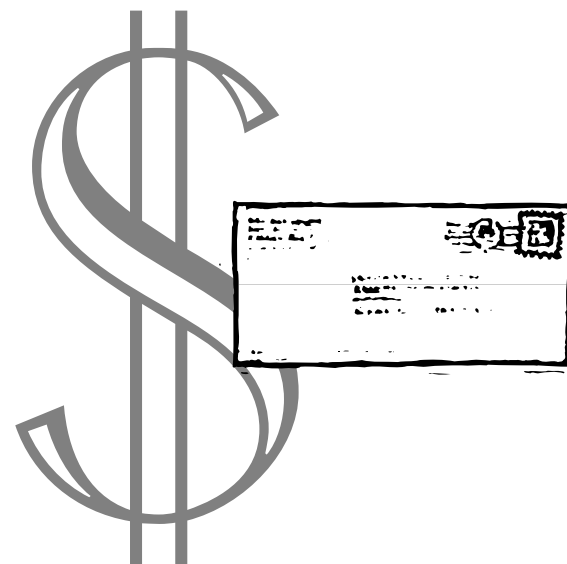


COMMUNITY LEGAL AID SOCIETY, INC.

SSI Overpayments

*Protection and Advocacy
for Beneficiaries
of Social Security*



This booklet was prepared by
the Disabilities Law Program,
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Where can I go for help if I have questions?

For assistance or information, please call or write:

New Castle County

Disabilities Law Program
Community Services Building
100 W 10th St, Suite 801
Wilmington, DE 19801

(302) 575-0690.....(Voice)
(302) 575-0696.....(TTY)
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Kent County

Disabilities Law Program
840 Walker Road
Dover, DE 19904

(302) 674-8503.....(Voice/TTY)
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Sussex County

Disabilities Law Program
144 E. Market Street
Georgetown, DE 19947

(302) 856-3742.....(Voice/TTY)
(800) 462-7070.....(Toll Free)

Web Address: www.declasi.org

What is an overpayment?

An **overpayment** happens when you receive more Supplemental Security Income (SSI) benefits than you were supposed to receive in a month.

What are some of the reasons why the Social Security Administration (SSA) would overpay your benefits?

- You can be overpaid if your income or resources change. This is because the **amount** of SSI benefits to which you are entitled is based on the amount of your other income, and your **eligibility** for SSI is based on your income and resources.
- People who are working and still receiving SSI benefits can be overpaid, even if they report all of their income to SSA on time and the SSA promptly processes the information. It takes the SSA some time to process data. For example, your earnings in January affect the amount of benefits that you receive in March. In addition, people who are paid biweekly can be overpaid in months in which there are three pay periods instead of two pay periods.

- Other people might be overpaid because they did not understand the reporting requirements or because they did not comply with them due to a disability, limited English proficiency, or another good reason.

How will you know if you have an overpayment?

You should receive a notice from SSA that tells you the cause of the overpayment, the amount of the overpayment, and the months in which it occurred.

How does SSA collect overpayments?

If you are currently receiving benefits, SSA will propose a reduction in your monthly benefits until it has collected the entire overpayment amount back from you. SSA generally will reduce your monthly benefits by 10 percent of your total monthly income. Any reduction in your benefits should not start until at least 60 days after you receive a notice telling you about the overpayment, and should not deprive you of income that is required for ordinary and necessary living expenses. If you are not currently receiving benefits, you can set up a repayment plan with SSA. If you receive Social Security disability benefits, the SSA may also recover an SSI overpayment by reducing your Social Security check.

should stop withholding money from your benefits starting in the month in which you request the waiver.

You must file a request for reconsideration within 60 days of the date of the notice, unless you have **good cause** for missing that deadline.

What can you do to help prevent future overpayments?

You should report all changes in your income and resources to SSA as soon as they occur, and no later than 10 calendar days after the month in which the change occurred. If you are working, you can ask your caseworker to give you envelopes so that you can send in your paystubs at the end of each month. You should keep a copy of any information that you give to SSA and keep a record of the dates on which you reported changes and the names of the people with whom you spoke.

Does the SSA publish easily understood information on SSI overpayments?

The SSA publishes a "plain language" Social Security Handbook (SSA Pub. No. 65-008). Chapters 19 and 20 of the Handbook cover SSI overpayments, the reconsideration process, and waivers. The Handbook can be reviewed on the SSA website, www.ssa.gov.

Will you have a chance to meet with the person who will decide your case?

If you file a request for waiver of overpayment recovery, SSA will give you the chance to have a **personal conference** before it makes a decision on your waiver request. This is an opportunity to submit additional evidence and meet with someone who was not involved in the initial decision to tell him or her why you think the waiver should be granted.

If you request reconsideration, you can ask for a hearing (called an **informal conference**) about why you think SSA's decision was wrong. If you do not ask for a hearing, SSA will make a decision after reviewing the paperwork in your file and any documents that you provide.

What are the important deadlines?

You can file a request for waiver of overpayment recovery at any time. But if you file a request for waiver of overpayment recovery within 30 days of the date of your notice, SSA will not start to withhold money from your benefits until it decides whether the overpayment should be waived or not. If SSA has already started to reduce your benefits, and you file a waiver request, SSA

What are your rights when you receive an overpayment notice from SSA?

There are two ways that you can ask SSA to change its mind about whether to withhold money from your benefits in order to repay an overpayment.

- The first way is to request a **waiver of overpayment recovery**. This means that you ask SSA to decide whether the overpayment was your fault, and whether it would be a hardship for you to repay the money. If SSA agrees to waive your overpayment, then you will not have to repay SSA, and any money that SSA has already withheld from your benefits will be refunded to you.
- The second way is to request **reconsideration**. This means that someone would review the facts about your overpayment, such as the amount, the period of overpayment, and the reason, and decide whether SSA is right. For example, you might want to ask for reconsideration if you think that the amount of your wages that SSA is counting is wrong.

You can choose one or both ways to ask SSA to review your case and change its

mind. You also can ask to look at the information in your SSA file to see how SSA made its decision. You can make a copy of the information in your SSA file at no cost to you.

How do you request a waiver of overpayment recovery and/or reconsideration?

To request a waiver, fill out a **request for waiver of overpayment recovery** form (SSA-632-BK). You should explain the following things on the form:

- why the overpayment was not your fault;
- any action that you took to report your income and resources to SSA;
- what SSA told you about the reporting requirements, and whether or not you understood them;
- whether you thought the change in your income or resources was too small to have an effect on your benefits;
- whether you gave up an important right or changed your position for the worse based on your receipt of the overpaid benefits;
- whether you were unable to comply with the reporting requirements for a good

reason, such as inability to read, limited education, speaking a native language other than English, senility, or a disability;

- if you do not still have the money, you also should explain what you spent the money on, such as rent, food, clothing, etc.;
- if the overpayment is \$500 or less, you may ask for an **administrative waiver** since the cost of recovery may be more than the overpayment.

To request reconsideration, submit a **request for reconsideration** form (SSA-561), or a paper with your name, address and telephone number, your Social Security Number, the reasons why you do not agree with SSA's decision that you are overpaid, and whether or not you would like to have an informal hearing with the person who will decide your case.

You can get these forms at the SSA office or on its web site, **www.ssa.gov**. It is a good idea to file these forms by going in person to the SSA office and getting a receipt, or by sending them certified mail, return receipt requested. You should keep a copy of the form for yourself, too.