

Guidelines for Agreeing to be an Appointed Representative

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Purpose

This technical assistance document supplements [Section V.D \(password required\)](#) of the [DBS chapter of the ADRC Operations Manual \(P03062-05a, PDF\)](#). That section provides guidance to disability benefit specialists (DBSs) on direct representation of clients for any in-scope benefit program in which non-attorney representation is allowed. This document provides detailed guidance for agreeing to be a client’s appointed representative with the Social Security Administration (SSA).

Assisting clients with disability benefit applications and appeals through the Social Security Administration (SSA) is a core service of the Disability Benefit Specialist (DBS) Program. Clients have the right to appoint a representative of their choice to help them with their Social Security claims.

DBSs who agree to be an appointed representative for a client’s claim with SSA must comply with the SSA’s rules of conduct for appointed representatives. Each agency is encouraged to implement procedures to ensure that the DBS(s) is complying with these expectations. This includes having the client sign the [Disability Benefit Specialist Program Appointed Representative Client Agreement \(F-02863\)](#) in addition to the [Disability Benefit Specialist Program Client Services Agreement \(F-02562\)](#) in cases where the DBS has agreed to be a client’s appointed representative.

DBSs should consult with their local supervisor when they are considering signing on as a client's appointed representative.

Agreeing to be an appointed representative

A client applying for disability benefits or appealing a denied claim may appoint the person of their choosing to represent them in doing business with the SSA. The individual can be an attorney or non-attorney. On their client's behalf, an appointed representative may:

- Communicate verbally or in writing to obtain information about the claim that the SSA would generally provide the client.
- Examine any documents to which the client would have access. This includes direct access to the SSA electronic claim folder in certain circumstances.
- Appear at any interview or hearing, either alone or with the client.
- Submit evidence to the SSA.
- Be informed of all additional evidence needed to support the claim.
- Make statements about facts and law.
- Make any request or give any report or notice about the proceedings before the SSA.
- Be notified of any decision made in the claim, including, if applicable, decisions regarding auxiliary beneficiaries.

Reasons to be an appointed representative

The primary reason to be a client's appointed representative is to ensure the ability to effectively advocate for the client. Serving as an appointed representative allows a DBS to directly access SSA information related to their client's claim. Acting as appointed representative also permits a DBS to appear at informal and formal hearings with the client and to represent the client before decision-makers.

Verifying identity is less burdensome to the DBS as an appointed representative because registered representatives are issued a representative ID to prove their identity to SSA.

Considerations before becoming an appointed representative

A DBS may be able to effectively advocate for a client or to communicate with SSA on a client's behalf without signing on as an appointed representative. DBSs can accomplish many needed tasks with a signed [Consent for Release of Information \(SSA-3288, PDF\)](#). The SSA-3288 can be submitted to the SSA to permit the disclosure of information to a DBS. DBSs can also use three-way calls with the client and SSA to advocate for their clients. See [Guidelines for Communicating with and Escalating Cases with the Social Security Administration \(P-02009-22-08, PDF\)](#) for detailed instructions for using the SSA-3288.

Signing on as an appointed representative is most helpful when the DBS anticipates an ongoing need to communicate with SSA and/or the Disability Determination Bureau (DDB) over the course of the client's disability claim.

How to become an appointed representative

DBSs must complete the [Representative Registration \(SSA-1699, PDF\)](#) to receive a representative identification (Rep ID).

To become an appointed representative for a specific claim, the DBS submits a completed [Claimant's Appointment of Representative Form \(SSA-1696, PDF\)](#) to the [local SSA field office](#). This is commonly referred to as "signing on." Both the DBS and the client (or a person with legal authority on behalf of the client) must sign the form. Signing on as an appointed representative **is not limited to cases that require formal hearings**.

Appointed representative duties

Appointed representative duties are written in the [Code of Federal Regulations \(CFR\), chapter 20, sections 404.1740 \(b\) and 416.1540 \(b\)](#). The responsibilities DBSs have a duty to fulfill in their role as their client's advocate generally align with the affirmative duties of an appointed representative. **Note:** duties related to disbarment, fees, and direct payments do not apply to DBSs.

[Table 1](#) in the appendix compares the affirmative duties a DBS accepts when agreeing to be a client's appointed representative to the DBS's day-to-day responsibilities, as outlined in the [Elder and Disability Benefit Specialist Programs \(P-03062-05, PDF\)](#) and [DBS Program \(P-03062-05a, PDF\)](#) chapters of the ADRC Operations Manual.

Prohibited activities

Rules concerning prohibited actions are written in [CFR chapter 20, sections 404.1740 \(c\) and 416.1540 \(c\)](#). DBSs are prohibited from engaging in the activities listed in these sections of the CFR regardless of whether they agree to be a client's appointed representative. [Table 2](#) in the appendix lists each prohibited activity individually, confirming that DBS program policy prohibits the actions.

Consequences for failure to comply

Failure to comply with these duties can result in penalties. Per [CFR chapter 20, sections 404.1745 and 416.1545](#), penalties can include, but are not limited to, disqualification from serving as an appointed representative in the future, monetary penalties, and criminal sanctions.

SSA staff must consider the circumstances of an alleged failure to comply before reporting the representative's conduct to the Office of General Counsel. For example, staff are instructed to consider the difficulty the representative may have in locating the client (for example, because the client is unsheltered) and the representative's efforts to fulfill their duty. See the [SSA Program Operations Manual System \(POMS\) GN 03970.010](#) for additional details.

Withdrawing representation

A claimant may complete the [Claimant's Revocation of Appointment of a Representative \(SSA-1696-SUP1, PDF\)](#) at any time to stop a representative from working on their behalf.

A DBS may use [Representative's Withdrawal of Acceptance of an Appointment \(SSA-1696-SUP2, PDF\)](#) or any written dated and signed notice of their withdrawal.¹ SSA can only accept a withdrawal request from the appointed representative. Appointed representatives must ensure that they withdraw in a manner that does not disrupt adjudication of a claim and prior to when a hearing is scheduled, unless extraordinary circumstances are present.² The representative's appointment ends the date the representative notifies SSA of the withdrawal.³

When a DBS leaves the program, they should submit a completed [Representative's Withdrawal of Acceptance of an Appointment \(SSA-1696-sup2, PDF\)](#) to SSA to withdraw representation from each case for which they accepted appointment of representation. SSA can accept multiple withdrawals at the same time if the DBS attaches a document listing each client's name and Social Security number to the withdrawal request.

Note: A DBS must submit a new [Consent for Release of Information \(SSA-3288, PDF\)](#) that is signed and dated after the withdrawal notice to request information about the case after submitting the withdrawal notice.

Withdrawing the appointment of representation is most often related to a decision to limit or terminate the DBS's services. The [Service Limitation and Termination Policy \(P-02923-08, PDF\)](#) guides agencies in the decision-making process.

Program attorney role

The program attorney's role does not change when a DBS signs on as an appointed representative. The DBS remains responsible for the case. If the program attorney agrees to represent the client and signs on as an appointed representative, the program attorney assumes responsibility for the case. See the [DBS Program chapter of the ADRC Operations Manual \(P-03062-05a, PDF\)](#) for more information.

DBSs are asked to inform their program attorney when they sign on as an appointed representative. Program attorneys can help ensure that DBSs understand their responsibilities as an appointed representative. Program attorneys continue to provide technical assistance to DBSs who have signed on as representative for clients whose cases have merit. See [Section VI.D. \(password required\)](#) of the DBS section of the ADRC Operations Manual for additional information on merit determination.

Program attorneys will not step in to represent a client simply because a DBS signed on as an appointed representative and is unable to meet their obligation.

If a DBS is signed on as an appointed representative at the time a claim is scheduled for an administrative law judge (ALJ) hearing, the DBS must represent the client at the hearing. The program attorney will not represent the client.

¹ The Office for Resource Center Development (ORCD) recommends that DBSs use the SSA-1696-SUP2 as a best practice.

² Extraordinary circumstances include, but are not limited to, a medical emergency affecting the representative or an immediate relative, a natural disaster, or the loss of a family member.

³ ORCD recommends that agencies retain a copy of the completed SSA-1696-SUP2 and proof of submission (for example, a fax receipt or sent email file).

Considerations for DBS supervisors

DBS supervisors must understand that DBSs are not only responsible for their own work when they sign on as an appointed representative, but they are also responsible for the work of other agency staff who contribute to the case, including DBS assistants. Agencies are responsible for managing the withdrawal of appointed representative status when a DBS leaves the program.

Appendix

Table 1: Comparison of appointed representative duties to general DBS program requirements

| Affirmative duties of an appointed representative | Is this duty required of a DBS who is not acting as an appointed representative? |
|--|--|
| Maintaining a working knowledge of SSA rules and regulations | Yes |
| Understanding the issues of the client’s case and reasonable and adequate understanding of the evidence in the case | Yes |
| Providing prompt answers to requests for information pertinent to processing the claim | Yes |
| Maintaining prompt and timely communication with the client including reasonably informing the client of all matters concerning the client’s claim | Yes |
| Consulting with the client on an ongoing basis during the length of the case | Yes |
| Promptly responding to a client’s reasonable requests for information | Yes |
| Disclosing immediately, in writing, if the representative discovers that their services are or were used by the client to commit fraud against the SSA | No ⁴ |
| Disclosing, in writing, whether the representative, another agency staff member, or any individual contracting with the agency drafted, prepared, or issued a medical or vocational opinion they submitted to the SSA | No |
| Disclosing to the SSA whether the representative has been removed from practice or suspended by a professional licensing authority for reasons that reflect on the person’s character, integrity, judgment, reliability, or fitness to serve as a fiduciary | No |
| Ensuring that all individuals for whom the representative has responsibility, including any assistants helping with the client’s claim, comply with these rules | Yes ⁵ |
| Withdrawing representation only when it does not disrupt the processing or adjudication of a claim and provides the client adequate time to find new representation—once a hearing is scheduled, unless the representative can demonstrate extraordinary circumstances for needing to withdraw, the representative is committed to representing the client at the hearing. | No |

Note: Per [CFR chapter 20 sections 404.1740 \(b\)](#) and [416.1540 \(b\)](#), representatives must take remedial action when the representative’s employees, assistants, partners, contractors, or other individuals’

⁴ DBSs must terminate cases in which a client is acting fraudulently; however, the DBS is not required to report the fraudulent activity to SSA if they are not acting as the client’s representative.

⁵ If the duty is otherwise required in the [ADRC Operations Manual \(P-03062\)](#).

Applies to:
DBS

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conduct violates these rules, and the representative has reason to believe a violation of these rules of conduct will occur or has occurred.

DBSs who sign on as an appointed representative will need to take remedial action if they are receiving assistance on a client's case from a benefit specialist assistant or another agency staff member and that person's conduct violates these rules, or the DBS has reason to believe a violation of these rules of conduct will occur or has occurred.

Table 2: Comparison of prohibited activities to general DBS program requirements

| Prohibited activities of an appointed representative | Is this activity prohibited for a DBS who is not acting as an appointed representative? |
|--|--|
| Threatening, coercing, intimidating, deceiving, or knowingly misleading a client, or a prospective client, regarding the client’s SSA benefits or other rights | Yes |
| Misleading clients about DBS services and the DBS’s qualifications | Yes |
| Making or presenting, or participating in the making or presentation of, false or misleading oral or written statements, evidence, assertions, or representations about a material fact or law when the DBS knew or should have known the information was false or misleading | Yes |
| Unreasonably delaying or causing to be delayed, without good cause, the processing of a claim | Yes |
| Providing misleading information misrepresenting facts that affect how SSA processes a claim, including, but not limited to information related to the client’s work activity or the client’s place of residence or mailing address in matters where the DBS knows or should have known that the information was misleading. | Yes |
| Suggesting, assisting, or directing another person to violate SSA’s rules or regulations. | Yes |
| Advising any client not to comply with any of SSA’s rules or regulations. | Yes |
| Failing to oversee person(s) assisting the DBS when the DBS has the responsibility to oversee their work. | Yes |