**Section 114.442 Attorney's Fees for SSI Applicants**

a) The Department will pay any attorney, or advocate working under the supervision of an attorney, who represents a recipient of cash benefits under the General Assistance program administered by the Department in an appeal of any claim for Supplemental Security Income (SSI) benefits before an Administrative Law Judge, which is decided in favor of the recipient. The amount of the payment will be 25 percent of the maximum SSI grant payable to the individual for a period of one year. The Department will not pay attorney's fees in cases of concurrent awards where the client is awarded both SSI and Title II (SSA) benefits.

b) To receive payment, the attorney or advocate must submit his or her request for payment to the Department. The request for payment must be postmarked no more than 60 days from the date of the notice of the favorable decision by the Administrative Law Judge. The following information must be included with the request:

1) proof that the attorney or advocate represented the client;

2) a copy of the favorable decision;

3) the attorney's or advocate's bill;

4) the General Assistance recipient's name, address and Public Aid case number; and

5) the attorney's or advocate's Federal Employee Identification number or Social Security number.

c) The Department will make payment within 30 days after receipt of the information listed in subsection (b) above.

d) The attorney or advocate must agree to waive the right to charge or collect fees and expenses from the General Assistance recipient.

(Source: Added at 19 Ill. Reg. 15058, effective October 17, 1995)