Managing Social Security Overpayments

What is an overpayment?

An overpayment occurs when Social Security sends a payment that is more than the amount you should have been paid. There are many reasons why overpayments occur.

Notice of overpayment

When an overpayment occurs, Social Security sends a letter to you and your representative payee, if you have one. **This letter explains why Social Security believes you are overpaid and it explains your rights.** Read this letter carefully. If you have any questions, call **1-800-772-1213** or make an appointment to visit your local Social Security office. Ask Social Security about whether there are any work incentives that might apply to your situation. You can also call the Work Incentives Connection (651-632-5113 or 1-800-976-6728) about work incentives.

Three Things You Can Do:

1. Appeal: 60 day deadline!

If you <u>disagree</u> that you have been overpaid, or believe the amount of the overpayment is incorrect, you can request that Social Security <u>reconsider</u> their overpayment decision. To request a "reconsideration":

- Make an appointment to visit your local Social Security office by calling 1-800-772-1213. A staff person will help you fill out a form and give you a copy to keep for your records. Or
- Call 1-800-772-1213. Phone staff will mail you a form to fill out and return to your local Social Security office. Keep a completed copy of this form. Or
- File your reconsideration on-line at www.ssa.gov/onlineservices. You can report your reasons for repealing the overpayment and upload all relevant documentation.
- Make sure you explain why you have not been overpaid, or why the amount of the overpayment is not correct.

- **It is not difficult to request a reconsideration, but you must act quickly!** You have **<u>60 days</u>** from the date you received the first overpayment notice to ask for reconsideration. Social Security assumes you got this letter 5 days after the date on it unless you can show you did not get it within 5 days.
- You must have a good reason for waiting more than 60 days to ask for reconsideration.
- Your request for reconsideration <u>must be in writing</u>.
- Repayment of your overpayment will be postponed by Social Security until they make a decision on your reconsideration request.
- If you disagree with the results of your reconsideration, you can appeal again. The next level of appeal is called a "hearing".

2. Request a Waiver: No time limit!

If you <u>agree</u> with the overpayment, but believe you should not have to pay the money back, you can request to have the overpayment "waived" or forgiven. You will have to prove that:

- the overpayment was not your fault; **and**
- paying the overpayment back would cause you financial hardship, or be unfair for some other reason.

Repayment of your overpayment will be postponed by Social Security until they make a decision on your waiver request. **Check the overpayment amount to make sure it is correct <u>before</u> filing for a waiver.**

To request a waiver:

- Call 1-800-772-1213 to make an appointment at your local Social Security office. A staff person will assist you to complete the waiver request form; or
- Call 1-800-772-1213. Phone staff will mail you a waiver request form to complete and return. Keep a copy of the completed form for your records.
- You may be asked to give Social Security proof of your income and your expenses.

- During your request for a waiver, you may be asked to attend a personal conference. **Be sure to attend! It is a good opportunity to possibly get your overpayment forgiven.** If you disagree with Social Security's decision after this conference, you can request an appeal.
- There is **no time limit** for filing a waiver.

3. Repay:

If you agree that you have been overpaid AND that the amount of the overpayment is correct, you have the choice on how to repay it.

If you are receiving Social Security benefits, Social Security will start to withhold the full amount of your benefit each month to recover the overpayment *unless you ask for a lesser withholding amount*. Recovery or repayment starts 30 days after Social Security notifies you of the overpayment.

If you are receiving Supplemental Security Income (SSI), Social Security will withhold 10% of the maximum Federal Benefit Rate each month to recover the overpayment. The full Federal Benefit Rate in 2020 for a single individual is $783; 10% of $783 is $78.30 *You can ask that less be withheld from your benefit if you cannot afford to have the proposed amount withheld*. Recovery or repayment starts 60 days after Social Security notifies you of the overpayment.

If you are no longer receiving benefits, you can:
- Send a check to Social Security for the entire amount of the overpayment.

- Contact Social Security to set up a plan to pay the overpayment back in monthly payments.

Don't Ignore Overpayments:
If you are no longer receiving Social Security benefits, and you do not pay the overpayment back, Social Security can recover the overpayment from your federal income tax refund or from wage garnishment if you are working.

Avoid or Minimize Overpayments in the Future:
- Learn about work incentives that apply to you.
- Report to Social Security events that could affect your benefits:
  - The start and stop of work
  - Significant increases or decreases in your work hours or in wages
  - Getting married
  - Changes in your living situation, including: changes of address, the number of people you are living with, etc.

Talk with your local Social Security office about how often you should report your wages. Then, report your wages on this schedule. It is best to report wages in writing and to ask for a receipt. Be sure to keep your original pay stubs and keep your Social Security receipts in a safe place.

WORK INCENTIVES CONNECTION

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For more information, call the Work Incentives Connection:
651-632-5113 or 1-800-976-6728

www.mnworkincentives.com