

**Guidelines for Agreeing to Become an Appointed Representative**  
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## Purpose

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.

Assistance from an appointed representative can be an invaluable service to a client. Serving as an appointed representative is an advanced DBS skill and requires in-depth knowledge of SSA policy and advocacy experience.

DBSs who agree to become a client’s appointed representative agree to comply with the SSA’s rules of conduct for appointed representatives. The aging and disability resource center (ADRC) is encouraged to implement procedures to ensure that a DBS 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.

## Becoming an appointed representative

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

- Obtain information about the claim that the SSA would generally provide the client.
- Examine any documents to which the client would have access.
- 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 become an appointed representative

The purpose of becoming an appointed representative is to effectively advocate for the client when circumstances limit their ability to do so on their own (for example, when homelessness or functional limitations affect their ability to navigate the application or appeal process). DBSs must not become an appointed representative simply to receive copies of correspondence sent from SSA.

Serving as an appointed representative allows a DBS to directly access SSA information related to their client's case. 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.

### Considerations before becoming an appointed representative

Becoming an appointed representative may not be necessary to effectively advocate for a client or to communicate with SSA on a client's behalf. DBSs can accomplish many needed tasks with a signed [Consent for Release of Information Form \(SSA-3288\)](#). The SSA-3288 can be submitted to the SSA to permit the SSA to disclose information to a DBS. DBSs can also use three-way calls with the client and SSA to advocate for their clients.

### How to become an appointed representative

To become an appointed representative, a DBS submits a completed [Claimant's Appointment of Representative Form \(SSA-1696\)](#) 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 appointed representative is not limited to cases that require formal hearings.**

### Appointed representative duties

Appointed Representative duties are written in Code of Federal Regulations, chapter 20, sections [404.1740 \(b\)](#) and [416.1540 \(b\)](#). The duties most relevant to the DBS Program are described below. The DBS must:

- Maintain a working knowledge of SSA rules and regulations, understand the issues of the client's case, have reasonable and adequate understanding of the evidence in the case, and provide prompt answers to requests for information pertinent to processing the claim.
- Maintain prompt and timely communication with the client including reasonably informing the client of all matters concerning the representation, consulting with the client on an ongoing basis during the entire representational period, and promptly responding to a client's reasonable requests for information.

- Disclose immediately, in writing, if the DBS discovers that their services are or were used by the client to commit fraud against the SSA.
- Disclose, in writing, whether the DBS, their employee, or any individual contracting with the representative drafted, prepared, or issued a medical or vocational opinion they submitted to the SSA.
- Disclose, in writing, if the DBS referred or suggested that the client seek an examination from, treatment by, or the assistance of, the individual providing medical or vocational opinion evidence.
- Disclose to the SSA whether the DBS 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.
- Ensure that all individuals for whom the DBS has responsibility, including any assistants helping with the client's claim, comply with these rules.
- Withdraw 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 DBS can demonstrate extraordinary circumstances for needing to withdraw, the DBS is committed to representing the client at the hearing.

Representatives must take remedial action when the representative's employees, assistants, partners, contractors, or other individuals' conduct violates these rules, and the representative has reason to believe a violation of these rules of conduct will occur or has occurred.

### Prohibited activities

Rules concerning prohibited actions are written in Code of Federal Regulations, chapter 20, sections [404.1740 \(c\)](#) and [416.1540 \(c\)](#). Appointed representatives must not:

- Threaten, coerce, intimidate, deceive, or knowingly mislead a client, or a prospective client, regarding benefits or other rights under the Social Security Act. That also prohibits representatives from misleading clients about their services and qualifications.
- Make or present, or participate 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 representative knew or should have known the information was false or misleading.
- Unreasonably delay or cause to be delayed, without good cause, the processing of a claim.
- Provide 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 representative knows or should have known that the information was misleading.
- Suggest, assist, or direct another person to violate SSA's rules or regulations.
- Advise any client not to comply with any of SSA's rules or regulations.
- Fail to oversee person(s) assisting the representative when the representative has the responsibility to oversee their work.

### Consequences for failure to comply

Failure to comply with these duties can result in penalties. Per Code of Federal Regulations, 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.

## 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 section of the ADRC Operations Manual \(P-03062-05a\)](#) 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. However, 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.

## 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 anyone else contributing to the case, including DBS assistants.

Appointed representatives must ensure that they withdraw prior to when a hearing is scheduled and in a manner that does not disrupt adjudication of a claim. When a DBS leaves the program, they should [withdraw representation](#) in cases where they are signed on as appointed representative and notify their clients when they do so. DBS supervisors must assure that the DBS has withdrawn from all cases for which they signed on as representative. The ADRC is responsible for managing this withdrawal.