



# 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/>

## SSI 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 Benefits and Overpayments

## What Is an Overpayment?

You have an overpayment if Social Security paid you more in SSI benefits than they could pay you legally.

## Why do Overpayments Happen?

Overpayments happen if you do not tell Social Security about changes in your life. Overpayments may happen if you told Social Security about changes in your life but Social Security did not stop or change your SSI amount in time.

## What Changes Do I Have to Report to Social Security?

You have to contact Social Security if:

- you moved or changed your address
- you live in a nursing home, hospital, or jail
- you got married
- you got divorced
- you have a child living with you
- somebody in your home died
- you are leaving the United States for more than 30 days
- you have wages
- you are self-employed and earn income
- you receive a pension, veteran's check, unemployment, or any other payments
- you bought a house or a car
- you sold a house or a car
- you opened a new bank account
- you set money aside for retirement
- somebody is paying your bills
- somebody stopped paying your bills
- somebody gave you money as a gift
- somebody gave you money as a loan

## How Will I Know About My Overpayment?

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 SSI benefits. 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. Social Security **must talk to you before they do anything to get the money back.**

## 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 request for 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.**

## How Will Social Security Consider My 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:** You do not have to show Social Security that you cannot repay the overpayment back if you receive SSI when you ask for a waiver.

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

## What About My SSI Benefits?

If you receive SSI when you give Social Security your waiver or reconsideration, Social Security should continue your SSI while it makes a decision on your waiver or reconsideration request. However, if Social Security is right, the continued benefits will be added to the overpayment amount.

**IMPORTANT:** Social Security **may not take** all of your SSI benefits to get your overpayment back. Social Security may not take more than 10% of the income you get every month.

## 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 explain to Social Security that you cannot pay for your home and food if they take 10% of your income every month. You must agree to pay at least \$10/month.

## How Do I Avoid Overpayments?

You should tell Social Security about important events in your life. You should report within 10 calendar days during the month after the event happened. You should report your wages every month. For example: if you take a job on March 15, you must report this change to Social Security by April 10.

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 and ask for a date stamp for your records. You may mail it. It is best to use registered mail.