The Role of Non-Attorney Representation in the SSDI Determination Process: A Case Study of One Prominent Intermediary

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Non-Attorney Representation in SSDI: Context

• SSDI application process is long and complex
  • Transaction costs affect participation (e.g., Armour 2018, Deshpande & Li 2018, Foote, Grosz & Rennane 2018)

• Representation very common for hearings and appeals

• Representation increasing at the initial stage (GAO 2014)

• 2011 reforms to ALJ trainings (Hoynes, Maestas & Strand 2018)

• Role of representation is not well understood
Several important contributions:

• Description of the intermediary’s objectives, role and screening process

• Obtain proprietary, administrative data on one intermediary’s potential clients

• Data Analysis:
  • Who is eligible for, and who uses, non-attorney representation?
  • How do these applicants compare to the overall SSDI applicant pool?
Key Take-aways

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  • Shift application burden earlier, but perhaps does not eliminate?
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  • How does the population compare with those served by other representatives?
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  • How does the population compare with those served by other representatives?

• Most clients (of this intermediary) are also eligible for LTDI
  • Shifts in costs from private sector to public sector?
  • To what extent does employer facilitate application?
  • Autor, Duggan, Gruber (2014): 1/3 of civilian workers are eligible for LTD
A wish list..

• Would love to know more about:
  • Geography?
  • LTDI from particular industries?
  • Firm size, age?
  • Only SSDI, or other benefits/services?
  • Advertising & outreach – with individuals or employers?

• Any sense on the number of other players in this space, and/or if they have similar clientele?
Ideas for the future

• LTDI implies this is likely a more affluent and potentially better educated sample. At the very least, better insured.
  • Anything we can imply to the broader SSDI population?

• Comparison to attorney representatives. Who chooses which type of representative, and when?

• Look at trends over time, across states, etc
Implications for applicants and policy

- What do applicants know about the cost & likelihood of success, and when do they know it?
  - Could have implications for the decision to hire, and more broadly, to apply
- What do we know about duration of application process?
- Shifting costs between private individuals, private sector and federal government (if mostly LTDI?)
  - Trade offs between benefits and costs to applicants, society