

SSI & SSDI Overpayments

If you have received notice of an overpayment, it means that the Social Security Administration (SSA) has decided that you are not eligible to receive the full amount of benefits you were paid.

SSA must send you a Notice of Overpayment telling you:

- 1) How much you were overpaid.
- 2) How and when the overpayment happened.
- 3) How you can pay the money back.

You have the right to look at your SSA file so that you can see what information they are using to calculate your overpayment. You can also ask an SSA representative to explain the reason for the overpayment to you.

At this time, SSA can withhold benefits to pay back your overpayment amount. SSDI recipients will get 50% of their benefits withheld if they do not respond to SSA's Notice of Overpayment within 90 days. SSI recipients will have 10% of their monthly benefits withheld if they do not respond to the Notice of Overpayment within 60 days.

How to Contest your Overpayment

Request for Reconsideration:

- If you do not agree that you were overpaid or think the amount is wrong, you can appeal SSA's decision. This is called a Request for Reconsideration.
- You must complete a Form SSA-561-U2 and send it to your local SSA office. You have 65 days from the date of the Notice of Overpayment to file it. If you want to keep receiving your SSI while SSA makes a decision, you must file the form within 15 days from the date on the Notice.
- Include an explanation on the form of why you believe you have not been overpaid, or why you think the overpayment is wrong. Include copies of any evidence that supports your position.
- If your Request for Reconsideration is denied, you can request a hearing with an Administrative Law Judge. Your request must be in writing, and it must be made within 65 days of the date of your denial.

Request for Waiver:

- If you believe there may have been an overpayment, but it was not your fault, you can request SSA "waive" collection. This is a separate request from the Request for Reconsideration.
- You must complete a Form SSA-632-BK and send it to your local SSA office.
- There is no time limit for filing a waiver request.



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- SSA should stop collecting repayment money from you while they are deciding on your waiver request, but you may have to ask them to do this.
- To obtain a waiver, you must prove: 1) you were not at fault for the overpayment, and 2) you cannot repay the money owed because it would cause financial hardship or be unfair.
- To show that repayment would cause financial hardship, you have to prove that you need all your income to pay your necessary living expenses (food, clothing, housing, etc.)
- You may have to provide SSA with proof of income and bills.
- If your waiver request is denied, you have 65 days from the date printed on the notice to request a reconsideration of the denial using Form SSA-561-U2.
- If SSA reconsiders your denial and still decides not to waive your overpayment, you can request an ALJ hearing.

Request for Change in Repayment Rate

- If you choose not to file an appeal or waiver request, you can still ask SSA to set up a smaller repayment plan if the recovery rate will cause you hardship.
- To request a repayment plan, you can submit a Form SSA-634 to your local office.