



The Protection and Advocacy System for South Carolina

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FACT SHEET

SOCIAL SECURITY OVERPAYMENTS: WHAT TO DO WHEN THE SOCIAL SECURITY ADMINISTRATION SAYS YOU OWE THEM MONEY

What is an overpayment?

An overpayment occurs when the Social Security Administration (SSA) sends you a benefits check when they should not.

Many different events may cause overpayments to occur. 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 SSA sends to you. This notice must contain:

- The amount of the overpayment;
- A detailed, plain language explanation of the cause of the overpayment;
- Repayment options; and
- 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 time limits. You must act quickly.

How can I respond to a Notice of Overpayment?

You have three options to respond. They are:

- **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 the overpayment computed again.
- **File a Request for Waiver** - If the overpayment was not your fault and you cannot repay it or repaying it would be unfair. This seeks to have the overpayment forgiven.
- **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>
You must file within 60 Days but should file earlier to stop collection efforts.	You may file at any time.	Request a Payment Plan from your local SSA Office.
File your request immediately so that SSA does not take money out of your Benefits Check.	File your request immediately so that SSA does not take money out of your Benefits Check.	Submit a suggested monthly payment amount that you are certain that you can afford.
State that you disagree with the amount of the overpayment.	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 or paying it back would be unfair.	Submit an Income and Expense Statement that supports your proposal.
Ask SSA not to withhold money from your Social Security Check until a final decision is reached.	Ask SSA not to withhold money from your Social Security Check until a final decision is reached.	Ask SSA not to withhold money from your Social Security Check until a final decision is reached.
Look into the use of SSA employment supports, such as Impairment-Related Work Expenses (IRWEs).	If you receive SSI it will be assumed that you cannot afford to repay the money.	If you are unable to make the full payment under the agreement, contact SSA to let them know.

Where can I get the Request for Reconsideration or a Request for Waiver forms?

You can call or visit your local SSA office and ask for these forms. You can also find these forms on the SSA's website at <http://www.socialsecurity.gov/online/>

Can I file both a Request for Reconsideration and a Request for Wavier?

You may if you think that both apply.

Can I appeal Request for Reconsideration and Request for Waiver decisions?

You can appeal both the Request for Reconsideration and the Request for Waiver decisions. The decision notice SSA sends you will list your appeal rights. As with your other appeal rights, **these rights have time limits.** You need to act immediately.

What can I do to try to avoid an overpayment?

You must report to SSA anytime you go to work or change jobs. Also, report any change in your monthly income from work. When you report, ask for a receipt or keep some kind of proof that you reported and when you reported for your records. You can contact SSA to learn more about what other changes you should also report. More information about reporting can be found in the SSA publications: "What You Need To Know When You Get Social Security Disability Benefits" located at <http://www.socialsecurity.gov/pubs/10153.html> and "What You Need To Know When You Get Supplemental Security Income (SSI)" located at <http://www.socialsecurity.gov/pubs/11011.html>.

REFERENCE: The Social Security website page for Overpayments is at: <http://www.ssa.gov/pubs/10098.html#a0=1>

Upon request, alternative formats of this fact sheet are available from P&A, including large print or Braille.

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