

Social Security says I have been overpaid. What do I do?

What are overpayments?

There are two types of social security overpayments, Social Security Disability Insurance (SSDI) overpayments and Supplemental Security Income (SSI) overpayments.

Overpayments are payments that **you have received from Social Security that you might not actually be entitled to**. Overpayments can happen in a number of ways.

Supplemental Security Income (SSI)

SSI overpayments can be the fault of the Social Security Office, due to error in calculations or not recording information that you may have reported to the office in a timely manner. SSI is a needs-based program subject to resource limitations. You cannot have over \$2,000.00 in cash or other resources such as land, a home other than where you live, the income of a spouse, and other factors.

**OVERPAYMENTS MUST BE
RETURNED TO SOCIAL SECURITY
OFFICE. WHAT IF I CAN'T PAY?**

OVERCOMING OVERPAYMENTS

If you are charged with an overpayment, you must prove that you are **“without fault”**. You must also prove that repayment would deprive you of meeting ordinary and necessary monthly expenses. Social Security can also request repayment when you are not at fault if it is found you can afford to repay the overpaid amount.

APPEALING AN OVERPAYMENT

Contact SSA right away and appeal by filing a **Request for Reconsideration**. Request your benefits to be continued at your usual amount during your appeal. SSA will review the facts again to verify that you were overpaid and the amount you owe. You will receive another letter following this appeal.

- ✓ Filing for reconsideration first stops planned reduction or total withholding of your monthly benefits
- ✓ If you file for a waiver without a request for reconsideration, SSA can proceed with a collection while they are deciding if you qualify for a waiver.

WHAT IF MY RECONSIDERATION IS DENIED?

In most cases, the matter can be resolved by filing a **Request for Waiver**. You must be **“without fault”**. SSA reviews your income and expenses, and a waiver may be granted in full.

If a waiver is not granted, negotiations can be made to repay at a rate you can afford. You can also file a **Request for Hearing** before an Administrative Law Judge if you disagree with the reconsideration or waiver decision.

Remember!

- ✓ **COMMUNICATE ASAP**
- ✓ **DOCUMENT EVERYTHING**
- ✓ **YOU HAVE OPTIONS**

Call ALSC today to determine
if you are eligible for legal aid.

TOLL FREE: (866) 275-2572

SSDIB RETIREMENT SURVIVORS

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Social Security Disability Insurance (SSDI)

SSDI overpayments can be the fault of the Social Security Office, due to error in calculations or not recording information that you may have reported to the office in a timely manner. Overpayments can also be the result of work activity.

Unless you are at your **FULL** retirement age, there is a limit on how much you can earn and still receive disability benefits.

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