

# ***Campos v. Kijakazi Settlement***

## **Information for Advocates**

**The court-approved settlement in *Campos v. Kijakazi*, No. 21 Civ. 5143 (E.D.N.Y.), will benefit more than two million Supplemental Security Income (SSI) recipients who incurred overpayments during the COVID-19 National Emergency.**



## **Waiver of March-September 2020 Manual SSI Overpayments with No Action Required by SSI Recipients**

- SSA will waive all SSI overpayments incurred for the months of March through September 2020 that were manually processed (meaning, SSA will waive all overpayments for those months *except* those overpayments identified through an automated process such as VA data matching).\*
- SSA will grant these waivers without SSI recipients having to take any steps or submit any application or other paperwork.
- SSA will grant most of these waivers by June 2025. SSA will send eligible individuals a notice informing them about the waiver.

## **Where Applicable, Refunds of Funds Previously Paid with No Action Required by SSI Recipients**

- For any SSI recipients who have already repaid some or all of the waived overpayments described above, SSA will issue an “underpayment.”
- SSA will follow the law and its typical procedures in connection with these underpayments. Some may be used to offset other overpayments. Where applicable, SSA will provide refunds to SSI recipients via direct deposit into their bank accounts.
- SSA will issue these underpayments and refunds without SSI recipients having to take any steps or submit any application or other paperwork.
- SSA will issue most of these refunds by June 2025.

\* Additionally, SSA will not waive: Any such overpayments resulting from fraud or similar fault or involving misuse of benefits by a representative payee or that have already been reversed or waived.

## **Administrative Guidance about COVID-19-Related Circumstances as Basis for Waiver**

By late February 2024, SSA will issue internal guidance reminding technicians how to adjudicate waiver requests, specifically directing them to consider COVID-19-related circumstances when making findings of fault for overpayments that arose during the COVID-19 National Emergency Period (March 2020-April 2023) including, for example:

- COVID-19 related failed attempts to contact the Agency, including inability to visit a field office, inability to access mail services, and inability to access transportation
- government-imposed COVID-19 travel restrictions
- overpaid individual's COVID-19 related serious illness
- child- or family-care changes due to COVID-19 stay-at-home orders or school-at-home requirements
- COVID-19 related death or serious illness of the overpaid person's representative
- payee
- COVID-19 related death or serious illness in the overpaid individual's immediate family

### **Notice to SSI Recipients Assessed Overpayments for COVID-19 Emergency Period**

- SSA will mail a notice to SSI recipients who were assessed an overpayment for the COVID-19 National Emergency Period (March 2020-April 2023) and who are not receiving the automatic waiver described above.
- This notice will inform the individuals how to seek a waiver and will highlight the COVID-19-related factors that may be relevant to SSA, including those in the guidance listed above.
- SSA will provide this notice in approximately Spring 2025.

### **More Information**

- Nothing in this Settlement Agreement restricts any Class Member's right to request individual relief in connection with any overpayment, including, but not limited to, a [request for reconsideration](#), a [request for waiver](#), or any administrative or judicial appeal thereof.
- Any Class Member may assert that the Class Member should have been granted a waiver pursuant to this Settlement Agreement by submitting a waiver request to the SSA through SSA's existing waiver request procedures and/or as part of the Class Member's administrative appeal or judicial appeal of a denial of their waiver request.
- The full settlement agreement and other court filings are available at <https://nylag.org/camposvkijakazi/>