

Applying for Social Security disability benefits can be a confusing and stressful process. It necessarily requires the submission of a significant amount of information regarding medical treatment, education and work history, and specific details about a person's limitations and capabilities, potentially making it a daunting process for most applicants. In addition, stressors such as having been born with a disabling condition or having acquired a serious health condition later in life can make it all the more complicated to navigate the application process.

While some claimants independently complete both the federal application and any additional state medical forms without assistance, others seek help from third party representatives. Although a Social Security claims representative also provides this type of assistance, workload pressures may limit the amount of assistance a claims representative is able to offer. A third party representative could be either a professional, such as an attorney or a social worker, or a non-professional, such as a family member or friend.

Claimants choose to be represented for a variety of reasons: they may not have the mental ability to navigate the application process, they may feel intimidated by the process, or their disabilities, health conditions, or lack of stable living situation may impede their ability to obtain records and communicate easily with employees at the Social Security Administration (SSA) or the Disability Determination Service (DDS). Professional representatives come from a variety of backgrounds: some are professional disability specialists, some provide the assistance as part of their suite of services, and others may work for a social service or health care agency that provides services to specific groups of people. Given the diverse nature of representation and the potential it has to assist claimants to navigate the disability application process, we decided to explore the dynamic of representation in the initial disability claims process, and, to the extent possible, offer a framework to assess the effectiveness of the "system" of third party representation for the disability applications process that has developed over the years.

Although representation has been part of the disability process since its inception, there are many unanswered questions regarding the effect representation has on a claim. Individuals filing for disability benefits administered by SSA, whether Social Security Disability Insurance (SSDI) or Supplemental Security Income (SSI), are not required to – nor should they be required to – have representation to conduct business with the agency. However, a claimant may engage the assistance of a third party to help them with the application process from the beginning of the initial claim and continuing through any appeals that may follow. While that assistance may come from family members and friends, our study will focus exclusively on those individuals or organizations in the community that routinely provide professional assistance with the claims process. Further, this report will focus on representatives at the initial claims stage because the issues and challenges are somewhat different than at the appeals level. Thirty years ago, most third party representation occurred beginning at the hearing stage of the appeals process, and most representatives were attorneys. Today, there are attorneys as well as non-attorneys representing claimants at all adjudicative levels. The intent of this report is to neither endorse

nor discourage the use of professional representation; rather, our goal is to discuss the impact of third party assistance on the disability process. Our focus will be on how to effectively manage the additional layer in the relationship between claimants and the agency for their mutual benefit and that of the process.

Over the past few years, the Social Security Advisory Board has met with a number of groups and individuals, as well as staff members from federal SSA field offices and the state DDSs in an ongoing review of SSA's disability programs. One issue that surfaced repeatedly during our visits was the role that third party assistance plays in the claims process. While people in the various organizations had their own points of view on the nature and extent of the benefits of representation, all expressed concern about some aspect of the current process. Throughout this report, we will refer to the insights and observations gleaned from our discussions with all parties. The views and synthesis of information expressed here, however, are those of the Board alone.