

What Is A Social Security/SSI “Overpayment”?

This guide will give you information about Social Security/SSI Overpayments. Even though the Social Security Administration says they overpaid you, you may not have to pay the money back. Read on about how to fight overpayments, and also how to have them forgiven so you don't have to pay them back.

What is a Social Security/SSI overpayment?

An “overpayment” is when the Social Security Administration (SSA) sends you benefits when they should not, or when they pay you more than they are supposed to. If SSA thinks they overpaid you, they will want their money back.

What causes an overpayment?

Overpayments can be caused by lots of things. Some examples are:

- *Changes in your household income*
- *Changes in your living situation*
- *Being in a hospital/nursing home*
- *Returning to work*
- *Incarceration*
- *Changes in your disability*

What is a Notice of Overpayment?

Before anything else can happen, SSA must send you a Notice of Overpayment. This notice must tell you:

- *The amount of the overpayment*
- *How to pay SSA back*
- *What caused the overpayment*
- *Your right to appeal*

What should you do if you get a Notice of Overpayment?

Do not ignore it! You can fight an overpayment, but there may be time limits. If you do nothing, SSA will begin to collect the overpayment out of your benefits. You must act quickly.

What can you do about a Social Security/SSI overpayment?

APPEAL. If you don't think you were overpaid, you can appeal. If you disagree about how much SSA says they overpaid you, you can appeal. An appeal is called a "Request for Reconsideration." Appealing makes SSA take another look at the overpayment.

WAIVER. If you do not disagree with the overpayment, you still may not have to pay it back. If you don't think it was your fault, and can't afford to pay it back, you can ask SSA to forgive the overpayment. This is called a "Request for Waiver."

PAYMENT PLAN. No matter what, you can always ask SSA to let you pay the overpayment back over time on a monthly schedule you can afford. This is called a "Payment Plan." In many cases SSA will agree to \$10 per month.

How to Appeal an Overpayment – Request for Reconsideration

If you don't think you were overpaid, or you think the amount of the overpayment is wrong, you can file an appeal. This is called a "Request for Reconsideration." You must file a special form called SSA-561. Filing this form will make SSA take another look at the overpayment.

You should file your appeal immediately to stop money from being taken out of your benefits check. Say that you do not agree with the fact and/or amount of the overpayment. Ask that no money be taken out of your benefits until a decision is made about the overpayment. The deadline to appeal is 65 days from the date on the notice of overpayment – but you should file it right away.

You can get a Request for Reconsideration form (SSA-561) from your local Social Security Office, or by calling 1-800-772-1213. Note: If you are waiting for the form to be mailed to you, be sure that you do not miss your

appeal deadline. If you are close to the deadline, just go to your local office and file your appeal

How to request Waiver

If you think the overpayment wasn't your fault, and you can't afford to pay it back, you can ask SSA to forgive the overpayment. This is called a "Request for Waiver." You must file a special form called SSA-632.

You should file your Request immediately to stop money from being taken out of your monthly benefits. Ask that no money be taken out of your benefits until a decision is made about the overpayment. You may request Waiver at any time, even if the overpayment is already being collected.

To get a Waiver, you must show:

- (1) the overpayment was not your fault, and**
- (2) you cannot afford to back it back.**

* If you get SSI, SSA will assume you can't afford to pay it back.

You can get a Request for Waiver form (SSA-632) from your local Social Security Office or by calling 1-800-772-1213.

Can I file both an appeal and a Request for Waiver?

Yes. You can file both an appeal and a Request for Waiver of the overpayment. Some people choose to file them at the same time. Some people appeal first, and then request Waiver if SSA denies their appeal.

What happens while my Requests are pending?

If you appeal or request Waiver within 30 days of the Notice, your benefits will not change. If you request Waiver after SSA has already started collecting the overpayment, SSA must stop recovery while it considers your

request. Your benefits will not be reduced to collect the overpayment until a decision has been made.

What happens if SSA denies my appeal and/or Request for Waiver?

You have the right to appeal both Reconsideration and Waiver decisions. Your rights to appeal will be on the decision notices you get from SSA. There are time limits to appeal, so you must act quickly.

How much can SSA take out of my benefits to collect the overpayment?

If you are receiving any SSI benefits, no more than \$72.10 can be taken out of your check each month. If you are only receiving Social Security benefits (retirement or disability), Social Security can take your whole monthly check unless you agree on a lower payment plan. You should contact SSA to work out a payment plan you can afford to make sure this doesn't happen.

How to get a Payment Plan you can afford

If you don't disagree with the overpayment, you can still work out a payment plan that you can afford, to pay back the money.

Getting a payment plan:

Go to your local SSA Office and ask for a payment plan to pay back your overpayment. Offer a monthly payment amount that you are sure you can afford.

Fill out an **Income and Expense Statement** to show that this amount is the most you can afford to pay each month.

If your situation changes and you can no longer afford the payment plan you have agreed to, contact SSA right away to let them know that you need to change the amount of the payment plan.

OTHER HELPFUL TIPS

How do I find my local Social Security office?

You can find your local Social Security office by calling 1-800-772-1213, or at www.socialsecurity.gov/locator.

Every time you turn something in to SSA...

You should bring it to your local SSA Office in-person. You should keep a copy for yourself, and ask for a receipt. This will help you prove what you turned in.

Want more information on Social Security/SSI overpayments and what you can do about them? Visit www.clsphila.org/get-help/ssi.

Getting help from Community Legal Services

- Our Center City office is located at **1424 Chestnut St., (215) 981-3700.**
- We are also at **1410 W. Erie Avenue (at Broad St.), (215) 227-2400.**

** Please call either office for intake hours*