



How Do I Handle Supplemental Security Income & Social Security Disability (SSI/SSD) Overpayments

Frequently Asked Questions

Q: What is an overpayment?

A: An overpayment is when Social Security issues a payment that is more than the correct amount that should've been paid to you. You are responsible for paying back an overpayment unless it is not your fault and you cannot afford to pay it back.

Q: What are the most common reasons for overpayments?

A: Overpayments can happen for many reasons with SSI due to its financial rules, including:

- SSA errors, including computing errors or SSA mistakenly thinks you own property that you don't
- Your personal situation changes and the agency is not notified or it fails to enter the changes into the system in a timely manner, including: Changes to your household, changes to your marital status, and living outside of the U.S.
- Your financial information is reported or entered incorrectly
- If you don't report your wages, workers compensation, or some types of pensions to SSA.

Q: What do I do if I receive an Overpayment Notice from the SSA?

A: **Don't ignore it!** Act immediately so you have different options to challenge it. When you receive an overpayment notice, you have two options to appeal it, a **Reconsideration** (Form SSA-561) or **Waiver** (Form SSA-632).

Q: How to Request for Reconsideration?

A: If you think the agency's actions were wrong or the amount mentioned is incorrect, make the request within 65 days of the overpayment notice to stop any recoupment until the agency makes a final decision.

The best way to file a reconsideration is online at: <https://secure.ssa.gov/iAppInMD/start>. The second best way to file a reconsideration is by faxing it to your local office. Search the fax and phone number for your local office by zip code at: <https://secure.ssa.gov/ICON/main.jsp>

If you dispute any part of the agency's decision and you are within the 65-day limit (or later and you have good cause for filing late), then you should file a reconsideration and

not a waiver. You can always file a waiver later if you need to.

Q: How to request for a Waiver?

A: File for a waiver if your reconsideration is denied, it is too late for you to ask for a reconsideration, or you agree with SSA's assessment, but you believe it is your fault and you cannot pay the amount of the overpayment.

To be eligible for a waiver, you must 1) prove that the overpayment was not your fault; and 2) it would be a hardship for you to repay the money, or 3) it would be against equity and good conscience.

File by fax to your local Social Security office; there is no online application. Do not file a waiver at the same time as a reconsideration. If you filed a reconsideration, wait until you get a decision. If you still owe SSA money after you get the reconsideration decision, file a waiver.

Q: Should I request a conference with SSA?

A: Yes. You will have the opportunity to review SSA's records and advocate for yourself. You should request a formal conference on the reconsideration form, unless you have an SSD case, in which case you should request a file review.

Q: What information do I need to submit to SSA for a reconsideration?

A: Provide documents that prove that you do not owe the overpayment, such as bank statements, letters, updated income, and other proof that you were not overpaid

Q: What information do I need to submit to SSA for a waiver?

A: Provide information that explains why the overpayment was not your fault, such as proof that you promptly submitted the information to SSA and that SSA failed to enter it into the system

Q: What information do SSD recipients need to provide?

A: Prove that you cannot afford to pay back the overpayment, including proof of your income, resources, and copies of your monthly bills to Social Security

Q: What if my Reconsideration or Waiver is denied?

A: If your reconsideration or waiver is denied, you can request a hearing before an Administrative Law Judge within 65 days of the date on the denial notice by filing with your local Social Security office in person, by mail, fax, or online.

Make sure that your request is put in the SSA system and keep a copy of your submission and proof that it was sent or submitted.

- Online Reconsideration and Hearing Requests can be filed here:
<https://secure.ssa.gov/iApp/NMD/start>

For more information, visit us at www.legalservicesnyc.org or www.nylag.org.

- Local SSA Office Phone and Fax numbers can be found here:
<https://secure.ssa.gov/ICON/main.jsp>

Q: How do I get legal help?

A: If you live in New York City, call Legal Services of NYC at 917-661-4500 or the New York Legal Assistance Group at 212-613-5000. If you live outside of New York City, contact your nearest Legal Services Corporation provider. Visit lsc.gov or lawhelp.org to find a provider near you.