Form Approved OMB No. 0960-0104 IMPORTANT

PETITION TO OBTAIN APPROVAL OF A FEE FOR REPRESENTING A CLAIMANT BEFORE THE SOCIAL SECURITY ADMINISTRATION

CLAIMAINT DEFUNE THE SUCIAL S	ECONII I	ADMINISTA	ATION	REVERSE SIDE
I request approval to charge a fee of		Fee\$		(Show the dollar amount)
for services performed as the representative of				
My Services Began: / Day / Ye	ear	Type(s) of claim(s)	
My Services Ended: / /				
Enter the name and the Social Security number of the p	erson on who	se Social Securit	y record the claim	is based.
				_//
1. Itemize on a separate page or pages the services yo meeting, conference, item of correspondence, telep preparation of a brief, attendance at a hearing, trave this petition the list showing the dates, the descript	hone call, and el, etc., relate	l other activity in d to your service	which you engag s as representativ	ed, such as research, e in this case. Attach to
2. Have you and your client entered into a fee agreement	ent for service	es before SSA?		YES NO
If "yes," please specify the amount on which you agreement to this petition.		\$		and See attached
3. (a) Have you received, or do you expect to receive, other than from funds which SSA may be withh (b) Do you currently hold in a trust or escrow accoupayment of your fee?	olding for fee	payment?		☐ YES ☐ NO
If "yes" to either or both of the above, please specif	y the source(s) and the amour	nt(s).	
Source:				\$
Source:		L . CCA	<i>t</i>	\$
Note: If you receive payment(s) after submitting this petition.	on, but before t	ne SSA approves a	ree, you have an a	Tirmative duty to notify the
Have you received, or do you expect to receive, reir If "yes," please itemize your expenses and the amount			incurred?	YES NO
5. Did you render any services relating to this matter b	efore any Sta	te or Federal coυ	ırt?	YES NO
If "yes," what fee did you or will you charge for serving Please attach a copy of the court order if the court has	ces in connec is approved a	tion with the cou fee.	ırt proceedings? \$	
6. Have you been disbarred or suspended from a court	or bar to wh	ich you were pre	viously admitted t	o practice as an attorney?
				YES NO
7. Have you been disqualified from participating in or a	ppearing befo	ore a Federal prog	gram or agency?	YES NO
I declare under penalty of perjury that I have examined a forms, and it is true and correct to the best of my know	all the informa ledge.	tion on this form	, and on any acco	ompanying statements or
Signature of Representative	Date	Address (ir	nclude Zip Code)	
Firm with which associated, if any			Telephone No. ar	d Area Code
[Note: The following is optional. However, SSA can con agrees with the amount you are requesting.]	sider your fee	petition more pr	omptly if your clie	ent knows and already
I understand that I do not have to sign this petition or reany information given, and to ask more questions about this form). I have marked my choice below.	equest. It is m the informati	y right to disagre on given in this r	ee with the amour equest (as explair	It of the fee requested or led on the reverse side of
I agree with the \$ fee which my am not giving up my right to disagree later with the representative to charge and collect.	representativ ne total fee ar	e is asking to cha nount the Social	arge and collect. Security Adminis	By signing this request, I tration authorizes my
I do not agree with the requested fee or other info write to SSA within 20 days if I have questions o explained on the reverse sides of this form).	<u>OR</u> ormation give r if I disagree	n here, or I need with the fee requ	more time. I unde uested or any info	rstand I must call, visit, or rmation shown (as
Signature of Claimant			Date	
Address (include Zip Code)			Telephone No.	and Area Code

INSTRUCTIONS FOR USING THIS PETITION

Any attorney or other representative who wants to charge or collect a fee for services, rendered in connection with a claim before the Social Security Administration (SSA), is required by law to first obtain SSA's approval of the fee [sections 206(a) and 1631(d)(2) of the Social Security Act (42 U.S.C. 406(a) and 1383(d)(2)) and sections 404.1720 and 416.1520 of Social Security Administration Regulations Numbers 4 and 16, respectively.] The only exceptions are 1) when a third party entity, (i.e. a business, firm, or government agency) will pay the fee and any expenses from its own funds and the claimant and any auxiliary beneficiaries incur no liability, directly or indirectly, for the cost(s); (2) when a court has awarded a fee for services provided in connection with proceedings before us to a legal guardian, committee, or similar court-appointed office; or (3) when representational services were provided before the court. A representative who has provided services in a claim before both the Social Security Administration and a court of law may seek a fee from either or both, but neither tribunal has the authority to set a fee for the other [42 U.S.C. 406(a) and (b)].

When to File a Fee Petition

The representative should request fee approval only after completing all services (for the claimant and any auxiliaries). The representative has the option to petition either before or after SSA effectuates the determination(s). In order to receive direct payment of all or any part of an authorized fee from past-due benefits, the attorney representative or non-attorney representative whom SSA has found eligible to receive direct payment should file a request for fee approval, or written notice of intent to file a request **within 60 days** of the date of the notice of the favorable determination is mailed. When there are multiple claims on one account and the attorney or non-attorney will not file the petition within 60 days after the mailing date of the first notice of favorable determination, he or she should file a written notice of intent to file a request for fee approval within the 60-day period.

Where to File the Petition

The representative must first give the "Claimant's Copy" of the SSA-1560-U4 petition to the claimant for whom he or she rendered services, with a copy of each attachment. The representative may then file the original and third carbon copy, the "OHA Copy," of the SSA-1560-U4, and the attachment(s), with the appropriate SSA office:

- If a court or the Appeals Council issued the decision, send the petition to the Office of Hearings and Appeals. Attention: Attorney Fee Branch, 5107 Leesburg Pike, Falls Church, VA 22041-3255.
- If an Administrative Law Judge issued the decision, send the petition to him or her using the hearing office address.
- In all other cases, send the petition to the reviewing office address which appears at the top right of the notice of award or notice of disapproved claim

Evaluation of a Petition for a Fee

If the claimant has not agreed to and signed the fee petition, SSA does not begin evaluating the request for 30 days. SSA must decide what is a reasonable fee for the services rendered to the claimant, keeping in mind the purpose of the social security or supplemental security income program. When evaluating a request for fee approval, SSA will consider the (1) extent and type of services the representative performed; (2) complexity of the case; (3) level of skill and competence required of the representative in giving the services; (4) amount of time he or she spent on the case; (5) results achieved; (6) levels of review to which the representative took the claim and at which he or she became the representative; and (7) amount of fee requested for services rendered, including any amount authorized or requested before but excluding any amount of expenses incurred. SSA also considers the amount of benefits payable, if any, but authorizes the fee amount based on consideration of all the factors given here. The amount of benefits payable in a claim is determined by specific provisions of law unrelated to the representative's efforts. Also, the amount of past-due benefits may depend on the length of time that has elapsed since the claimant's effective date of entitlement.

Disagreement

SSA notifies both the representative and the claimant of the amount which it authorizes the representative to charge. If either or both disagree, SSA will further review the fee authorization when the claimant or representative sends a letter, explaining the reason(s) for disagreement, to the appropriate office within 30 days after the date of the notice of authorization to charge and receive a fee.

Collection of the Fee

Basic liability for payment of a representative's approved fee rests with the client. However, SSA will assist in fee collection when the representative is an attorney or a non-attorney whom SSA has found eligible to receive direct payment, and SSA awards the claimant benefits under Title II or Title XVI of the Social Security Act. In these cases, SSA generally withholds 25 percent of the claimant's past-due benefits. Once the fee is approved, SSA pays the attorney or the eligible non-attorney from the claimant's withheld funds. **This does not mean that SSA will approve as a reasonable fee 25 percent of the past-due benefits.** The amount payable to the attorney or eligible non-attorney from the withheld benefits is subject to the assessment required by section 206(d) and 1631(d)(2)(C) of the Social Security Act, and it is also subject to offset by any fee payment(s) the attorney or eligible non-attorney has received or expects to receive from an escrow or trust account. If the approved fee is more than the amount of the withheld benefits, collection of the difference is a matter between the attorney or eligible non-attorney and the client. SSA will not pay a fee from withheld past-due benefits when the authorized fee is for an attorney or non-attorney who was discharged by the client or who withdrew from representing the client.

Penalty for Charging or Collecting an Unauthorized Fee

Any individual who charges or collects an unauthorized fee for services provided in any claim, including services before a court which has rendered a favorable determination, may be subject to prosecution under 42 U.S.C. 406 and 1383 which provide that such individual, upon conviction thereof, shall for each offense be punished by a fine not exceeding \$500, by imprisonment not exceeding one year, or both.

Privacy Act

Sections 205, 1631(d)(1), and 1872 Social Security Act, as amended, authorizes us to collect this information. The information you provide on this form is used to determine a fair value for services you rendered to the claimant named below. Your response is voluntary. However, failure to provide all or part of the requested information may affect the amount you are requesting. We rarely use the information provided on this form for any purpose other than for the reasons explained above. However, we may use it for the administration and integrity of Social Security programs. We may also disclose information to another person or to another agency in accordance with approved routine uses, which include but are not limited to the following:

- 1. To enable a third party or an agency to assist Social Security in establishing rights to Social Security benefits and/or coverage;
- 2. To comply with Federal laws requiring the release of information from Social Security records (e.g., to the Government Accountability Office, the General Services Administration, the National Archives and Records Administration, and the Department of Justice);
- 3. To make determinations for eligibility in similar health and income maintenance programs at the Federal, State, and local level; and,
- 4. To facilitate statistical research, audit, and investigative activities necessary to ensure the integrity and improvement of Social Security programs. We may also use this information in computer matching programs. Computer matching programs compare our records with those of other Federal, State, or local government agencies. Information from these matching programs can be used to establish or verify a person's eligibility for Federally-funded or administered benefit programs and for repayment of payments or delinquent debts under these programs. A complete list of routine uses for this information is available in Systems of Records Notices entitled, Attorney Fee File, (60-0003) Social Security Administration, Office of Disability Adjudication and Review. These notices, additional information about this form, and information regarding our programs and systems are available on-line at www.socialsecurity.gov or at your local Social Security Office.

Paperwork Reduction Act Statement - This information collection meets the requirements of 44 U.S.C. § 3507, as amended by section 2 of the Paperwork Reduction Act of 1995. You do not need to answer these questions unless we display a valid Office of Management and Budget control number. We estimate that it will take about 30 minutes to read the instructions, gather the facts, and answer the questions. Send only comments relating to our time estimate above to: SSA, 6401 Security Blvd, Baltimore,MD 21235-6401.

Form Approved OMB No. 0960-0104

PETITION TO OBTAIN APPROVAL OF A FEE FOR REPRESENTING A CLAIMANT BEFORE THE SOCIAL SECURITY ADMINISTRATION

			NEVERSE SIDE
I request approval to charge a fee of	Fee\$		(Show the dollar amount)
for services performed as the representative of _			
My Services Began: / / /	Type(s) of claim(s	5)
My Services Ended: / / Enter the name and the Social Security number of the p			
Enter the name and the Social Security number of the p	erson on whose So	cial Security	record the claim is based.
			//
 Itemize on a separate page or pages the services your meeting, conference, item of correspondence, telep preparation of a brief, attendance at a hearing, trave this petition the list showing the dates, the description. 	hone call, and othe el, etc., related to y	r activity in our services	which you engaged, such as research, as representative in this case. Attach to
2. Have you and your client entered into a fee agreem	ent for services bef	ore SSA?	☐ YES ☐ NO
If "yes," please specify the amount on which you agr agreement to this petition.		\$ _	and See attached
(a) Have you received, or do you expect to receive, other than from funds which SSA may be with	olding for fee paym	ient?	☐ YES ☐ NO
(b) Do you currently hold in a trust or escrow accoupayment of your fee?If "yes" to either or both of the above, please specified.	,		☐ YES ☐ NO
Source:	,		\$
Source:			\$
Note: If you receive payment(s) after submitting this petition.	on, but before the SS	A approves a	fee, you have an affirmative duty to notify the
4. Have you received, or do you expect to receive, rein If "yes," please itemize your expenses and the amo	mbursement for exp unts on a separate	enses you i page.	ncurred? YES NO
5. Did you render any services relating to this matter by the services," what fee did you or will you charge for services eattach a copy of the court order if the court has	•		☐ YES ☐ NO
6. Have you been disbarred or suspended from a court			
			YES NO
7. Have you been disqualified from participating in or a	appearing before a l	ederal prog	ram or agency?
I declare under penalty of perjury that I have examined a forms, and it is true and correct to the best of my know	all the information o	on this form,	and on any accompanying statements or
Signature of Representative	Date	Address (inc	clude Zip Code)
Firm with which associated, if any		-	Telephone No. and Area Code
[Note: The following is optional. However, SSA can cor agrees with the amount you are requesting.]	nsider your fee petit	ion more pro	omptly if your client knows and already
I understand that I do not have to sign this petition or reany information given, and to ask more questions about this form). I have marked my choice below.			
I agree with the \$ fee which my am not giving up my right to disagree later with t representative to charge and collect.			rge and collect. By signing this request, I Security Administration authorizes my
	<u>OR</u>		
I do not agree with the requested fee or other information write to SSA within 20 days if I have questions of explained on the reverse sides of this form).	ormation given here or if I disagree with	the fee requ	nore time. I understand I must call, visit, or ested or any information shown (as
Signature of Claimant			Date
Address (include Zip Code)			Telephone No. and Area Code

WHAT YOU SHOULD KNOW

This is a copy of a petition, or request, your representative made to the Social Security Administration (SSA) for approval to charge a fee for services performed in connection with your claim.

If You Have Questions or Disagree Now

If you have questions or if you disagree with the fee requested or any information shown, contact SSA within 20 days from the date of this request. You may call or visit your local Social Security office or you may write to the office which last took action in your case.

- Write to the SSA office address which appears at the top right on your notice of award or notice of disapproved claim, unless you know that your claim went to the Appeals Council or an Administrative Law Judge of the Office of Hearings and Appeals.
- If an Administrative Law Judge made the last decision in your case, write to him or her using the hearing office address.
- If the Appeals Council or a court made the last decision in your case, write to the Office of Hearings and Appeals, Attention: Attorney Fee Branch, 5107 Leesburg Pike, Falls Church, VA 22041-3255.

If you decide to call, visit, or write, act quickly so that your questions reach the correct office within 20 days.

For Your Protection

Until you receive notice that SSA has approved a fee, you should not pay your representative unless the payment is held in an escrow or trust account. If you are charged or pay any money after you receive your copy of this petition but before you receive notice of the fee amount your representative may charge, report this to SSA immediately.

What Happens Next

No matter what you may have agreed to in writing, SSA decides how much your representative may charge you for his or her services. SSA must decide what is a reasonable fee for the work your representative did, keeping in mind the purpose of the social security or supplemental security income program. SSA does not automatically approve 25 percent of any past-due benefits as a reasonable fee. SSA must consider the (1) extent and type of services the representative performed; (2) complexity of your case; (3) level of skill and competence required of your representative in giving the services; (4) amount of time he or she spent on your case; (5) results achieved; (6) levels of review to which your representative took your claim and at which he or she became your representative; and (7) amount of fee he or she requests, including any amount requested or authorized before but excluding any amount of expenses incurred. SSA also considers the amount of benefits payable, if any, but approves a fee amount based on all the factors given here. This is because the amount of benefits payable to you is determined by the law and regulations, not by your representative's efforts. Also, the amount of past-due benefits may depend on the length of time that has gone by since your effective date of entitlement.

What Happens Later

SSA will send you a written notice showing the fee amount your representative may charge you based on this request. If you disagree with the amount approved, you must write to say you disagree and to give your reasons, sending your letter to the SSA office address shown on the "Authorization to Charge and Receive a Fee" within 30 days of the date on that notice. You may disagree with the fee approved, even if you do not disagree now with the fee amount your representative is requesting.

The law and regulations say that part of any past-due social security or supplemental security income benefits payable to you, under Title II or Title XVI of the Social Security Act must be used toward the payment of your representative's fee if he or she is an attorney or a non-attorney whom SSA has found eligible to receive direct payment. The amount SSA may pay your attorney or eligible non-attorney directly is the **smallest** of the following:

- twenty-five percent (25%), or one-fourth, of the total past-due benefits payable to you as a result of the claim;
- the fee amount approved; or
- the amount which you and your attorney or eligible non-attorney agreed upon as the fee for his or her services (shown on the reverse in item 2 of this petition).

SSA will not pay a fee to an attorney or non-attorney representative if you discharged the representative or he or she withdrew from representing you.

Privacy Act

Sections 205, 1631(d)(1), and 1872 Social Security Act, as amended, authorizes us to collect this information. The information you provide on this form is used to determine a fair value for services you rendered to the claimant named below. Your response is voluntary. However, failure to provide all or part of the requested information may affect the amount you are requesting. We rarely use the information provided on this form for any purpose other than for the reasons explained above. However, we may use it for the administration and integrity of Social Security programs. We may also disclose information to another person or to another agency in accordance with approved routine uses, which include but are not limited to the following:

- 1. To enable a third party or an agency to assist Social Security in establishing rights to Social Security benefits and/or coverage;
- 2. To comply with Federal laws requiring the release of information from Social Security records (e.g., to the Government Accountability Office, the General Services Administration, the National Archives and Records Administration, and the Department of Justice);
- 3. To make determinations for eligibility in similar health and income maintenance programs at the Federal, State, and local level; and,
- 4. To facilitate statistical research, audit, and investigative activities necessary to ensure the integrity and improvement of Social Security programs. We may also use this information in computer matching programs. Computer matching programs compare our records with those of other Federal, State, or local government agencies. Information from these matching programs can be used to establish or verify a person's eligibility for Federally-funded or administered benefit programs and for repayment of payments or delinquent debts under these programs. A complete list of routine uses for this information is available in Systems of Records Notices entitled, Attorney Fee File, (60-0003) Social Security Administration, Office of Disability Adjudication and Review. These notices, additional information about this form, and information regarding our programs and systems are available on-line at www.socialsecurity.gov or at your local Social Security Office.

Paperwork Reduction Act Statement - This information collection meets the requirements of 44 U.S.C. § 3507, as amended by section 2 of the Paperwork Reduction Act of 1995. You do not need to answer these questions unless we display a valid Office of Management and Budget control number. We estimate that it will take about 30 minutes to read the instructions, gather the facts, and answer the questions. Send only comments relating to our time estimate above to: SSA, 6401 Security Blvd, Baltimore, MD 21235-6401.

Form Approved OMB No. 0960-0104

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Disagreement

SSA notifies both the representative and the claimant of the amount which it authorizes the representative to charge. If either or both disagree, SSA will further review the fee authorization when the claimant or representative sends a letter, explaining the reason(s) for disagreement, to the appropriate office within 30 days after the date of the notice of authorization to charge and receive a fee.

Collection of the Fee

Basic liability for payment of a representative's approved fee rests with the client. However, SSA will assist in fee collection when the representative is an attorney or a non-attorney whom SSA has found eligible to receive direct payment, and SSA awards the claimant benefits under Title II or Title XVI of the Social Security Act. In these cases, SSA generally withholds 25 percent of the claimant's past-due benefits. Once the fee is approved, SSA pays the attorney or the eligible non-attorney from the claimant's withheld funds. **This does not mean that SSA will approve as a reasonable fee 25 percent of the past-due benefits.** The amount payable to the attorney or eligible non-attorney from the withheld benefits is subject to the assessment required by section 206(d) and 1631(d)(2)(C) of the Social Security Act, and it is also subject to offset by any fee payment(s) the attorney or eligible non-attorney has received or expects to receive from an escrow or trust account. If the approved fee is more than the amount of the withheld benefits, collection of the difference is a matter between the attorney or eligible non-attorney and the client. SSA will not pay a fee from withheld past-due benefits when the authorized fee is for an attorney or non-attorney who was discharged by the client or who withdrew from representing the client.

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- 2. To comply with Federal laws requiring the release of information from Social Security records (e.g., to the Government Accountability Office, the General Services Administration, the National Archives and Records Administration, and the Department of Justice);
- 3. To make determinations for eligibility in similar health and income maintenance programs at the Federal, State, and local level; and,
- 4. To facilitate statistical research, audit, and investigative activities necessary to ensure the integrity and improvement of Social Security programs. We may also use this information in computer matching programs. Computer matching programs compare our records with those of other Federal, State, or local government agencies. Information from these matching programs can be used to establish or verify a person's eligibility for Federally-funded or administered benefit programs and for repayment of payments or delinquent debts under these programs. A complete list of routine uses for this information is available in Systems of Records Notices entitled, Attorney Fee File, (60-0003) Social Security Administration, Office of Disability Adjudication and Review. These notices, additional information about this form, and information regarding our programs and systems are available on-line at www.socialsecurity.gov or at your local Social Security Office.

Paperwork Reduction Act Statement - This information collection meets the requirements of 44 U.S.C. § 3507, as amended by section 2 of the Paperwork Reduction Act of 1995. You do not need to answer these questions unless we display a valid Office of Management and Budget control number. We estimate that it will take about 30 minutes to read the instructions, gather the facts, and answer the questions. Send only comments relating to our time estimate above to: SSA, 6401 Security Blvd, Baltimore,MD 21235-6401.

Form Approved OMB No. 0960-0104

PETITION TO OBTAIN APPROVAL OF A FEE FOR REPRESENTING A CLAIMANT BEFORE THE SOCIAL SECURITY ADMINISTRATION

I understand that I do not have to sign this petition or request. It is my right to disagree with the amount of the fee requested or any information given, and to ask more questions about the information given in this request (as explained on the reverse side of					KEVERSE	SIDE
My Services Began: My Services Ended: Month Day / Year Type(s) of claim(s) My Services Ended: Inter the name and the Social Security number of the person on whose Social Security record the claim is based. Internize on a separate page or pages the services you rendered before the Social Security Administration (SSA). List each meeting, conference, item of correspondence, telephone call, and other activity in which you engaged, such as research, preparation of a brief, attendance at a hearing, travel, etc., related to you services as presensative in the history of a brief, attendance at a hearing, travel, etc., related to you services serves representative in heach, and the total hours. 2. Have you and your cleint entered into a fee agreement for services before SSA? If "yes," please specify the amount on which you agreed, and attach a copy of the gargement to this potition. If you used, the service of the year of you expect to receive, any payment toward your fee from any source other than from funds which SSA may be withholding for fee payment? (b) Do you currently hold in a trust or escrow account any amount of money you received toward payment of your fee? If "yes" to either or both of the above, please specify the source(s) and the amount(s). Source: Source: Source: Source: Note if you receive paymential after submitting this petition, but before the SSA approves a fee, you have an affirmative duty to notify the SSA office to which you are sending the petition. Have you receive paymential after submitting this petition, but before the SSA approves a fee, you have an affirmative duty to notify the SSA office to which you are sending the petition. Have you receive paymential after submitting this petition, but before the SSA approves a fee, you have an affirmative duty to notify the SSA office to which you are sending the petition. Have you receive your expenses and the amounts on a separate page. He yes in your service of your expenses and the amounts on a separate page. He you were the	I request approval to charge a fee of	Fee\$			(Show the dolla	ar amount)
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INSTRUCTIONS FOR USING THIS PETITION

Any attorney or other representative who wants to charge or collect a fee for services, rendered in connection with a claim before the Social Security Administration (SSA), is required by law to first obtain SSA's approval of the fee [sections 206(a) and 1631(d)(2) of the Social Security Act (42 U.S.C. 406(a) and 1383(d)(2)) and sections 404.1720 and 416.1520 of Social Security Administration Regulations Numbers 4 and 16, respectively.] The only exceptions are 1) when a third party entity, (i.e. a business, firm, or government agency) will pay the fee and any expenses from its own funds and the claimant and any auxiliary beneficiaries incur no liability, directly or indirectly, for the cost(s); (2) when a court has awarded a fee for services provided in connection with proceedings before us to a legal guardian, committee, or similar court-appointed office; or (3) when representational services were provided before the court. A representative who has provided services in a claim before both the Social Security Administration and a court of law may seek a fee from either or both, but neither tribunal has the authority to set a fee for the other [42 U.S.C. 406(a) and (b)].

When to File a Fee Petition

The representative should request fee approval only after completing all services (for the claimant and any auxiliaries). The representative has the option to petition either before or after SSA effectuates the determination(s). In order to receive direct payment of all or any part of an authorized fee from past-due benefits, the attorney representative or non-attorney representative whom SSA has found eligible to receive direct payment should file a request for fee approval, or written notice of intent to file a request **within 60 days** of the date of the notice of the favorable determination is mailed. When there are multiple claims on one account and the attorney or non-attorney will not file the petition within 60 days after the mailing date of the first notice of favorable determination, he or she should file a written notice of intent to file a request for fee approval within the 60-day period.

Where to File the Petition

The representative must first give the "Claimant's Copy" of the SSA-1560-U4 petition to the claimant for whom he or she rendered services, with a copy of each attachment. The representative may then file the original and third carbon copy, the "OHA Copy," of the SSA-1560-U4, and the attachment(s), with the appropriate SSA office:

- If a court or the Appeals Council issued the decision, send the petition to the Office of Hearings and Appeals. Attention: Attorney Fee Branch, 5107 Leesburg Pike, Falls Church, VA 22041-3255.
- If an Administrative Law Judge issued the decision, send the petition to him or her using the hearing office address.
- In all other cases, send the petition to the reviewing office address which appears at the top right of the notice of award or notice of disapproved claim

Evaluation of a Petition for a Fee

If the claimant has not agreed to and signed the fee petition, SSA does not begin evaluating the request for 30 days. SSA must decide what is a reasonable fee for the services rendered to the claimant, keeping in mind the purpose of the social security or supplemental security income program. When evaluating a request for fee approval, SSA will consider the (1) extent and type of services the representative performed; (2) complexity of the case; (3) level of skill and competence required of the representative in giving the services; (4) amount of time he or she spent on the case; (5) results achieved; (6) levels of review to which the representative took the claim and at which he or she became the representative; and (7) amount of fee requested for services rendered, including any amount authorized or requested before but excluding any amount of expenses incurred. SSA also considers the amount of benefits payable, if any, but authorizes the fee amount based on consideration of all the factors given here. The amount of benefits payable in a claim is determined by specific provisions of law unrelated to the representative's efforts. Also, the amount of past-due benefits may depend on the length of time that has elapsed since the claimant's effective date of entitlement.

Disagreement

SSA notifies both the representative and the claimant of the amount which it authorizes the representative to charge. If either or both disagree, SSA will further review the fee authorization when the claimant or representative sends a letter, explaining the reason(s) for disagreement, to the appropriate office within 30 days after the date of the notice of authorization to charge and receive a fee.

Collection of the Fee

Basic liability for payment of a representative's approved fee rests with the client. However, SSA will assist in fee collection when the representative is an attorney or a non-attorney whom SSA has found eligible to receive direct payment, and SSA awards the claimant benefits under Title II or Title XVI of the Social Security Act. In these cases, SSA generally withholds 25 percent of the claimant's past-due benefits. Once the fee is approved, SSA pays the attorney or the eligible non-attorney from the claimant's withheld funds. **This does not mean that SSA will approve as a reasonable fee 25 percent of the past-due benefits.** The amount payable to the attorney or eligible non-attorney from the withheld benefits is subject to the assessment required by section 206(d) and 1631(d)(2)(C) of the Social Security Act, and it is also subject to offset by any fee payment(s) the attorney or eligible non-attorney has received or expects to receive from an escrow or trust account. If the approved fee is more than the amount of the withheld benefits, collection of the difference is a matter between the attorney or eligible non-attorney and the client. SSA will not pay a fee from withheld past-due benefits when the authorized fee is for an attorney or non-attorney who was discharged by the client or who withdrew from representing the client.

Penalty for Charging or Collecting an Unauthorized Fee

Any individual who charges or collects an unauthorized fee for services provided in any claim, including services before a court which has rendered a favorable determination, may be subject to prosecution under 42 U.S.C. 406 and 1383 which provide that such individual, upon conviction thereof, shall for each offense be punished by a fine not exceeding \$500, by imprisonment not exceeding one year, or both.

Privacy Act

Sections 205, 1631(d)(1), and 1872 Social Security Act, as amended, authorizes us to collect this information. The information you provide on this form is used to determine a fair value for services you rendered to the claimant named below. Your response is voluntary. However, failure to provide all or part of the requested information may affect the amount you are requesting. We rarely use the information provided on this form for any purpose other than for the reasons explained above. However, we may use it for the administration and integrity of Social Security programs. We may also disclose information to another person or to another agency in accordance with approved routine uses, which include but are not limited to the following:

- 1. To enable a third party or an agency to assist Social Security in establishing rights to Social Security benefits and/or coverage;
- 2. To comply with Federal laws requiring the release of information from Social Security records (e.g., to the Government Accountability Office, the General Services Administration, the National Archives and Records Administration, and the Department of Justice);
- 3. To make determinations for eligibility in similar health and income maintenance programs at the Federal, State, and local level; and,
- 4. To facilitate statistical research, audit, and investigative activities necessary to ensure the integrity and improvement of Social Security programs. We may also use this information in computer matching programs. Computer matching programs compare our records with those of other Federal, State, or local government agencies. Information from these matching programs can be used to establish or verify a person's eligibility for Federally-funded or administered benefit programs and for repayment of payments or delinquent debts under these programs. A complete list of routine uses for this information is available in Systems of Records Notices entitled, Attorney Fee File, (60-0003) Social Security Administration, Office of Disability Adjudication and Review. These notices, additional information about this form, and information regarding our programs and systems are available on-line at www.socialsecurity.gov or at your local Social Security Office.

Paperwork Reduction Act Statement - This information collection meets the requirements of 44 U.S.C. § 3507, as amended by section 2 of the Paperwork Reduction Act of 1995. You do not need to answer these questions unless we display a valid Office of Management and Budget control number. We estimate that it will take about 30 minutes to read the instructions, gather the facts, and answer the questions. Send only comments relating to our time estimate above to: SSA, 6401 Security Blvd, Baltimore,MD 21235-6401.