

The most common overpayment cases happens because of a failure to report working.

SSI recipients' overpayments happen because:

- (1) Resources are more than the \$2,000 limit for an individual and \$3,000 for a couple;
- (2) Too much income due to a failure to report wages, cash, pensions, VA benefits, alimony, inheritances, ownership of land, savings, child support, or gifts;
- (3) Hospital stays;
- (4) Institutionalizations or jail;
- (5) Changes in living arrangements; or
- (6) Changes in marital status.

### How Does SSA Collect an Overpayment?

Social Security can collect overpayments

- ◆ By taking money from your check every month
- ◆ By taking you to court to recover the money and/or prosecute you if fraud is involved.

If you no longer get a check, then SSA can

- Garnish your wages,
- Intercept your income tax refund, and
- Notify credit reporting agencies.



The information in this brochure is intended only as information; it is not legal advice. The information does not create an attorney-client relationship. For specific legal advice, contact an attorney licensed in the appropriate state and do not rely on this information.

## GEORGIA LEGAL SERVICES PROGRAM®



The Georgia Legal Services Office  
listed above is the office serving your area.

Call this office for assistance.

OR

Call 1-800-498-9469 or

TDD 1-800-255-0056

for the GLSP office nearest you.

Georgia Legal Services Program®

104 Marietta Street, Suite 250

Atlanta, Georgia 30303

## Overpayments & Collections - Social Security and Supplemental Security Income (SSI) Benefits

# Overpayments & Collections—Social Security and SSI Benefits

## What is an Overpayment?

An overpayment happens when the total amount received by an individual is more than the total amount which should have been paid for that period.



## Amount of an Overpayment

Difference between what was paid and what was due for a period of time.

## Who is Responsible?

- The person;
- The eligible wife or husband;
- People receiving benefits on earning record of another person (retirement and survivors only);
- An alien's sponsor (SSI);
- Representative Payee if benefits were misused by the Representative Payee and not given to the person.

## How Does an Overpayment Case Begin?

A written notice is sent.

The notice must contain

- The time period for the overpayment
- The amount owed (listing each month and the total amount)
- How it happened

- Information about what to do if you disagree with the decision (File a reconsideration stating "I was not overpaid.")
- Right to file a waiver ("I was overpaid but it was not my fault and I need a face-to-face visit before you keep part of my check.")

## Time Periods

The notice must tell you how long you have to fight Social Security's decision.

For people getting SSI, you can ask that your check keep coming while you fight the overpayment. You must appeal within ten (10) days from the day you receive the notice.



Ten (10) days!  
Ten (10) days!

If you miss the 10 days, you still have sixty (60) days to appeal the overpayment.

For Social Security disability and retired persons, you need to appeal within ten (10) days after you receive the notice to keep your check coming. You have sixty (60) days to appeal, but Social Security will start paying itself back while you challenge your case.

Move quickly!  
Move quickly!

## Reconsideration vs. Waiver

The notice will give you two ways to appeal.

### 1. Reconsideration

You can only file within 60 + 5 days after you receive the notice. You can ask for a good cause extension. You do not admit that you were paid too much. Withholding begins once SSA denies your request for reconsideration.

OR

### 2. Waiver

A waiver can be filed at any time. In a waiver, you state that you were paid too much. State it was not your fault, you have no money, or it would be unjust to make you pay it back. No money will be withheld from your check until after a face-to-face personal conference.

If you think Social Security did not add and subtract correctly or you were due all the benefits you received and your reconsideration request is denied, you can file a request for a hearing before a judge.

If you are denied a waiver, you can file a request for a hearing before a judge.

If you are overpaid \$1000 or less, you can ask the local office to forgive the overpayment.