

The Disability Representative



This is your practical guide to launching a successful career as a Disability Advocate. The eight lessons will cover:

1. Your duties as a Disability Advocate
2. Starting Your Business
3. The Business of Case Processing
4. Developing a Good Relationship with SSA
5. Handling Administrative Law Judge Appeals
6. Collecting Your Fees
7. Record Keeping – A Must in a Bureaucratic Business
8. Speeding up Claims Process

Welcome to Lesson One of the Disability Advocate Business Guide! In this lesson, we will introduce you to the Social Security disability process from a business and operations perspective.

Practicing as a Representative

Disability Advocacy can be an exciting career for anyone who wishes to offer a professional service from home or to add it to an existing enterprise. Like any other business, this profession requires a willingness to work hard and persevere. The good news is that there is enormous personal satisfaction that comes from helping others receive their benefits. There is also a wonderful opportunity to earn an outstanding income making this process well worth your time.

The nature of this service makes it easy to practice on a full or part-time basis.

If you're currently employed, a part-time Disability Advocacy service can be a lucrative source of additional income. Disability Advocacy can also be practiced full-time or it can be added to an existing enterprise. Take a little time to determine what your level of participation is going to be!

Perseverance is Key to Success

A student asked, "What's the key to success as a Disability Advocate?" Having already made every mistake possible in this service, my answer was simple: **Perseverance!** Although advocacy work may seem complicated at first, with time you'll learn how to efficiently run your own service. Be patient and allow yourself to learn from both your successes and your failures.

Your best ally in the process is our training course! Disability Associates is continuously creating and adding new techniques and insights into this industry. We recently incorporated our new Olivia software that enables you to perform many advanced operations. The goal of our system is to allow you to learn this profession quickly and begin creating income.

What is a Disability Advocate?

A **Disability Advocate** is someone who is authorized to represent a person applying for Social Security disability benefits. An advocate is appointed by the person he/she will represent. You must meet all of SSA's basic requirements listed in **Code of Federal Regulations (CFR) 410.685** for non-attorney representatives. This course will assure that you meet these qualifications!

Non-attorney Representative Basic Requirements

The basic qualifications to practice as a Disability Advocate are:

- You must be of good character, good reputation and have the necessary expertise to render valuable assistance to claimants.
- You must not be disqualified or suspended from acting as a representative before the Social Security Administration.
- You must not be prevented from acting as a representative due to any provisions of the law such as being a current Social Security employee. This limitation actually refers to any Federal employee whose position might influence a case outcome. In most cases, this doesn't pertain to

State or County government employees.

Most of you will easily meet all of the above basic qualifications except expertise. Gaining the expertise required to represent a case is what our training program is all about!

Representative Responsibilities

As a Disability Advocate your responsibilities include:

- Getting the client's signature on all appropriate SSA forms.
- Notifying SSA of your appointment to represent.
- Acquiring all relevant medical and vocational information needed for proper analysis of all specific case issues.
- Preparing all appropriate case forms and/or correspondence.
- Evaluating the client's medical and vocational documentation.
- Creating a comprehensive strategy and argument based on case facts.
- Arguing your client's position at all adjudicative levels.

You are further responsible for advising your clients in all matters associated with their disability claim. You represent the client's interest not SSA. It's your duty as a representative to do all that is legally possible to help the client acquire disability benefits in a timely fashion.

Under CFR 410.687, no representative shall with the intent to defraud in any matter concerning a disability case, willfully and knowingly deceive or mislead SSA or the claimant in respect to case facts or benefits.

Note: Never promise an applicant that you'll **win** his/her case! Why? Because in most case you won't know! There are inexperienced trainers out there telling their students to make these sorts of claims in order to attract customers. Not only is this unethical, it's totally unnecessary for your success.

You may not charge or collect a fee for services unless SSA has authorized it. Don't worry - this rule does not prevent you from being paid for services

rendered! It merely requires that all fees be submitted to SSA for approval. This action protects the client from disreputable advocates. We cover fee collection in depth in Lesson Six of this module. Finally, you may not divulge any information that SSA or the client has furnished, except as authorized by federal regulation.

Your Authority as a Representative

Book 20 (CFR) ch. III, 410.686 for Title II claims and (CFR) 416.1510 for Title 16 claims:

An authorized representative working on behalf of a claimant shall be entitled to present or elicit evidence and allegations as to facts and law in any proceeding affecting the party he/she represents. The representative may also obtain information with respect to the claim to the same extent as the claimant himself. The representative will receive notice of any administrative action, determination or decision in the case he/she is authorized to represent.

The representative may also request and receive evidence with the same force of law as would apply if the evidence had been requested by the claimant himself.

If you're questioned about your qualifications to represent a case, point out that SSA's rules permit non-attorneys to act as authorized representatives regardless of background. In short, affirm that you have every right to represent! Do not be shy on this point! If necessary, cite the above regulations.

Disciplinary Actions

You can be barred from the profession if it appears that you have violated an SSA rule.

Before this can happen, SSA must follow a number of procedures to prove that you intentionally broke the rule. You can easily avoid problems by following the instructions given in this course concerning certain critical subjects like the creation and presentation of evidence.

If during a case you become confused, unsure of your rights or you need information concerning a specific issue, use your Disability Associate Mentor support service. Our experienced Mentors will provide help in layman's terms

on any business or SSA issue you encounter.

You may contact your local SSA District Office for information but you may get the run-around or the wrong answer. You can also refer to the CFR directly. A copy of the Code of Federal Regulations can be found at the public library or online at www.ssa.gov. There are also other reference texts for the disability process. The POMs for example is used inside SSA as a policy reference.

SSA must supply you with any information you request to legally and effectively pursue a case. In this course, we cover many of the common situations you will encounter as an independence advocate.

What You are Fighting For?

You cannot be an effective Advocate if you do not understand the importance of what you're fighting for. As in any service, if you believe in what you're doing, you'll probably do it a lot better.

We have already discussed the difficulties an ordinary citizen has in successfully applying for Social Security disability benefits. *But do you understand the nature of the benefits themselves?*

The average disability payment is approximately \$1400 a month, tax-free. The benefit level varies depending on the amount of time worked and income history. If a claimant is awarded Title II only benefits, he/she typically receives cash payments for several years until a scheduled Continuing Disability Review is held to determine if disability continues.

After as little as a year on SSDI or Title II benefits, the claimant automatically becomes eligible for Medicare along with the monthly cash benefit. Medicare is a government program designed to assist the claimant with payment of medical, pharmaceutical and hospital costs. Claimants are also entitled to training and other employment assistance from government programs like the "Ticket to Work" and the "Trial Work Period" (TWP) programs.

Throughout the Disability Associates training program, we use terms like "fight" or "ammunition". It is not our goal to present SSA as your enemy. SSA is an **enormous** bureaucracy with a complicated mission. As a result, working with SSA can at times be extremely frustrating. However, keep in mind that SSA is made up of ordinary people just like you and I. There is no reason to

take bureaucratic frustrations personally or allow it to affect your professionalism. If you do you'll burn out fast!

Practice with Integrity

Never compromise your moral standards or personal integrity when representing a case. No amount of money is worth the loss of your personal or professional reputation. Base your arguments on real evidence and you'll enjoy a long and prosperous career as a Disability Advocate.

Build with Imagination

Use your own life experiences and imagination to solve problems that come up during the representation of a case. Along with perseverance, innovation and imagination are keys to success in this field.

Create Instant Credibility

You made a good choice when you picked Disability Associates as your training source. No other company has our experience and dedication. Even fewer companies can provide you with the depth and unique innovations offered in this program. If you encounter a problem, rest assured that Disability Associates has a solution.

Build instant credibility by following of our basic suggestions:

1. Register your company locally
2. Create a company website
3. Purchase 2 URLs: one for your company name and a shorter, easier one for advertising
4. Create personal bios on Facebook, Linked-in and Twitter.
5. Join your local Better Business Bureau.
6. Display your Disability Associates training certificate and Olivia security patch.

7. Consider SSA certification after you have the necessary experience. We recommend at least one year of practice.
8. Introduce yourself to local agencies and nonprofits that work with people who suffer from serious disorders.
9. Get acquainted with as many SSA employees as possible. If a local SSA employee has met you or heard good things about you, this can be a tremendous advantage for your company. If a potential client asks an SSA staffer for an advocate referral, you want your name on the tip of their tongue. SSA staff will almost always refer to someone whom they have met and feel comfortable with.
10. Advertise locally. The more exposure you have in your community, the greater the trust factor!

Non-attorney Representative Certification

SSA has been expanding the rights of non-attorney representatives for many years. One of the most important new privileges is a certification program that allows you to be paid directly by SSA. In fact, it's called the direct-pay program. Only experienced advocates or advocates with degrees are eligible for this program. With a year of experience, you will be capable of passing this exam. With a college degree an advocate becomes eligible after representing as few as five cases in a one-year period. If you don't have a degree, you may need a little more field experience to become certified.

Summation

Lesson one has introduced you to the profession of Disability Advocacy. We outlined the basic legal requirements, your responsibilities and authorities, and some tips for beginning your practice successfully and setting the stage for a long and profitable career.