



**CONSORTIUM FOR CITIZENS
WITH DISABILITIES**

April 18, 2016

The Honorable Carolyn Colvin
Acting Commissioner
Social Security Administration
6401 Security Boulevard, Suite 900
Baltimore, MD 21235

Dear Commissioner Colvin,

The undersigned organizations are writing to express our support for raising the cap on fees that representatives can earn using the fee agreement when representing applicants for Social Security Disability benefits (Social Security Disability Insurance (SSDI) and Supplemental Security Income (SSI) programs) and for putting in place procedures to ensure more regular and consistent increases in this fee cap to keep pace with inflation moving forward. Our organizations are all members of the Social Security Task Force of the Consortium for Citizens with Disabilities (CCD). CCD is a working coalition of national consumer, advocacy, provider, and professional organizations working together with and on behalf of the approximately 57 million children and adults with disabilities and their families living in the United States.

Access to representation for matters related to the Social Security disability programs is of critical importance to people with disabilities. The Social Security disability determination process is very complex and beyond the capacity, training, or experience of many claimants to negotiate without knowledgeable assistance. Ensuring that claimants' representatives will be paid a fee for successful work on a claimant's behalf helps to ensure that a knowledgeable, experienced pool of representatives is available to represent claimants. The undersigned organizations believe that individuals with disabilities who apply for or receive Social Security benefits are best able to achieve their goals and exercise their rights when they have access to skilled representation.

Representatives also play an important role to the Social Security Administration (SSA), by helping their clients navigate Social Security's often complex policies and procedures. Representatives obtain and submit evidence, question claimants and experts at hearings, write briefs, and assist their clients in completing paperwork. By performing these tasks, representatives help SSA operate more efficiently and effectively and assist the agency in carrying out its critical mission for people with disabilities.

Unfortunately, a number of factors and trends are creating concerns about maintaining access to a qualified pool of well-trained and experienced representatives for SSDI and SSI applicants. The representative fee cap was last changed in 2009. Since then, the average length of time it

takes to get a hearing decision (527 days as of February 2016) has grown significantly, SSA has taken an increasingly long time to pay representatives the fees they have earned, and inflation has increased representatives' expenses. These factors are causing difficulty for many representatives to maintain their practices (especially small firms and solo practitioners) and are making it more difficult to bring new representatives into this vital field of practice. Ensuring that new representatives want and can afford to enter the field is especially important as the baby boomer retirement wave means many experienced representatives are leaving the field and the pool of representatives is shrinking.

Most claimants for Social Security disability benefits will not see a change in representative fees if the fee agreement fee cap is raised: their retroactive benefits are such that a representative fee of 25% falls well below the current cap of \$6000. The average representative fee paid by SSA in Title II cases is approximately \$3000, and is lower in SSI cases. Increasing the fee cap would enable individuals with the most complex and drawn out cases—often the cases where representation is most important—to obtain skilled advocates.

We therefore ask you to exercise your authority to increase the fee agreement fee cap to \$6904, which matches SSA's Cost of Living Adjustments (COLAs) since 2009. We also encourage you to put procedures in place to ensure that the fee cap is updated on a more consistent and regular basis, such as automatically increasing it annually by an amount that is no less than the applicable COLA for that year. We appreciate your commitment to improving the Social Security disability determination process and believe that ensuring adequate representation for claimants is a vital part of creating and maintaining a fair and efficient system.

Sincerely,

Autistic Self Advocacy Network

Easter Seals

Goodwill Industries International

Jewish Federations of North America

Justice in Aging

Lutheran Services in America Disability Network

National Alliance on Mental Illness

National Association of Disability Representatives

National Disability Rights Network

National Organization of Social Security Claimants' Representatives

Paralyzed Veterans of America

Special Needs Alliance

The Arc of the United States

United Spinal Association