

The Effect of Attorney and Non-Attorney Representation on the Initial Disability Determination Process

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Key Findings and Policy Implications

Attorneys and non-attorney representatives play a large and increasing role in the SSDI application process, assisting applicants in developing their cases and representing them in disability hearings. In this paper, we comprehensively investigate the impact of claimants' representatives on case outcomes. Our analysis is made possible by SSA administrative data tracking representation in the SSDI application process over the years 2010 to 2014, and drawn from the electronic disability folder (eDIB) and the Management Information Electronic Disability Folder (MEDIB). The paper finds that:

- There was a 40 percent rise in initial level representation between 2010 and 2014. About 19 percent of claims had representation by the end of the period. The pattern of representation varies significantly across different parts of the country, with rates of 25% or more in Utah, Nevada, Southern Texas, Minnesota, as well as SSDI hotspot locations in the Appalachian region.
- Claimants' representatives are more likely to be involved in cases with older and English speaking claimants who have impairments in less easy-to-document diagnosis groups, notably psychiatric disorders and back pain.
- Cases involving representatives spend more time at the Field Office and have a lower predicted probability of a quick decision based on the information provided at this stage. Although they are more likely to be allowed, they are also more likely to be denied for insufficient evidence or failure to submit to a medical examination.

It is clearly specified in Social Security policy that applicants have a right to representation, and given the complexities of the application process, there are many ways in which claimants' representatives can beneficially assist applicants. This study has important implications for policy in furthering our understanding of who uses representatives, and how representation influences the review process.

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This research was supported by the U.S. Social Security Administration through grant #DRC12000002-04 to the National Bureau of Economic Research as part of the SSA Disability Research Consortium. The findings and conclusions expressed are solely those of the author(s) and do not represent the views of SSA, any agency of the Federal Government, or the NBER.