

Addendum to the Supporting Statement for Form SSA-1696
Appointment of Representative
20 CFR 404.1707, 404.1720, 408.1101, 416.1507, and 416.1520
OMB No. 0960-0527

Background

We last updated the SSA-1696 and e1696 in December 2024, as part of the final rule for Administrative Rules for Claimant Representation and Provisions for Direct Payment to Entities (Marasco Decision), which OMB approved under OMB No. 0960-0832. As per our PRA documentation for the final rule, we are now moving the revisions which OMB approved under 0960-0832 back under the OMB approval for each affected form. Therefore, we are including a summary of the revisions we made to the SSA-1696 under the OMB approval for the final rule here to ensure we record those changes under the appropriate OMB number for Form SSA-1696 (OMB No. 0960-0527).

In addition, we are also making new changes to the SSA-1696 (shown in a section below the previous changes made as part of the Administrative Rules for Claimant Representation and Provisions for Direct Payment to Entities (Marasco Decision), OMB No. 0960-0832).

Revisions to the Collection Instruments Due to the Administrative Rules for Claimant Representation and Provisions for Direct Payment to Entities (Marasco Decision), OMB No. 0960-0832 (SSA-1696 and e1696)¹

- **Change #1 (Overall Revision):** We re-ordered the sections.

Justification #1: We made these changes to provide greater clarity and more logical organization.

- **Change #2 (Page 3, Removed):** We removed *Section 2 – Authorization for Disclosure*.

Justification #2: We removed this section to reduce the collection burden because it is now superfluous due to our revising the Statement of Record Notice (SORN) to cover the information this section of the form was intended to address.

- **Change #3 (Page 6, Section 7 – also mentioned on Page 1):** We added *Section 7 – Other Claimants*.

Justification #3: We made these changes to collect information about auxiliary claimants associated with the claim who have not appointed their own representative(s).

- **Change #4 (Pages 1-2):** Throughout the instructions we made wording changes and organizational changes.

¹ As noted above, we already made these revisions, and OMB approved them under OMB No. 0960-0832, Administrative Rules for Claimant Representation and Provisions for Direct Payment to Entities (Marasco Decision). We are listing them here only to move these revisions back under their own OMB Number (0960-0527).

Justification #4: We made these changes to provide greater clarity and for consistency with the new regulatory requirements that SSA requires the completion of this form to appoint all representatives, that all representatives (both attorneys and non-attorneys) sign the form, and that representatives timely notify SSA if they wish to assign to an entity their right to direct payment of authorized fees.

- **Change #5 (Page 3, Section 1):** In the *Claimant's Information* section, we removed the requirement that the claimant provide a complete address and moved the initial entry of the claimant's SSN to this section, rather than have it in a header on the first page above the title of the form. In addition, we added a "Reason for Submission" subsection, requesting that the respondent indicate whether they are submitting to file a new appointment or make an update to an established appointment and what that update is.

Justification #5: We removed the claimant address information to reduce the collection burden because the claimant address is collected on the benefit application. This allowed us to move the claimant's SSN to the claimant information section, a place we deemed more logical for a respondent to first be asked to provide this information. We added the "Reason for Submission" section to increase efficiency and reduce errors in processing this information collection.

- **Change #6 (Page 3, Section 2):** In the *Representative's Information* section we changed some language in the instructions and removed the requirement that the representative provide a complete address.

Justification #6: We made the changes to the instructions for consistency with the new regulatory requirement that all representatives register to be appointed. We removed the requirement to enter representative address and contact information to reduce the collection burden and avoid confusion because we do not use this information collection to update a representative's address and contact information. We process these updates from submissions of the SSA-1699.

- **Change #7 (Pages 4-5, Section 5):** In the *Representative's Status, Affiliations, and Certifications* section we labeled the parts of this section as parts A through D.

Justification #7: We made these changes for greater clarity when referencing parts of the form.

- **Change #8 (Page 4, Section 5, Part A):** In the *Representative's Status, Affiliations, and Certifications* section we added the prefatory language "I am now or have previously been" rather than repeating it in the certifications and we added an additional certification to address removal from practice and suspension of professional license.

Justification #8: We made these changes to remove redundant language and to bring the certifications into compliance with our regulations at 20 CFR 404.1740(b)(9) and 416.1540(b)(9)).

- **Change #9 (Page 5, Section 5, Part C):** In the *Representative's Status, Affiliations, and Certifications* section we added *Part C – Direct Payment of Authorized Fee to an Entity*, which provides a checkbox to indicate the representative is assigning direct payment of an authorized fee to an entity with which they affiliate. It also provides a checkbox to indicate the representative is rescinding a prior established assignment of direct payment.

Justification #9: We made these changes for consistency with the new regulatory requirement that representatives timely notify SSA if they wish to assign to an entity their right to direct payment of authorized fees and to timely notify us if they wish to rescind a prior established assignment of direct payment.

- **Change #10 (Page 5, Section 5, Part D):** In the *Representative's Certifications* part of the *Representative's Status, Affiliations, and Certifications* section we removed some capitalization in the phrase “Rules of Conduct and Standards of Responsibility for Representatives,” and we removed the last section that begins “If I intend to seek direct payment of the authorized fee on this claim.”

Justification #10: We made these changes for consistency with the title of 20 CFR 404.1740 and 416.1540 and for consistency with the new regulatory requirement that all representatives register to be appointed, not just when they are seeking direct payment of authorized fees.

- **Change #11 (Page 5, Section 6):** In the *Fee Arrangement* section we changed the language following the first checkbox, replacing “to pay you the fee” with “to directly pay the fee.”

Justification #11: We made these changes so that the language here accounted for the possibility that the payment may be going to an eligible entity when the appropriate conditions for assignment are met, and one has been made, as per the new regulatory requirements.

As mentioned above, we made these revisions to the forms due to the Administrative Rules for Claimant Representation and Provisions for Direct Payment to Entities (Marasco Decision), previously approved under OMB No. 0960-0832. We are simply moving these revisions here to record them under the appropriate OMB Control Number for the SSA-1696.

In addition, we are making the following new revisions to the collection instruments:

Current Revisions to the Collection Instruments (SSA-1696 and e1696)

- **Change #1:** Instructions. We made wording and organizational changes throughout the instructions.

Justification #1: We made these changes to provide greater clarity, conform to reorganization-based changes, and for consistency with new regulations requiring:

1. the completion of this form for all representative appointments,
2. that all representatives (both attorneys and non-attorneys) sign the form, and

3. that representatives timely notify SSA if they wish to assign their right to a direct payment of authorized fees to an entity.

- **Change #2:** We changed the Privacy Act Statement on these and on both supplements.

Justification #2: The change we made conforms to a recent update to the Privacy Act Statement.

- **Change #3:** We changed the time estimate on the Paperwork Reduction Act Statement on these forms and on both supplements.

Justification #3: The current version of each form misstates the number of minutes the agency estimates it will take to read the instructions, gather the facts, and answer the questions.

- **Change #4:** In Section 5, Part D, we added the following certification: I will immediately disclose to SSA if I am suspended or disbarred by a Federal or State court, administrative tribunal, bar disciplinary authority, or other authority during my appointment. We also added “or another Federal agency” to the end of the preceding certification, which currently states: “I am not currently suspended or disqualified from practicing before the SSA.”

Justification #4: Persons eligible to represent claimants in SSA matters must not be disqualified or suspended from acting as a representative by SSA or another Federal agency. The certifications included on the current form include a declaration that a representative is not currently suspended or disqualified from practicing before SSA, but do not mention similar action by another Federal agency. Nor do they require the representative to certify that they will inform SSA of any future suspension or disqualification. These additions cover the missing material.

- **Change #5:** We changed the formats of some of the Name fields on the form.

Justification #5: Consistent formatting for Name fields across the form simplifies the process of extracting data to automate certain aspects of its processing.

- **Change #6:** We changed the wording of some of the declarations in Section 5 Part A, and added two declarations.

Justification #6: We made these changes for the sake of consistency. We are in the process of adding the same declarations to the Form SSA-1699 Registration for Appointed Representative Services and Direct Payment. Including these declarations on both forms is not a duplicative information collection because the representative’s status may change between the time they register with the agency and the time they submit an appointment form. It is also important that the claimant be aware of any positive answers the representative may provide for these questions and including them on the SSA-1699 only would not achieve this purpose.

Current Revisions to the Collection Instrument (SSA-1696-SUP1)

- **Change #1:** Instructions. We made wording and organizational changes throughout the instructions.

Justification #1: We made these changes to provide better clarity, to remind claimants that we will accept this form via electronic upload.

- **Change #2:** We changed the Privacy Act Statement on both supplements.

Justification #2: The change we made conforms to a recent update to the Privacy Act Statement.

- **Change #3:** We changed the time estimate on the Paperwork Reduction Act Statement on both supplements.

Justification #3: The current version of each form misstates the number of minutes the agency estimates it will take to read the instructions, gather the facts, and answer the questions.

- **Change #4:** We made minor changes to the wording of the Representative's Information section.

Justification #4: We made these changes to improve the clarity of the section.

- **Change #5:** We changed the formats of the Name fields on the form.

Justification #5: We made this change for consistency across forms.

Current Revisions to the Collection Instrument (SSA-1696-SUP2)

- **Change #1:** Added instructions explaining the effect of a representative's withdrawal (of acceptance of an appointment) on their eligibility for a fee, how to rescind an existing assignment of direct payment of authorized fees to an entity, and the timing required to file or inform us of their intent to file fee agreements, and fee petitions.

Justification #1: We made these changes to provide greater clarity and for consistency with relevant policy post-Marasco.

- **Change #2:** We changed the Privacy Act Statement on both supplements.

Justification #2: The change we made conforms to a recent update to the Privacy Act Statement.

- **Change #3:** We changed the time estimate on the Paperwork Reduction Act Statement on both supplements.

Justification #3: The current version of each form misstates the number of minutes the agency estimates it will take to read the instructions, gather the facts, and answer the questions.

- **Change #4:** Replaced existing checkboxes indicating whether and by what means the representative is seeking a fee.

Justification #4: The Marasco regulation changed the agency's policy regarding the effect of withdrawal on a representative's eligibility to receive a fee via a fee agreement. After Marasco, representatives can remain eligible for direct payment via fee agreement after withdrawing. The form incorporates this change by allowing representatives to select a checkbox indicating they will seek a fee and have filed or will file a fee agreement.

We will make these revisions upon OMB's approval. These revisions do not affect the public reporting burden.

Revisions to the Collection Instrument (SSA-1696-SUP2)

- **Change #1:** Added instructions explaining the effect of a representative's withdrawal (of acceptance of an appointment) on their eligibility for a fee, how to rescind an existing assignment of direct payment of authorized fees to an entity, and the timing required to file or inform us of their intent to file fee agreements, and fee petitions.
- **Justification #1:** We made these changes to provide greater clarity and for consistency with relevant policy post-Marasco.
- **Change #2:** We changed the Privacy Act Statement on both supplements.
- **Justification #2:** The change we made conforms to a recent update to the Privacy Act Statement.
- **Change #3:** We changed the time estimate on the Paperwork Reduction Act Statement on both supplements.
- **Justification #3:** The current version of each form misstates the number of minutes the agency estimates it will take to read the instructions, gather the facts, and answer the questions.
- **Change #4:** Replaced existing checkboxes indicating whether and by what means the representative is seeking a fee.
- **Justification #4:** The Marasco regulation changed the agency's policy regarding the effect of withdrawal on a representative's eligibility to receive a fee via a fee agreement. After Marasco, representatives can remain eligible for direct payment via fee agreement after withdrawing. The form incorporates this change by allowing representatives to select a checkbox indicating they will seek a fee and have filed or will file a fee agreement.

We will make these revisions upon OMB's approval. These revisions do not affect the public reporting burden.

Note: We included both a marked-up and mocked up version of the revised SSA-1696-BK. While the version we included does not show fillable fields, the form will have fillable fields once we finalize and implement the revised version.