

Social Security Benefit Overpayments: How to Avoid or Dispute Them Using Social Security's New (2024) Policy Changes

What is an overpayment and why do they happen?

An overpayment is when Social Security decides they have given you too much money. Overpayments of SSI often occur if you neglect to report changes in income, resources or your living arrangements. SSDI overpayments often occur if you neglect to report wages or changes in your work. Sometimes they occur due to a Social Security error.

What are my appeal rights?

You can dispute an overpayment in one or two ways. One way is an **appeal**. The other way is a **waiver**. Here is how to choose between the two:

What is an “appeal” and when do I choose this option?

An appeal is a formal request for Social Security to review their decision. You would choose an appeal if you disagree that you have been overpaid or believe the amount is incorrect. When choosing this method use form **SSA-561-U2 – Request for Reconsideration**. Here is the link <https://www.ssa.gov/forms/ssa-561.pdf>. You must submit this appeal within 60 days from the date on the overpayment notice. Once you submit this appeal form, Social Security will stop the collection process.

What is a “waiver” and when do I choose this option?

A waiver is a formal request for Social Security to forgive some or all of the overpayment. You can request a waiver if you think it was not your fault and it would cause a hardship to repay it. Some people choose a waiver request as it best fits their reason. Other people choose a waiver if their appeal has been denied and they want the required payment “waived”. The link to **SSA -632-BK Request for Waiver of Overpayment Recovery** is: <https://www.ssa.gov/forms/ssa-632-bk.pdf>. Once you submit this appeal form Social Security, will stop the collection process.

How can Social Security’s new overpayment rules work for me?

- 1) If your waiver is \$2000 or less, you can request a waiver by calling the toll-free number 1-800-772-1213 or your local office. Social Security will not require you to complete any paperwork if there is no indication you are at fault. Also, Social Security will forgive some overpayments that are two years old or older under certain circumstances, however, delaying payment knowing you have an overpayment is not an option. There is no deadline for this waiver request.

- 2) With SSDI overpayments, Social Security will no longer stop your monthly benefit until repayment is made in full. If you agree with the overpayment, or have a remaining overpayment after an appeal and/or waiver, the repayment period will be 5 years (it used to be 3 years). Also, the repayment amount should be no more than 10% of your monthly SSI or SSDI benefit and can be as little as \$10.

Does disAbility Law Center of Virginia (dLCV) provide any help with overpayments?

If you know or suspect the overpayment is related to you working then dLCV may be able to assist. To request help submit a Get Help form at: www.dlc.v.org/get-help. In the issue section specify that you believe you have an overpayment related to work. An advocate will reach out within 2-3 business days. If your overpayment is not related to work this guide will help you.