



# Disability Law Center's Self-Advocacy Materials

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## Benefits

This document is designed for people with disabilities. The information is about your legal rights and how to advocate for yourself as a resident in Massachusetts.

Contact us to request this information in an alternative format.

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### Funding

DLC receives funding from government grants, private foundations, and individual contributions. For details about our funding and programs, please visit:

<http://www.dlc-ma.org/about/funding/>

## SSDI Overpayments

### You Will Learn About:

- What overpayments are and why they happen
- What to do if you have been over-paid
- How to avoid overpayments

**This document includes general information about legal issues and is intended to be used for informational purposes only. These informational materials should not be taken as legal advice, and do not create an attorney-client relationship. The outcome of any particular matter will depend on a variety of factors. For specific legal problems you would need to contact an attorney.**

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# Social Security Disability Benefits and Overpayments

## What Is an Overpayment?

You have an overpayment if Social Security paid you more in disability (SSDI) benefits than they could pay you legally.

## Why do Overpayments Happen?

Overpayments happen if you do not tell Social Security about your work. Overpayments may happen if you told Social Security about your work but Social Security did not stop your SSDI on time.

Social Security must tell you about your overpayment in writing. The written letter is an overpayment notice. You should keep the notice in a safe place because you may need to look at it again.

Social Security must explain to you why and when they paid you too much. Social Security must tell you what to do if you disagree with their decision. Social Security must tell you how you can pay the money back.

## How Will Social Security Get the Money from Me?

Social Security may take some of your SSDI. They may take your tax refund or some of your wages. Social Security may sue you in court. You may have bad credit because of your overpayment.

You should call or go to the Social Security office when you get an overpayment notice. If Social Security is using incorrect information, you should tell them right away and give them the correct information. You can file an appeal called *reconsideration* or request a waiver of the overpayment. If you request reconsideration or a waiver, Social Security cannot collect on the overpayment until it has made a decision.

## What If I Disagree with Social Security About My Overpayment?

You may ask Social Security **in writing** to have another look at your overpayment. Social Security calls this a reconsideration.

**IMPORTANT:** You have **60 days** to give Social Security your reconsideration. You should count the days from the day you got the overpayment notice. Social Security may take a late reconsideration request, but you have to give them a good reason for being late.

## What If I Do Not Have the Money to Repay My Overpayment?

You may ask Social Security **in writing** to waive your overpayment.

**IMPORTANT:** You may ask Social Security to waive your overpayment **at any time**.

## When Do I Get a Waiver?

Social Security may waive your overpayment if they agree with you about two things. First, you must prove that your overpayment is not your fault. Then, you must show that you do not have the money to pay them back.

Social Security may also waive your overpayment if it is unfair to ask you for repayment. You still have to prove that the overpayment is not your fault.

Social Security must talk to you before they make a decision about your overpayment. You should give Social Security any information that will help your case.

**IMPORTANT:** Social Security may waive your overpayment without a lot of paperwork if it is \$1,000 or less.

## What If I Agree with Social Security About My Overpayment?

Social Security and you may agree on how much money you will repay each month. You must tell Social Security how you spend your money each month. You must agree to pay at least \$10/month.

**IMPORTANT:** Social Security may take **all** of your SSDI to get your overpayment back. You may ask Social Security to take a little bit of your income each month, **but** you must show that you cannot pay for your home and food without your benefits.

## How Do I Avoid Overpayments?

You should tell Social Security about your wages or self-employment income. You should do this every month. You should read your Social Security notices carefully. If you do not understand the notices you should contact Social Security.

You should keep copies of anything you give to Social Security. You may bring your paperwork to your Social Security office. You may mail it. It is best to use registered mail.