

**NATIONAL ORGANIZATION OF
SOCIAL SECURITY CLAIMANTS' REPRESENTATIVES
(NOSSCR)**

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Executive Director
Barbara Silverstone

September 21, 2021

Office of Regulations and Reports Clearance
Social Security Administration
3100 West High Rise Building
6401 Security Boulevard
Baltimore, Maryland 21235-6401

RE: Agency Information Collection Activities: Proposed Request, 86 Fed. Reg. 47190 (August 23, 2021), Docket ID Number [SSA-2021-0030]
Submitted via [regulations.gov](https://www.regulations.gov)

Dear Madam or Sir,

These comments are submitted on behalf of the National Organization of Social Security Claimants' Representatives (NOSSCR), a specialized bar association for attorneys and advocates who represent Social Security Disability Insurance (SSDI) and Supplemental Security Income (SSI) claimants throughout the adjudication process and in federal court.

Thank you for the opportunity to comment on these information collection packages. Our comments will focus only on the proposed revisions to Form SSA-1693, Fee Agreement for Representation before the Social Security Administration.

In general, NOSSCR supports the proposed changes to this form, which mostly appear to clarify the language used throughout so its contents are more clearly communicated and easier for claimants to understand, which is consistent with the requirements of the Plain Writing Act of 2010. Specifically, in the form's instructions on "Withholding of funds and direct payment to your representative," NOSSCR supports the additions identifying when the claimant must pay his/her representative the authorized fee directly. This section more thoroughly explains when SSA's policies permit the representative to charge and collect an authorized fee from the claimant but prohibit direct payment of fees.

NOSSCR also appreciates the clarifications that the Two-Tiered Fee Agreement and Escrow/Trust Accounts or Third-Party Payments sections are optional and should only be completed if applicable. We also support the expanded explanations about these fee concepts and arrangements to assist claimants' understanding.

For the same reasons, NOSSCR strongly suggests that language regarding the liability of any auxiliary beneficiaries for the authorized fee be added to the Standard Fee Agreement section, which indicates that only the claimant is responsible for paying the representative and that only the claimant's past-due benefits will be used to calculate and/or pay the representative's fee, with no mention of the auxiliary beneficiaries' past-due benefits. The language should read "...a fee that does not exceed the lesser of 25 percent of past-due benefits due to me or my dependents, spouse, and/or auxiliary beneficiaries." Although the General Information states that the claimant's dependents, spouse, or auxiliary beneficiaries who do not have their own representation will also be liable for a fee if approved for benefits, this significant contractual obligation should also be included in the Standard Fee Agreement section, as some claimants may not read the general overview as carefully as the section setting forth the specific terms of the fee contract, the latter of which requires them to initial to evidence their understanding of the terms.

Thank you for considering our comments.

Sincerely,

A handwritten signature in black ink, appearing to read "Barbara Silverstone". The script is cursive and fluid, with the first name "Barbara" and last name "Silverstone" clearly distinguishable.

Barbara Silverstone
Executive Director