Legal Aid Society of Greater Cincinnati

Social Security Overpayments

How will I know if I have an overpayment?

Social Security must send you a notice advising you of the overpayment and how it was calculated. You have the right to appeal an overpayment notice. Overpayment notices may come years after the alleged overpayment happened. It often takes Social Security a long time to discover/determine an overpayment.

How will Social Security make me pay back the overpayment?

If you are still getting benefits from Social Security, Social Security will take money out of your monthly benefit to repay your overpayment. This is often called "recoupment."

> Supplemental Security Income (SSI): The standard recoupment is 10% of your monthly benefit. So, if you are receiving $994 in SSI, they will recoup $99 each month.
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> Social Security Disability or Retirement: SSA can recoup up to 50% of your monthly b benefit amount to repay your overpayment. This is an amount that most people cannot afford to pay. If you agree you need to repay the overpayment, you can request a lower repayment rate. You must fill out a *Request for Change in Overpayment Recovery Rate* (Form SSA-634) and turn it in to Social Security.

If you are not getting benefits, Social Security will send you a bill. If you do not start making payments on your overpayment and have not appealed it, Social Security might also try to collect money from your federal tax refund (if you receive one).

I do not agree that I have an overpayment.

If you do not think that you should have any overpayment, or you think the amount of the overpayment is wrong, you should appeal the overpayment notice. To appeal, you must file a *Request for Reconsideration* (Form SSA-561). All forms are available at www.ssa.gov or by calling 1-800-772-1213. You must appeal within 65 days of the date on the notice. The notice will explain how to appeal. If you timely appeal, Social Security will not start collecting on the overpayment.

I agree that I have an overpayment, but I do not think it is my fault.

If you agree that you were overpaid, but you do not think it was your fault, you can file a *Request for Waiver of Overpayment Recovery* (Form SSA-632) with Social Security. On this form, you must explain why the overpayment was not your fault and why you cannot afford to pay it back.

Social Security will review your waiver application according to their rules and determine if the overpayment should be waived. If the waiver is granted, Social Security will remove the overpayment from your account. There is no deadline by which you must file a waiver; you can file a waiver any time you have an overpayment.

My overpayment is less than $2000. Are there any special rules that apply to me?

You can also request Social Security administratively waive your overpayment if it is $2000 or less. You do not have to fill out any form. You must call Social Security at l-800-772-1213 and ask them to administratively waive your overpayment. You can only request administrative waiver if your original overpayment is $2000 or less. If SSA denies your request, they will collect it at the rate outlined above.

How do I find the forms mentioned in this document?

You can find all the forms on the Social Security website: www.ssa.gov. You can search for the document names, or you can search for "Resolve an Overpayment" and you will get to a page that contains all of the documents in one page. You can also call SSA at 855-807-8807 to request the forms be sent to you.

Who can help me understand my rights?

You may be able to get help from your local Legal Aid office. You can find the Legal Aid that serves your county at https://www.ohiolegalhelp.org. Call the office in your area and they can tell you if they can help you. You can also get the names of lawyers in your area by calling your county Bar Association.