

## MODULE 8D Advocate Advanced Topics

### OPERATIONS

#### L6 Social Security Referral List

The Social Security Administration has long recognized the value of disability advocates in the disability process. For this reason, many SSA district offices maintain what is called the SSA referral list. The SSA referral list is simply a list of attorneys and non-attorney representatives practicing within a given state.

There are no specific qualifications to become a member of an SSA referral list. However, some SSA employees mistakenly believe that the referral list is restricted to attorneys only. This is not the case! To our knowledge, there is no specific rule limiting referral list membership to any particular occupation.

Any individual who qualifies as a practicing disability representative should theoretically be able to have his or her name placed on the SSA referral list. Despite the generally liberal rule for list membership, actually becoming a referral list member may require some work on your part. This report will provide you a few interesting insights into how the list is used by SSA and how to become a member of this coveted list.

#### How the Referral List Works

When an individual applies for Social Security disability benefits, he or she is usually asked if they are being represented. If the client does not have a representative, Social Security is supposed to ask the client if he or she would like to be referred to a representative. This question is not consistently asked by district office employees, which means that an applicant may never know that he had the option of being referred to a representative.

If the district office interviewer does ask, and the applicant indicates an interest in having a representative, the SSA office should then provide the client with the name and phone number of a referral list member. The client is then obligated to contact the list member and make arrangements for representation.

A Social Security district office usually refers list member names on a rotating basis. This approach gives each list member the opportunity to receive referrals. Example: If list member number fifteen has just received a referral from SSA, the next referral will go to list member number sixteen. When the SSA office has gone through the entire list, the referrals begin again at list member number one.

#### Understanding the List

Most state SSA referral lists are dominated by attorneys. There are two reasons for this. Reason one is that many SSA employees mistakenly believe that only attorneys can be placed on the list. If you call a typical SSA district office and ask to be placed on

the referral list, they will probably tell you that the list is reserved for attorneys only. This discourages most non-attorney representatives who often just accept the SSA employee at his word, taking no further action to obtain list membership. The result is a referral list dominated by attorneys who incidentally are working for a profit.

The second reason why the typical referral list is dominated by attorneys is ignorance of opportunity. That is, the typical non-attorney representative either doesn't know about the referral list or has no idea how to go about getting on the list. We can't do much about what an SSA employee tells you, but we can show you some effective approaches that can lead to list membership.

### Prepare for Membership

As mentioned earlier, becoming an SSA referral list member may take more than just a request. We believe that you have the best chance of being accepted if you prepare in advance. The following are a few steps that will help you prepare for list membership:

The first step in preparing for list membership is accomplished by completing your training and becoming certified. Don't be afraid to tell SSA that you were trained and certified via our program. SSA is much more likely to accept you if they know that you have taken the time to learn and be tested on the SSA disability process.

Step two would be to request referral list membership in writing. Before doing so, you must contact your local SSA office and find out who within the district or regional office would be the most appropriate person to receive your request. This is usually an office manager or a person assigned the task of maintaining the list.

Step three involves the preparation and submission of a resume with your request. SSA is far more likely to accept your request if it is accompanied by information that describes your background and or expertise in this and other related or supportive fields. Example: You are a new disability advocate with training and experience as an orthopedic nurse. If you do not have formal education or related expertise, then at least indicate your advocacy training and the fact that you are certified.

SSA is logically more impressed with those who have professional backgrounds or formal education outside the field of disability representation. However, SSA is most impressed with individuals who actually have experience representing or working with disability clients. SSA also looks favorably on former SSA employees and those with experience in medicine, chiropractics, nursing, paralegals, insurance, social services, etc. Persons with these types of backgrounds tend to make excellent non-attorney representatives and are rarely denied access to the list. No matter what your background, don't hesitate to use it in defense of your skills. Let SSA know who you are, where you are, and why you qualify as a non-attorney representative.

Step four involves experience. If you have never represented an SSA disability claim, you will have less of a chance of getting on the list. For this reason, we believe that you should wait until you have successfully represented at least three cases before you request list membership.

One of the most effective opportunities for requesting list membership occurs during the representation of a case at the Administrative Law Judge level. If you are a new advocate and you successfully represent a case at the ALJ level, ask the presiding ALJ to help you become a list member. If you can get an ALJ to recommend you to the list, you will mostly likely be accepted for list membership.

Be careful here! Make sure that the ALJ you are asking is not professionally threatened by your participation in this field. The reality is that some Administrative Law Judges resent non-attorney representatives because of their hidden intent to enter this field themselves after retirement.

Step five is “never give up”. The more cases you represent, the more you will have demonstrated your expertise to your local SSA office. As you become known to SSA insiders, there will be less resistance to your request for list membership.

### No Company Names

SSA will usually not accept a company name for list membership. The reason for this is because a company cannot represent an SSA disability case. Disability cases are represented by individuals, and only an individual’s name can be added to the referral list. Don’t embarrass yourself by asking SSA to place your company name on a referral list, because it won’t happen. The exception to this rule is of course seen with attorneys. An attorney’s firm name can be added to the referral list if the firm specializes in representing disability claims.