

# **SSI and SSD overpayments**

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Learn what it means when Social Security tells you that you got an overpayment and what you can do about it, including appealing, asking for a waiver, or trying to work out a repayment plan.

**What is an overpayment?**

An overpayment means that you got more SSI or SSD money than you were supposed to. This can happen because either you or Social Security made a mistake. Even if it was their fault, Social Security can ask you to pay back the money.

**How can I avoid an overpayment?**

Report changes right away to Social Security. Even if you report right away, the next check may be sent before the amount can be changed. Then you have an overpayment.

Some examples of things that could cause an overpayment are:

- Getting married
- Changes in your income

- Starting or stopping a job
- Going into the hospital
- The death of a spouse
- Getting a large payment, like an insurance award or car accident settlement

If you think such a change may happen, get legal advice about choices you can make to avoid an overpayment. Keep proof of when you report changes. Keep copies of things for yourself or a log of who you talk to at Social Security.

## **What happens if I get an overpayment?**

Social Security will try to get the money back from you. They can also report the overpayment to credit bureaus so it's on your credit report.

- Social Security can ask you to repay (<https://www.ssa.gov/manage-benefits/repay-overpaid-benefits>) the whole amount now, or to repay it over time. You don't have to agree to this.
- They can take the money out of your SSD or SSI checks. This is called "recoupment." If you get SSI, they can only take up to 10% out of each monthly check. But if you get SSD, they may take up to 50% (one half) of your entire monthly check.
- They can take your federal tax refund or other federal money owed to you or your spouse. But they don't do this if you're still on SSI.
- They can sue in court for the overpayment plus court costs. They don't do this if you're still on SSI.

## **What if the overpayment is small?**

If it's \$1,000 or less, Social Security won't try to get the money if you ask them not to. This is called an "administrative waiver." You can call and ask Social

Security for this waiver. You don't need to fill out any paperwork.

## **What if Social Security is going to take money from my check?**

You can do any of these things that make sense for you:

**Agree to pay it back** and work out a payment plan. This way you get some control of how much is taken out of your check. See if they can take less than 10% per check.

**Appeal.** If you don't think you were overpaid, you can appeal. File a written appeal right away. The process to appeal an overpayment is the same as appealing a denial of an application for SSD or SSI.

**Ask for a "waiver."** This means that even if you were overpaid, you shouldn't have to pay it back. If you can't afford to pay the money back, file for a waiver right away, using the Waiver request form SSA #632 (<https://www.ssa.gov/forms/>).

If you file within **30 days** of getting the overpayment notice, Social Security can't take money from your check until you have a meeting with them. If they already started taking money, asking for a waiver stops them from taking more until a decision is made.

Social Security must give you the waiver if the overpayment wasn't your fault, and:

- It would be unfair to make you repay it (for example, you can't afford to pay it back, and it would be a great hardship), or
- The overpayment is small and not worth the time and energy to collect it.

You can file for both an appeal and a waiver at the same time. SSA shouldn't withhold your benefits during an appeal or while you wait for a decision on a waiver.

## **What if I lose my appeal?**

If your first overpayment appeal and waiver request is denied, you can appeal further.

**WashingtonLawHelp.org** gives general information. It is not legal advice.

Find organizations that provide free legal help on our Get legal help page.

<https://assets.washingtonlawhelp.org/en/ssi-and-ssd->

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