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Social Security Disability Advocacy Section, Alaska Bar Association

Introduction to Social Security disability advocacy, with today's major emphasis on the representative payment process, and thereafter to review the disability claim process from first contact with client, through the administrative hearing, and on appeal to the Appeals Council of the SSA.

I would like to thank especially JoAnne Baker for her assistance and commitment in my preparation. She has been exceedingly helpful to the founding of our Section. And for me she was most generous and helpful last week to take a few minutes of her time so that I could try out this mode of communication that we will be utilizing today, since we are all so far away from each other.

I have prepared this guide in hopes that the hyperlinks in the document will facilitate not only your following along during the distance-learning style presentation, but that you will find it useful outside today's meeting for your own perusal of these links at your leisure, in as much depth and detail as you might like. I hope this works well.

Some Resources, as a preliminary matter

There are two major works that most people would recognize as the handiest practice guides and reference works.

<http://www.jamespublishing.com/books/ssd.htm>

Tom Bush's book covers fee payment in Chapter 7, and he covers the administrative hearing process thoroughly.

<http://west.thomson.com/productdetail/160626/22035041/productdetail.aspx>

Charles Hall's book is as well received as Tom Bush's work. By the way, Charles Hall also sponsors a blog that many people follow, including people within the SSA. If you are interested, you may take a look at

<http://socsecnews.blogspot.com/>

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Fee authorization and fee payment for representation

The agency operates an exceptional website. We'll come back to it as a general matter but, with respect to the representation role, its entry to materials can be found at:
<http://www.ssa.gov/representation/>

The payment for representation in the disability claims process is controlled completely. One needs to become familiar with the essential statutory and regulatory authorities.
http://www.ssa.gov/OP_Home/ssact/title02/0206.htm
http://www.ssa.gov/OP_Home/cfr20/404/404-1720.htm
http://www.ssa.gov/OP_Home/cfr20/404/404-1725.htm
http://www.ssa.gov/OP_Home/cfr20/404/404-1730.htm

At the administrative hearing level of SSA, its guiding agency policy is reflected in what is referred to simply as the HALLEX. You can find out what that stands for by going to the site, within which you can find the following provision relating to payment process.
http://www.ssa.gov/OP_Home/hallex/I-01/I-1-2.html

While the HALLEX is followed by the agency at the hearing level, which is where you will encounter the ALJs, or administrative law judges or Appeals Council folks, there is also significant agency policy pertaining to fees that can be found at another major agency policy publication, the POMS. Again, I'll leave it to you to find out what that acronym stands for by visiting the site.
<https://secure.ssa.gov/poms.NSF/lx/0203920000>

Now let's visit SSA's website and an overview of the internet appeal portal

<http://www.ssa.gov/>

then, select the link to the major program that is our focus of concern—disability:

<http://www.ssa.gov/pgm/disability.htm>

at this webpage, you will observe the three links clustered together that permits the visitor to interact Online with SSA to initiate the appeals process after denial of an application. At this juncture, let's refer to the accompanying document dated 5/19/2010 that covers the SSA's "eServices," as they are called. [At this juncture, I will take time to direct your attention to varying aspects of the materials, and will call it out by referring to page number to guide you.]

PLEASE NOTE: THIS IS A SCANNED COPY OF MATERIALS—64 PAGES—THAT I RECEIVED AT AN AGENCY PRESENTATION IN ANCHORAGE ON JUNE 2, 2010. AS YOU CAN NOTE

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FROM ITS DATE, 5/19/2010, ITS PRODUCTION REFLECTS THAT IT IS SOMEWHAT DATED. SINCE THEN, SSA HAS UPDATED MATERIALS THAT REFLECT IMPROVEMENTS IT HAS MADE IN ITS WEB PRESENCE. BUT THESE MATERIALS ARE USEFUL NONETHELESS BECAUSE THEY PROVIDE SOME HELPFUL SCREEN SHOTS WITHIN THE eAPPEAL PORTAL THAT WILL BE ILLUSTRATIVE AND HELPFUL HERE.

Let's return to the website and review its PowerPoint about fee payment process

Using our link above, we go to <http://www.ssa.gov/representation/> and, once there, notice the agency offers a PowerPoint link at the outset. Let's go through that so that I can bring some aspects to your attention, and you can go through it more carefully on your own. It is essential to accurately and correctly establish the client-representative relationship at the outset because of the strong controls over the fee payment process by the agency and/or the federal court, depending on where the claim is pending.

[At this juncture, I will take time to direct your attention to varying aspects of the PowerPoint, and will call it out by referring to page number to guide you.]

Now let's begin overview of the client-representative relationship from first-client-contact through representation at hearing and on appeal to the SSA Appeals Council

These will be the guides, and I will direct your attention by guiding you by referring to section number within the materials.

<http://www.law.cornell.edu/socsec/>

<http://www.law.cornell.edu/socsec/martin/>

<http://www.law.cornell.edu/socsec/martin/1socsec.htm#JD1socsec170>

A Final Caution

Finally, by way of warning or a caution perhaps—

Resources to avoid because potentially of uncertain reliability:

http://en.wikipedia.org/wiki/Social_Security_Disability_Insurance

While this looks impressive and may be substantially accurate in all important respects, it is a Wikipedia component and so one cannot be sure since anyone can modify it.