

SOCIAL SECURITY OVERPAYMENTS

What To Do When The SSA Says You Owe Them Money

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Protection & Advocacy of Beneficiaries of Social Security Project

What is an Overpayment?

- An Overpayment occurs when The Social Security Administration (SSA) sends you a benefits check when they should not.
- Overpayments can be caused by many different events. Some examples are: A change in your living situation, a marriage, a change in your disability status, an increase in income, or a return to work.
- The overpayment recovery process must begin with a formal **Notice of Overpayment** that is sent to you by SSA. This notice must contain:
 - The amount of the overpayment,
 - A detailed, plain language explanation of the cause of the overpayment,
 - Repayment options,
 - A complete statement of your appeal rights.

DO NOT IGNORE THE NOTICE OF OVERPAYMENT!

You have the right to challenge an overpayment but there may be limits. You must act quickly.

Your Three Options in cases of Overpayments are:

1. **File a Request for Reconsideration** - If You Disagree with the Overpayment or Believe that the Amount is Incorrect. This seeks to have the amount of overpayment computed again.

2. **File a Request for Waiver** - If the Overpayment Was Not Your Fault and You Cannot Repay It. This seeks to have the overpayment forgiven.
3. **Negotiate a Payment Plan** - If You Do Not Dispute the Overpayment, You Need to Work Out a Payment Plan.

Your Three Options In Cases of SSA Overpayments

| <u>Request for Reconsideration</u> (SSA Form 561-U2) | <u>Request for Waiver</u> (SSA Form 632-BK) | <u>Negotiate A Payment Plan</u> |
|--|---|--|
| <ul style="list-style-type: none"> • File your request immediately to prevent money being taken out of your Benefits Check. | <ul style="list-style-type: none"> • File your request immediately to prevent money being taken out of your Benefits Check. | <ul style="list-style-type: none"> • Submit a suggested monthly payment amount that you are certain that you can afford. |
| <ul style="list-style-type: none"> • State that you disagree with the amount of the overpayment. | <ul style="list-style-type: none"> • You must prove to SSA that the overpayment was not your fault <u>and</u> you cannot afford to repay the money owed to SSA. | <ul style="list-style-type: none"> • Submit an Income and Expense Statement that supports your proposal. |
| <ul style="list-style-type: none"> • Ask that no money be withheld from your Social Security Check until a final decision is reached. | <ul style="list-style-type: none"> • Ask that no money be withheld from your Social Security Check until a final decision is reached. | <ul style="list-style-type: none"> • Ask that no money be withheld from your Social Security Check until a final decision is reached. |
| <ul style="list-style-type: none"> • Utilize SSA Work Incentives including Impairment Related Work Expenses (IRWEs) | <ul style="list-style-type: none"> • In most circumstances, the SSA will determine that you cannot afford to repay the overpayment if your income is only SSI or if you can show that all of your income is needed to meet ordinary living expenses. | <ul style="list-style-type: none"> • If you are unable to make the full payment under the agreement, contact SSA to let them know. |

Both **Requests for Reconsideration** and the **Requests for Waiver** decisions can be appealed. The appeal right will be listed in the decision notice you receive from SSA. As with your other appeal rights, these rights are time limited and, in order to receive these protections, you must act immediately.

Alternative Formats Available Upon Request

DRN uses Language Line as an interpreter services for persons who are non-English speaking. When you call DRN the person answering the phone may not speak your

language. Please state the language that you speak and wait a few minutes until you can be transferred to an interpreter. You will hear music in the background until the interpreter is connected.

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To Reach PABSS Call 1-800-692-7443, TDD 1-877-375-7139 or Email drnpa@drnpa.org