FEE APPROVAL PRIOR TO THE ISSUANCE OF A DECISION

For claims determined or decided on or after July 1, 1991, the Social Security Administration (SSA) will approve representative fees using a new process, the fee agreement process, in cases in which certain conditions are met and no exceptions apply. In cases, in which conditions for the fee agreement process are not met, or an exception applies, SSA will use the current fee petition process to approve representative fees.

The new process results from the Omnibus Budget Reconciliation Act of 1991, Public Law No. 101-508. The law amends the Social Security Act to provide for approval of representative fees using a fee agreement process under specified conditions.

It is important to recognize that the new law does not entirely replace the fee petition process. Representative who intend to charge and collect a fee for services performed in proceedings before SSA must continue to petition SSA for approval of a fee when the fee agreement process does not apply. Therefore, SSA will have two representative fee process; the fee petition process provided under the Act, as amended, and the former fee agreement that meets the conditions set forth in the statute, and no exceptions apply, the decision maker must approve the agreement.

The following fee agreement must be signed by both the claimant and the representative specifying the fee the representative expects to charge and the claimant expects to pay for services the representative provides in pursuing the claimant's benefit right before SSA.

We agree that is SSA favorably decides the claim(s), I will pay my representative a fee equal to the lesser _____ percent [not to exceed 25percent] of the past-due benefits resulting from my claim(s) or $ _____ [flat fee amount which his less than $5,300].

We understand that Social Security past-due benefits are the total amount of money to which I [and any auxiliary beneficiary(ies) become entitled through the month before the month SSA effectuates a favorable administrative determination or decision on my Social Security claim and that Supplemental Security Income (SSI) past-due benefits are the total amount of money for which I become eligible through the month SSA effectuates a favorable administrative determination or decision on my SSI claim. We further understand that the fee for both claims may not exceed the lesser of $5,300 or 25 percent of the combined past-due benefits. We have both received signed copies of this agreement.

_____	_____
Representative	Claimant SSN
_____	_____
Street Address	Street Address
_____	_____
City, State, Zip Code	City, State, Zip Code
Approved_____	_____
Administrative Law Judge	Date