time spent on each service your representative provided. Your representative must give you a copy of the fee petition and each attachment. If you disagree with the fee requested or the information shown, contact us within 20 days. We will consider the reasonable value of the representative's services and tell you, in writing, the amount of the fee we approve.

## How much you pay

The amount of the fee we decide your representative may charge is the most you owe for his or her services even if you agreed to pay your representative more. However, your representative can charge you for out-of-pocket expenses, such as medical reports, without our approval.

If an attorney represents you, we usually withhold 25 percent (but never more) of your past-due benefits to pay toward the fee. We pay the attorney's fee from this money and send you any money left over.

Sometimes you must pay your representative directly:

- You must pay the rest you owe if the amount of the approved fee is more than the amount of money we withheld and paid your attorney for you.
- You must pay the entire fee amount if:
  - Your representative is not an attorney;

- The benefits are Supplemental Security Income (SSI);
- We did not withhold 25 percent from your past-due Social Security benefits; or
- Your attorney did make a timely request for a fee and we sent you the money which we should have withheld.

You must pay for out-of-pocket expenses your representative incurs or expect(s) to incur (for example, the cost of getting your doctor's or hospital records).

## If someone else pays your representative

Even when someone else will pay the fee for you (for example, an insurance company), we must approve the fee unless:

- It is a nonprofit organization or federal, state, county or city agency that will pay the fee and any expenses from government funds; and
- Your representative gives us a written statement that you will not have to pay any fee or expenses.

## If you appeal your claim to the federal court

The court can allow a reasonable fee for your attorney. The fee usually will not exceed 25 percent of all past-due benefits that result from the court's decision. Your attorney cannot charge any additional fee for services before the court.

## Contacting Social Security

For more information, visit our website at [www.socialsecurity.gov](http://www.socialsecurity.gov) or call toll-free **1-800-772-1213** (for the deaf or hard of hearing, call our TTY number, **1-800-325-0778**). We can answer specific questions and provide information by automated phone service 24 hours a day.

We treat all calls confidentially. We also want to make sure you receive accurate and courteous service. That is why we have a second Social Security representative monitor some telephone calls.