



SOCIAL SECURITY OVERPAYMENT

WHAT IS A SOCIAL SECURITY OVERPAYMENT?

An overpayment is when you receive more money from the Social Security Administration (SSA) than the amount of benefits you should have been paid.

WHAT CAN COMMONLY CAUSE AN OVERPAYMENT?

For **SSI beneficiaries** if:

- You have excess resources
- You have excess earned or unearned income
- Your marital status and/or your living arrangement change
- You are no longer have a disability and continue to receive benefits
- You do not report a change to the SSA (on time or at all) as required
- You do not comply and/or do not timely comply with your Social Security earnings reporting responsibilities, if you work
- SSA incorrectly calculates your benefits because of wrong or incomplete information you provided.

For **SSD beneficiaries** if:

- You worked over substantial gainful activity (SGA) after the nine-month trial period
- You do not comply or do not timely comply with your Social Security income/earnings reporting responsibilities
- You no longer have a disability and continue to receive benefits
- SSA incorrectly calculates your benefits because of wrong or incomplete information you provided

WHAT CAN I DO IF I GET AN OVERPAYMENT NOTICE?

You can challenge the amount and/or the facts of an overpayment by:

- Filing SSA Form 561, “**Request for Reconsideration.**” → Use this form if you believe you did not receive an overpayment, or the amount of the overpayment was incorrectly calculated. You must file within 60 days from the date of the overpayment notice. You should file it within 30 days to stop SSA from trying to recover the overpayment.
 - Filing SSA Form 632, “**Request for Waiver of Overpayment Recovery.**” → Use this form if you believe you received an overpayment, but the overpayment was not your fault and you cannot afford to repay it or it would be unfair for you to repay it. You may file it at any time, but should file within 30 days to stop the SSA from trying to recover the overpayment.
 - Further Appeal Rights:
 - If your request for reconsideration and/or waiver is denied, you can ask for a hearing before an Administrative Law Judge (ALJ) within 60 days by filing SSA Form HA501 “Request for Hearing before an ALJ.”
 - If your request is denied by the ALJ, you can appeal to the SSA Appeals Council within 60 days.
 - If your request is denied at the Appeals Council level, you can appeal to Federal Court within 60 days of the Appeals Council’s written decision.
- Negotiating with the SSA → you may contact the SSA claims representative and request a payment plan.

Preserving Eligibility:

- 10 day-rule: When the SSA proposes that benefits be terminated or suspended due to ineligibility, you can continue receiving interim benefits while the issue of ineligibility is appealed if the appeal is filed within 10 days of notice.

❖ **REMEMBER:**

- The SSA must notify you in writing of the overpayment before it may take any money from your check.

- Report any changes in your income to the SSA immediately to avoid potential overpayments, even if you are told the change will not affect your benefits; and respond promptly to any notices from the SSA.

If you are working or interested in returning to work, depending on the facts of your situation, Disability Rights New York may be able to assist you with your termination issue. Please call Toll free: 1-800-993-8982, Voice: 518-432-7861, or TTY: 518-512-3448 if you think you need our assistance.

DISABILITY RIGHTS NEW YORK CONTACT INFORMATION

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