

**For Historical Reference Only****Archive Date:** 04/22/2021**Comments:** Replaced by EM-20004 SEN REV 2**EM - Emergency Message** **Effective Date:** 9/15/2020

**Identification Number:** EM-20004 SEN REV

**Intended Audience:** All  
RCs/ARCs/ADs/FOs/TSCs/PSCs/OCO/OCO-CSTs/OHO/OARO

**Originating Office:** ORDP ODP

**Title:** **New Instructions for the Processing of the Revised Form SSA-1696**

**Type:** EM - Emergency Messages

**Program:** **Title II (RSI); Title VIII (SVB); Title XVI (SSI); Disability**

**Link To Reference:** See **References** at the end of this EM

**SENSITIVE - NOT TO BE SHARED WITH THE PUBLIC****Retention Date: March 15, 2021****Purpose:** Instructions to the Field Offices and Processing Centers for handling the new SSA-1696.**A. Background**

We are publishing a revised Form SSA-1696, Claimant's Appointment of a Representative. The revised SSA-1696 incorporates information from the Form SSA-1695 and the Form SSA-1696-U4 and has two new supplements: SUP1 (Claimant's Revocation of the Appointment of a Representative) and SUP2 (Representative's Withdrawal of the Acceptance of an Appointment). The supplements are already available online in fillable format.

The revised SSA-1696 updates and reorganizes all parts of the older form SSA-1696-U4, and collects additional information about the appointed representative (AR) from the Form SSA-1695. The consolidation of these forms facilitates the collection of comprehensive data on a single form for faster and more accurate processing.

We incorporated the SSA-1695 into the revised SSA-1696 to reduce manual steps, encourage earlier submission of payment information, and minimize loss of personally identifiable information. Upon publication of the revised SSA-1696, we will make Form SSA-1695 obsolete. Processing of the SSA-1695 requires multiple manual steps that can lead to errors. In addition, ARs often submit the form late in the administrative process, which in turn, can delay the authorization of fees (note that neither the hearing office nor the Appeals Council can process the SSA-1695). Finally, for AR's who have registered, the new Form SSA-1696 allows for the use of the Representative Identification (ReplD) instead of the AR's Social Security Number (SSN). We have included space for the ReplD on each page of the revised SSA-1696, which will make easier to associate pages that become separated during transmission with the proper claims file.

## **B. Purpose**

The purpose of this Emergency Message (EM) is to update the policy and procedure and provide guidance on the handling and processing of the revised Form SSA-1696. While the revised form has detailed instructions and we expect it will reduce procedural steps and expedite processing, we understand that agency staff and other users may need some time to familiarize themselves with the new format. With this EM, we outline the changes and provide step-by-step guidance to help with the transition. Updates to our Program Operations Manual System (POMS) will follow shortly.

**IMPORTANT:** The SSA-1696 **is not** a mandatory form. Neither claimants nor representatives are required to use it to establish an appointment. However, representatives and claimants who do not use the SSA-1696 must submit a signed written notice so we can recognize and record their appointment.

## **C. Guidance for processing and handling the revised SSA-1696**

### **1. Entering data from the SSA-1696 into the system (e.g.,**

## **EDCS, RASR, MCS, MSSICS)**

The user will enter the information from the SSA-1696 into the Electronic Disability Collect System (EDCS) and the Registration, Appointment and Services for Representatives (RASR) application. When the representative is not registered (e.g., a non-attorney), the user will enter the representative's information into either Modernized Claim System (MCS) or the Modernized Supplemental Security Income Claims System (MSSICS), and fax the form into the electronic folder (EF) or store it in the paper folder.

Changes to the RASR database screens are not possible at this time, so some of the information on the screen may be on different pages of the form. Users must review the form to ensure completeness prior to entering any information in the system to avoid unnecessary keying.

**NOTE:** With the incorporation of the RepID into the SSA-1696, **we can no longer accept multiple names on a single notice of appointment.**

## **2. Processing the SSA-1696 Section 5 – Representative Status, Affiliation, and Certifications**

### **a. Attorneys and Eligible-for-Direct-Payment Non-Attorneys (EDPNAs)**

We require attorneys and EDPNAs who wish to seek direct payment on any claim to complete an initial registration by filling out and submitting Form SSA-1699. In order to seek direct payment on individual claims, they also must complete Section 5 of the revised Form SSA-1696 for each case.

A sole proprietor with an Employer Identification Number (EIN) should provide his or her EIN in Section 5 of the revised form. If a sole proprietor does not have an EIN, he or she should fill out their company's information as it appears on

their registration.

Whether we receive a fully completed SSA-1696 or just Section 5 with new or updated direct payment information, we must confirm the representative's continued eligibility.

- Confirm that the attorney or EDPNA is registered in RASR and currently eligible for direct payment.
- If the attorney or EDPNA is requesting direct payment, enter his or her affiliation (e.g., EIN from Section 5 of the new SSA-1696 on the "Appoint a Representative" screens in RASR. If the representative waives the fee, choose the default "no affiliation" setting. *(Attorneys and EDPNAs who are eligible for, but do not want, direct payment are not required to complete this section.)*).
- Determine if there are any auxiliary beneficiaries (aux/auxes) and key in the information on the RASR APDP screen within the number holder's pathway, to link each aux with the attorney or EDPNA. RASR will create separate appointments in the system.

**NOTE:** RASR verifies whether the aux has his or her own appointed representative. If the aux does not have his or her own representative, RASR creates an appointment for each one, links him or her with the primary claimant's representative, and displays the following message for each entry: "no disclosure, no representation, payment only" to remind users that these appointments are opened only for the purpose of potential payment.

RASR will not allow users to create an appointment for an aux who already has appointed his or her own representative.

b. Non-Attorneys **Not** Eligible for Direct Pay

Non-attorneys who are not eligible for direct pay do not need to complete this section. We encourage voluntary registration for non-attorneys, even when they are not eligible for direct payment. Although these non-attorneys are not eligible for direct payment, they may register for eFolder access for cases at the hearing level.

- Check RASR to determine if the non-attorney named on Form SSA-1696 is registered.
- If the non-attorney is not registered and has no RepID, annotate the appointment in EDCS, and downstream systems (e.g., MCS and MSSICS or both) as required. You may later inquire about registration and if the non-attorney representative agrees, follow existing registration procedure in POMS GN 03913 to register the non-attorney and enter his information in RASR.
- Fax Form SSA-1696 into the B section of eView.

c. Attorneys for Court Representation Only

Attorneys who appear in court, but do not represent the claimant before the agency, and simply seek direct payment of the court awarded fees, can submit Section 5 (on page 5) only. The claimant's signature is not necessary. However, if a court attorney wants to conduct business with us, or requests disclosure of information, he or

she must complete the entire form, be appointed by the claimant, and submit it to us. In this case, the claimant's wet signature is required.

d. Representatives who work for non-profit organizations

In "Representative's Status Part A" of Section 5 of the revised form, we added an additional check box: I work for a non-profit organization (e.g., law clinic or legal aid). Attorney and non-attorney representatives should select this check box if they work for a non-profit organization. Collection of this information will allow us to better distinguish between the types of representatives providing services to claimants.

**3. Processing the SSA-1696 Section 6 - Claim Type**

The old SSA-1696-U4 listed four case types that the AR would be appointed to handle. The revised form has seven options for types of claims or appeals, including different claim titles as well as other issues such as Post Entitlement or Continuing Disability Review. This breakdown will allow us to collect more information even if we do not currently record this information as structured data in our systems.

Because RASR and other applications cannot currently support or route the options as selected, technicians must consolidate or generalize the selections in some systems:

<i>Types of claims in SSA-1696 Section 6</i>	<i>Code as</i>
<input type="radio"/> Claim/Appeal for Title 2 Disability Benefits	[Title 2]
<input type="radio"/> Claim/Appeal for Title 16	[Title 16]
<input type="radio"/> Concurrent Title 2 and Title 16	[Title 2, Title 16]
<input type="radio"/> Claim/Appeal for Retirement Benefits	[Title 2]

<input type="radio"/> Claim/Appeal for Title 18 (Medicare), 8 (Special Veteran’s Benefits)	[Title 2]
<input type="radio"/> Continuing Disability Review (CDR)	[Title 2 and/or Title 16 Select the title under which the claimant is receiving benefits]
<input type="radio"/> Post-Entitlement Issue (a new issue you raise after eligibility for other benefits)	[Title 2, Title 16]

**NOTE:** If there is indication that selections in these boxes do not reflect the claimant’s intent (e.g., the fee agreement states the representative is appointed to handle an overpayment issue, but all the boxes are selected on the SSA-1696), contact the representative or the claimant for clarification following the policy in GN 03910.050. Annotate RASR either with the information you obtain through the contact. If contact was unsuccessful, annotate RASR according to the parties’ document and make a note in RASR via a Report of Contact (SSA-5002). Revise later if more information becomes available.

**4. Form incomplete - When to request an amendment, correction or update**

Contact the representative or the claimant to collect or amend information and record the contact when the SSA-1696 is incomplete and missing information such as:

- The signature date (if the date is missing, you can use the date you received the SSA-1696 in your office as the signature date).
- A party’s phone number.
- The principal representative’s name in Section 3 when multiple representatives are appointed.
- The fee arrangement.
- If an attorney or EDPNA waives the fee and his or her signature in Section 8 is missing.

- The RepID of a registered attorney or EDPNA is missing. (While we can locate the RepID through a query in RASR, the best practice is to collect it from or verify the information with the representative. See #7 below).

Process the form and, absent any reasons to reject it, recognize the appointment. Update RASR once you have collected the missing information. Note that if any of the addresses is missing, RASR will not mail appointment confirmation notices to the parties. Send the notices when the record is complete.

#### 5. Form invalid – When to return unprocessed

The SSA-1696 is invalid when it lacks information that is required to recognize the appointment, as listed below. Return the SSA-1696 to the party who submitted it when you encounter the following situations:

- There is no claim, matter or issue pending before us. This includes SSA-1696 forms associated with incomplete claims for benefits (i.e., iClaims and iAppeals that the claimant did not properly sign).
- The claimant's identifying information (e.g., first and last name or SSN) is missing.
- The claimant's signature on the original form is missing or is not a wet signature (e.g., an electronic signature is used).

**NOTE:** There are temporary instructions that supersede the wet signature policy explained here and in GN 03910.040 while the COVID-19 case processing procedures are in place. Until we revise this EM, follow the temporary instructions provided in [EM 20022](#) if the SSA-1696 is submitted with a signature that appears to be electronic or a digitized image of a handwritten signature.



- The representative's identifying information (e.g., first and last name) is missing.
- A non-attorney's signature is missing.

If any of the above information is missing, return the form marked "unprocessed" to the individual who submitted it. Issue a manual cover notice in Document Processing System or Aurora using the appropriate universal text identifiers (UTIs).

#### **6. Submitting general form updates or financial information for court payments**

When an update does not require the claimant's signature, a representative can update an already processed SSA-1696 by submitting the pertinent page only, with the minimum required information (see #4 and #5 above), and the information that is being updated.

#### **7. Claimant's SSN or Representative's RepID is missing**

Once entered in the top boxes on the fillable online form, the claimant's SSN and AR's RepID will propagate to all pages. This reduces keystrokes and possible errors.

While the RepID is not necessary for the appointment, you cannot process the form in RASR if either the RepID and/or claimant's SSN are missing entirely. Return the form per #5 for the claimant's SSN. Contact the AR for the RepID. If the AR is not registered (i.e., does not have a RepID), process the appointment outside RASR (e.g., MCS or MSSICS) and add the forms to the claimant's folder.

**NOTE:** When the AR has lost or forgotten his or her RepID, follow the "Lost or Forgotten" section of GN 03913.035, "Solutions for Registration and Access

Problems” registration instructions, or ask the AR to contact **1-800-772-6270**.

#### **8. AR submitted a new SSA-1696 and an SSA-1695**

If the AR submits both a new SSA-1696 and SSA-1695, and the information on the SSA-1695 (e.g., affiliations, EIN) is repetitive of the information provided on the SSA-1696, dispose of the SSA-1695. You may also advise the AR that he or she no longer needs to submit the SSA-1695. If the SSA-1695 contains information that the AR did not provide on the SSA-1696, process both forms through RASR. Fax the SSA-1696 into the eFolder and shred the SSA-1695.

#### **9. Communicating the changes with the public**

We will post a *News Update* on our website to inform ARs and claimants about the revised SSA-1696. We will post a fillable format on our website.

The form has been through the required “forms clearing process” so both the professionals and the public are aware of the revisions, but field technicians should make every effort to make all our customers aware of the new format.

#### **10. Use of older versions of Forms SSA-1696 and SSA-1695**

Upon publication of the revised form, all users must discontinue the use of older versions and destroy any paper copies. Distribute the revised SSA-1696 to claimants or ARs upon request. Do not require new forms be submitted for appointments already in effect and previously established on a prior version, unless other reasons warrant a new or amended notice of appointment. After publication, if a party is filing a new appointment using an old version, you may request that the party submit the revised SSA-1696. However, the party is not required to use the new form. Where a party uses an old version or any other writing in lieu of Form SSA-1696, continue processing the notice of appointment as *is*, but inform the individual that while the SSA-1695 is no longer available, the information on

it is still required for direct payment. This means the AR must, at minimum, complete and submit SSA-1696 Section 5 (on page 5) in place of the archived SSA-1695.

**D. Closing paragraph**

Direct all program-related and technical questions to your Regional Office (RO) support staff or Program Service Center (PSC) Operations Analysis (OA) staff. RO support staff or PSC OA staff may refer questions, concerns or problems to their Central Office contacts.

**E. References**

**GN 03910.040** Appointment and Revocation of Appointment of Representative

**GN 03910.042** Forms 1099-MISC and Employer Registration

**GN 03910.050** Contacting a Represented Claimant

**GN 03910.060** When a Representative's Authority Expires

**GN 03913.035** Solutions for Registration and Access Problems – Office of Central Operations Employer Reporting Branch Staff and Field Office Staff

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Link to this document:

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