

# Your Right To Representation



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

For your protection, in most situations, your representative can't 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 they hold it in a trust or escrow account.

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

## What a representative can do

After you appoint a representative, he or she can act on your behalf before Social Security 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 will also 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 can also have more than one representative. However, you can't have someone who, by law, can't act as a representative. Also, you can't have someone the Social Security Administration has suspended or disqualified from representing others.

Some organizations can help you find a representative or give you free legal services if you qualify. Some representatives don't 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 can't appoint the firm, corporation, or organization.

After you choose a representative, you must tell us **in writing** as soon as possible. To do this, you may use 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're appointing and sign your name. If the individual isn't an attorney, he or she must also sign the form.

## What your representative may charge you

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

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

If a representative charges or collects a fee without our approval, or charges or collects more than we allow, we may suspend or disqualify them from representing anyone before the Social Security Administration. A representative can also 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 claim. Usually, we'll approve the agreement and tell you in writing how much your representative may charge as long as

- You both signed the agreement;
- We approved your claim, and you're getting past-due benefits; and

- The fee isn't more than 25 percent of past-due benefits, or \$6,000, whichever is less.

If we don't approve the fee agreement, we'll notify you and your representative in writing.

## 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, or the information shown, contact us within 20 days. We'll consider the reasonable value of the representative's services and tell you, in writing, the amount of the fee we approve. If you disagree with the fee we approve, you must tell us in writing within 30 days from the date we authorize it.

## How much you pay

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. Your representative can charge you, however, for out-of-pocket expenses such as costs for medical reports, without approval.

If an attorney or non-attorney whom Social Security has found eligible for direct payment represents you, we withhold up to 25 percent of your past-due benefits to pay toward the fee. We pay all or part of the representative'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 approved amount is more than the money we withheld and paid your representative.
- You must pay the entire fee if
  - Your representative isn't eligible for direct payment;
  - We didn't withhold 25 percent from your past-due Social Security or Supplemental Security Income benefits, or both; or
  - Your representative made a timely request for a fee and we sent you the money we should have withheld.

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

## If someone else pays your representative

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

- You and any auxiliary beneficiaries are free of direct or indirect liability to pay the fee or expenses, in whole or in part, to a representative or someone else; and
- It's a nonprofit organization or federal, state, county, or city agency that'll pay the fee and any expenses from government funds; and
- Your representative gives us a written statement that you won't 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. We don't need to approve that fee. The fee won't exceed 25 percent of all past-due benefits that result from the court's decision. Your attorney can't charge any extra fee for services before the court.

## Contacting Social Security

Visit [www.socialsecurity.gov](http://www.socialsecurity.gov) anytime to apply for benefits, open a **my Social Security** account, find publications, and get answers to frequently asked questions. Or, call us toll-free at **1-800-772-1213** (for the deaf or hard of hearing, call our TTY number, **1-800-325-0778**). We can answer case-specific questions from 7 a.m. to 7 p.m., Monday through Friday. Generally, you'll have a shorter wait time if you call after Tuesday. We treat all calls confidentially. We also want to make sure you receive accurate and courteous service, so a second Social Security representative monitors some telephone calls. We can provide general information by automated phone service 24 hours a day. And, remember, our website, [www.socialsecurity.gov](http://www.socialsecurity.gov), is available to you anytime and anywhere!