

SYSTEM NUMBER: 60-0003

SYSTEM NAME:

Attorney Fee File, Social Security Administration, Office of Hearings and Appeals

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

Attorney fee information is maintained in Social Security Administration (SSA), Office of Hearings and Appeals hearing offices, regional offices and OHA headquarters, as appropriate (contact the system manager at the address below or access <http://www.socialsecurity.gov> for address information).

When the Administrative Law Judge (ALJ) recommends approval of a requested fee amount which exceeds \$5,000 or when there is a requested administrative review of fees initially authorized by the ALJ, the files are maintained by the Regional Chief (RC) ALJ in the appropriate regional office (see <http://www.socialsecurity.gov> for address information).

Attorney fee files relating to requested administrative review of fees initially authorized by the RC ALJs, as well as those where the Attorney Fee staff has sole jurisdiction, are maintained at:

Social Security Administration, Office of Hearings and Appeals, 5107 Leesburg Pike, Falls Church, VA 22041.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Claimants--Title II (Retirement and Survivors Insurance (RSI) and Disability Insurance (DI)); Title VIII (Special Veterans Benefits); Title XI (claimants subject to Professional Standards Review); Title XVI Supplemental Security Income; and Title XVIII (HI). Effective October 1, 2005, the Social Security Administration (SSA) only has jurisdiction to determine eligibility for Title XVIII benefits, not the benefit amount.

CATEGORIES OF RECORDS IN THE SYSTEM:

Attorney Fee/Petition; Fee Agreement; Authorization Order; related correspondence and case tracking information; and when appropriate, request for administrative review.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Sections 205, 1631(d)(1), and 1872 of the Social Security Act, as amended, and section 413(b) of the Black Lung Benefits Act.

PURPOSE(S):

Attorney fee files are used in processing attorney fee petitions, fee agreements, and requests for administrative review, and to respond to correspondence and other inquiries related to representation of claimants.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Disclosure may be made for routine uses as indicated below. However, disclosure of any information defined as "return or return information" under 26 U.S.C. 6103 of the Internal Revenue Code will not be disclosed unless authorized by a statute, the Internal Revenue Service (IRS), or IRS regulations.

1. To a congressional office in response to an inquiry from that office made at the request of the subject of a record.
2. To the Department of Justice (DOJ), a court or other tribunal, or another party before such tribunal when:
 - a. The Social Security Administration (SSA), or any component thereof; or
 - b. Any SSA employee in his/her official capacity; or
 - c. Any SSA employee in his/her individual capacity where DOJ (or SSA where it is authorized to do so) has agreed to represent the employee; or
 - d. The United States or any agency thereof where SSA determines that the litigation is likely to affect the operations of SSA or any of its components, is a party to litigation or has an interest in such litigation, and SSA determines that the use of such records by DOJ, the court or other tribunal, or another party before such tribunal, is relevant and necessary to the litigation provided, however, that in each case, SSA determines that such disclosure is compatible with the purpose for which the records were collected.
3. To applicants, claimants, beneficiaries (other than the subject individual), authorized representatives, experts, and other participants at a hearing to the extent necessary to pursue a claim or other matter on appeal.
4. To a claimant's representative to the extent necessary to dispose of a fee petition or fee agreement; except for pre-decisional deliberative documents, such as analyses and recommendations prepared for the decision-maker.

5. To the Department of the Treasury, Internal Revenue Service, as necessary, for the purpose of auditing the Social Security Administration's compliance with safeguard provisions of the Internal Revenue Code of 1986, as amended.
6. Information may be disclosed to contractors and other Federal agencies, as necessary, for the purpose of assisting the Social Security Administration (SSA) in the efficient administration of its programs. We will disclose information under this routine use only in situations in which SSA may enter into a contractual or similar agreement with a third party to assist in accomplishing an agency function relating to this system of records.
7. To the General Services Administration and the National Archives and Records Administration (NARA) under 44 U.S.C. 2904 and 2906, as amended by the NARA Act of 1984, information which is not restricted from disclosure by Federal law for the use of those agencies in conducting records management studies.
8. To student volunteers, individuals working under a personal services contract, and other workers who technically do not have the status of Federal employees, when they are performing work for the Social Security Administration (SSA), as authorized by law, and they need access to personally identifiable information in SSA records in order to perform their assigned Agency functions.

POLICIES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE

Records are stored either in paper form (e.g., individual case folders and file control cards) or electronically on disc (the Attorney Fee case tracking system). The records stored in paper and electronic files are duplicates. This is a system in transition.

RETRIEVABILITY:

Records are retrieved by name and Social Security number (SSN).

SAFEGUARDS:

System security is maintained in accordance with the Systems Security Handbook. Access to the Attorney Fee File and electronic case tracking records is limited to those persons whose official duties require such access. Control cards are stored in filing containers. The folders are kept on filing shelves. The paper records are kept in a secured storage area. All employees are instructed in SSA confidentiality rules as part of their initial orientation training. Access <http://www.socialsecurity.gov> for additional information relating to SSA data security measures.

RETENTION AND DISPOSAL:

Attorney fee file folders are destroyed after 2 years. Control cards are shredded after 5 years. Any electronic case tracking records are deleted 5 years after final action was taken.

SYSTEM MANAGER(S) AND ADDRESS(ES):

Associate Commissioner, Office of Hearings and Appeals, Social Security Administration, 5107 Leesburg Pike, Falls Church, VA 22041.

NOTIFICATION PROCEDURES:

An individual can determine if this system contains a record about him/her by writing to the systems manager(s) at the above address and providing his/her name, SSN or other information that may be in the system of records that will identify him/her. An individual requesting notification of records in person should provide the same information, as well as provide an identity document, preferably with a photograph, such as a driver's license or some other means of identification, such as a voter registration card, credit card, etc. If an individual does not have any identification documents sufficient to establish his/her identity, the individual must certify in writing that he/she is the person claimed to be and that he/she understands that the knowing and willful request for, or acquisition of, a record pertaining to another individual under false pretenses is a criminal offense.

If notification is requested by telephone, an individual must verify his/her identity by providing identifying information that parallels information in the record to which notification is being requested. If it is determined that the identifying information provided by telephone is insufficient, the individual will be required to submit a request in writing or in person. If an individual is requesting information by telephone on behalf of another individual, the subject individual must be connected with SSA and the requesting individual in the same phone call. SSA will establish the subject individual's identity (his/her name, SSN, address, date of birth and place of birth, along with one other piece of information, such as mother's maiden name) and ask for his/her consent in providing information to the requesting individual.

If a request for notification is submitted by mail, an individual must include a notarized statement to SSA to verify his/her identity or must certify in the request that he/she is the person claimed to be and that he/she understands that the knowing and willful request for, or acquisition of, a record pertaining to another individual under false pretenses is a criminal offense. These procedures are in accordance with SSA Regulations (20 CFR 401.40(c)).

RECORD ACCESS PROCEDURES:

Same as Notification procedures. Requesters also should reasonably specify the record contents they are seeking. These procedures are in accordance with SSA Regulations (20 CFR 401.40(c)).

CONTESTING RECORD PROCEDURES:

Same as Notification procedures. Requesters also should reasonably identify the record, specify the information they are contesting and the corrective action sought, and the reasons for the correction, with supporting justification showing how the record is incomplete, untimely, inaccurate or irrelevant. These procedures are in accordance with SSA Regulations (20 CFR 401.65(a)).

RECORD SOURCE CATEGORIES:

Information in this system is derived from the claimant, his or her representative, appropriate members of the public, SSA and other Federal, State, and local agencies.

SYSTEM EXEMPTED FROM CERTAIN PROVISIONS OF THE PRIVACY ACT:

None.