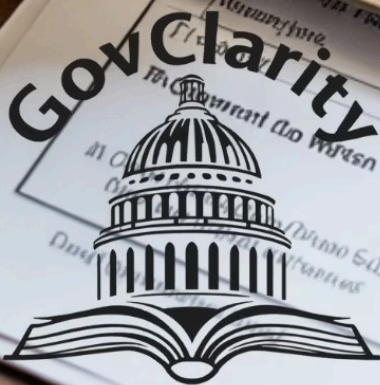


# Social Security Overpayment

Your Complete Guide to Appeals and Waivers.

Social Security  
Overpayment  
Notice.

Request for Waiver.



# Key Statistics and Understanding Overpayments

**\$1.4T**

## Annual Benefits

Total Social Security benefits paid annually to over 70 million people

**60**

## Appeal Days

Time limit to file an appeal after receiving an overpayment notice

**10%**

## Withholding Rate

Standard monthly benefit withholding rate (or \$10, whichever is greater) if no action is taken

**30**

## Response Days

Time you have after receiving a notice before collection begins

## What Is a Social Security Overpayment?

When Social Security determines they paid you more than you were entitled to receive, they send an overpayment notice. This can happen due to unreported income, changes in living situation, administrative errors, or other changes that affect your eligibility or payment amount.

# Your Response Options

Response Type	Best For	Timeline	Requirements
Appeal	When you believe the overpayment is incorrect	Must file within 60 days of receipt	Proof that the determination is wrong
Waiver	When the overpayment is correct but not your fault and you can't afford to repay	Can file anytime	Proof of financial hardship or unfairness
Payment Plan	When you agree with the overpayment but need time to repay	Can request anytime	Ability to make at least minimal payments

## Why Quick Action Matters

If you don't respond to an overpayment notice, Social Security will begin collection 30 days (plus 5 mail days) after the date of the notice. If you submit a request for reconsideration or waiver before that 30-day period expires, Social Security will not begin collection until a decision is made on your request. Collection typically involves withholding 10% of your monthly Social Security benefits (or \$10, whichever is greater), but can also include intercepting tax refunds, garnishing wages, or reporting the debt to credit bureaus.



# Decision Matrix: Which Option Is Right For You?

## Consider Filing an APPEAL if:

- The amount of the overpayment is incorrect
- You never received the benefits in question
- Social Security's information about your situation is wrong
- You reported changes on time but they weren't processed
- The calculation period is incorrect

## Consider Requesting a WAIVER if:

- The overpayment was not your fault AND
- You cannot afford to repay it without hardship OR
- It would be unfair to make you repay (you changed your financial position based on the benefits)

## Consider a PAYMENT PLAN if:

- You agree you were overpaid
- You can afford to make payments over time
- You want to avoid more aggressive collection methods



# Step-by-Step Appeal Process

## Gather Your Documentation

Before starting your appeal, collect:

- Your overpayment notice
- Proof of when you received the notice (if different from the notice date)
- Any evidence showing why the overpayment determination is incorrect
- Records of communications with Social Security
- Income and resource documentation for the period in question

## Complete Form SSA-561

- Download Form SSA-561, "Request for Reconsideration," from [ssa.gov](https://ssa.gov) or pick up at your local office
- Check the box indicating you disagree with the overpayment determination
- Clearly explain why you believe the determination is wrong
- Be specific about dates, amounts, and facts
- Attach copies (not originals) of supporting documents

## Submit Your Appeal

### Submission Options:

- Apply online at [ssa.gov](https://ssa.gov) (fastest method)
- Mail to the address listed on your overpayment notice
- Fax to the number provided
- Deliver in person to your local Social Security office
- Call the Social Security Administration at 1-800-772-1213 to request assistance

### Important Timing:

- Your appeal must be filed within 60 days of receiving the notice
- Social Security assumes you received the notice 5 days after the date on the letter
- Filing within 30 days prevents collection from starting while your appeal is pending
- Keep proof of submission (confirmation number, certified mail receipt, fax confirmation, etc.)
- Always keep a complete copy of everything you submit

## Request Continuing Benefits (Optional)

- If you're currently receiving benefits, you can request that they continue unchanged during the appeal
- You must make this request within 10 days of receiving the overpayment notice
- If your appeal is denied, you may have to repay these continued benefits

# Step-by-Step Waiver Process

## 1. Determine If You Meet Both Criteria

A waiver requires proving TWO things:

### **You were "without fault" in causing the overpayment:**

- You reported all required information on time
- You didn't provide false information
- You returned any checks you knew weren't due to you
- You didn't know or couldn't have known you were being overpaid

### **AND one of the following:**

- Repayment would cause financial hardship (unable to meet basic needs)
- Repayment would be "against equity and good conscience" (you gave up something of value or changed your financial position based on these payments)

## 2. Complete Form SSA-632-BK

- Download Form SSA-632-BK, "Request for Waiver of Overpayment Recovery," from [ssa.gov](https://ssa.gov)
- Fill out all sections completely, especially income and expense information
- Include explanation of why the overpayment wasn't your fault
- Explain why repayment would cause hardship or be unfair
- Attach supporting documentation (bills, bank statements, etc.)

## 3. Document Your Financial Situation

Provide evidence of your income and expenses, with documents dated within three months of your waiver request:

- Pay stubs or benefit statements
- Rent/mortgage statements
- Utility bills
- Medical expenses
- Food and transportation costs
- Insurance premiums
- Other necessary expenses

## 4. Submit Your Waiver Request

Mail your completed waiver request to your local Social Security office.

# Understanding "Against Equity and Good Conscience" and Sample Letters

## Understanding "Against Equity and Good Conscience"

This important waiver criterion can be a powerful basis for having your overpayment waived if repayment would cause financial hardship. It applies in situations like:



### **You changed your position for the worse based on reliance on the payment:**

Made major purchases you wouldn't otherwise have made, made irreversible financial decisions based on the benefit, gave up other income or benefits you could have received



### **You relinquished a valuable right because of the payments:**

Declined other benefits you were eligible for, chose not to pursue other income opportunities, made binding commitments based on the benefit amount



### **You were receiving Supplemental Security Income (SSI) and believed you were entitled to the payments you received.**

## Sample Letter: Changed Position for the Worse

When writing your waiver request, be specific about how you relied on the benefits. Here's a sample:

I am requesting a waiver because repayment would be against equity and good conscience. I received \$[AMOUNT] in benefits from [DATE] to [DATE], which I believed were correct. Based on this expected income, I signed a 12-month lease for \$850/month, which I would not have done had I known about the overpayment. Breaking this lease would cost \$2,000 in penalties, putting me in a worse financial position. I've attached a copy of my lease agreement as evidence.

## Sample Letter: Relinquished a Valuable Right

If you gave up other benefits or opportunities, explain this clearly:

Repayment would be against equity and good conscience because I relinquished my right to apply for [OTHER BENEFIT] during this period. I was eligible for approximately \$[AMOUNT] monthly from this program, but did not apply because my Social Security benefits appeared sufficient. Had I known these

# Real-World Examples of Successful Overpayment Responses

**Real People. Real Wins.** These case studies show how the right documentation and timing can help resolve Social Security overpayments.

## Example 1: Reporting Error Appeal Success Story

Sarah received a shocking **\$3,200** overpayment notice claiming she failed to report work income. Her meticulous record-keeping saved her when she submitted:

- Time-stamped fax confirmation showing she reported changes 7 days before the deadline
- All six monthly pay stubs that perfectly matched her reported amounts
- Detailed notes from her call with SSA representative "Mark" confirming receipt

**Result:** *SSA reversed their decision completely – zero repayment required!*

## Example 2: Financial Hardship Waiver Victory

Robert, a 58-year-old disability recipient with chronic health conditions, received a terrifying **\$1,700** overpayment notice. His compelling waiver request included:

- Comprehensive monthly budget revealing 92% of his modest income went to housing, medications, and basic utilities
- Doctor's statements confirming his treatment couldn't be interrupted without serious health consequences
- Lease agreement showing he committed to housing based specifically on his benefit amount

**Result:** *Full waiver granted within 30 days – case closed with no financial impact!*

## Example 3: Administrative Error Resolution

Maria received a **\$2,450** overpayment notice due to alleged unreported resources. Her persistent advocacy paid off when she provided:

- Bank statements with highlighted transactions proving funds were from excluded disaster assistance
- Documentation showing SSA had previously reviewed and approved these same resources
- Letter from her legal aid attorney citing specific regulations that exempt these funds

**Result:** *SSA acknowledged their error and completely eliminated the overpayment within 14 days!*



# Sample Appeal Letter

Use this template when writing your appeal letter to the Social Security Administration:

[Your Name]  
[Your Address]  
[Your Phone Number]  
[Your Email]  
[Date]

Social Security Administration  
[Local Office Address]

RE: Request for Reconsideration of Overpayment  
SSN: XXX-XX-XXXX  
Overpayment Notice Date: [Date on Notice]

Dear Sir or Madam:

I am writing to appeal the overpayment determination dated [Date] in the amount of [\$Amount]. I believe this determination is incorrect for the following reason(s):

[Choose the most relevant reason and provide specific details]

1. I reported the change in my circumstances on [Date] by [method: online, phone, in-person, mail], but the information was not processed correctly. I have attached proof of this report.
2. The calculation of the overpayment amount is incorrect. According to my records, I received [\$Amount] during the period in question, not the [\$Amount] stated in the notice.
3. The information used to determine the overpayment is incorrect. [Explain specifically what information is wrong and why]

I have attached the following documentation to support my appeal:

- [List each document you're including]
- [For example: Copy of the overpayment notice]
- [Receipt showing when you reported changes]
- [Bank statements showing actual amounts received]
- [Any other relevant documentation]

Please review this information and reconsider the overpayment determination. I am requesting that my benefits continue unchanged during this appeal process.

# Sample Waiver Request Letter

[Your Name]

[Your Address]

[Your Phone Number]

[Your Email]

[Date]

Social Security Administration

[Local Office Address]

RE: Request for Waiver of Overpayment Recovery

SSN: XXX-XX-XXXX

Overpayment Notice Date: [Date on Notice]

Dear Sir or Madam:

I am requesting a waiver of the overpayment recovery in the amount of [\$Amount] as noticed in the letter dated [Date]. I believe I qualify for a waiver because:

1. I was without fault in causing this overpayment because:  
[Explain clearly why the overpayment wasn't your fault]  
[For example: I reported all changes in my circumstances promptly and accurately]  
[I did not know and had no reason to believe I was receiving incorrect payments]
2. Recovery would cause financial hardship because:  
[Explain your financial situation]  
[For example: My monthly income is \$X and my necessary expenses are \$Y]  
[Recovery would prevent me from meeting my basic needs for food, shelter, and medical care]

OR

1. Recovery would be against equity and good conscience because:  
[Explain why it would be unfair to make you repay]  
[For example: I made significant financial decisions based on receiving these benefits]  
[I gave up other assistance I could have received because of these payments]

I have completed Form SSA-632-BK and attached supporting documentation including:

- [List each document you're including]
- [For example: Copy of the overpayment notice]
- [Bank statements showing my current financial situation]
- [Bills and expense receipts]
- [Medical documentation if applicable]

# COMPLETE OVERPAYMENT RESPONSE CHECKLIST

Use this checklist to ensure you've covered every step in resolving your overpayment notice:

## Initial Steps

- Read the entire overpayment notice carefully
- Note the deadline to respond (usually 60 days for appeals, 30 days for continued benefits)
- Gather all relevant documents and notices
- Contact SSA to confirm the amount and reason for overpayment

## Decision Making

- Determine if you agree or disagree with the overpayment
- Decide which response option is best for your situation (appeal, waiver, or payment plan)
- Consider consulting with a benefits counselor or attorney
- Calculate how much you can afford to pay monthly if choosing a payment plan

## Preparing Your Response

- Complete all required forms (SSA-561, SSA-632-BK, or SSA-634)
- Write your appeal or waiver letter
- Gather supporting documentation (pay stubs, bank statements, bills, medical records)
- Make copies of everything for your records
- Prepare financial documentation if requesting a waiver or payment plan

## Submission and Follow-up

- Submit your response before the deadline
- Request a receipt or confirmation of your submission
- Schedule and prepare for your personal conference (for waivers)
- Follow up if you don't receive a response within 30 days
- Document all communications with SSA (date, time, representative's name)

# Document Checklists and Collection Methods

## CASE DOCUMENTATION TRACKER

Document Submitted	Date Sent	Method of Submission	Confirmation Received (Y/N)	Notes

Use this table to keep track of what you've submitted to the Social Security Administration and whether you received confirmation.

### Document Checklist for Appeals

- Overpayment notice
- Completed Form SSA-561
- Proof that information in the determination is incorrect
- Evidence of timely reporting of changes
- Records of communications with Social Security
- Bank statements showing benefits received
- Proof of submission (certified mail receipt, etc.)

### Document Checklist for Waivers

- Overpayment notice
- Completed Form SSA-632-BK
- Proof of income (pay stubs, benefit statements)
- Proof of expenses (bills, receipts)
- Bank statements
- Medical documentation (if applicable)
- Evidence showing you reported changes on time
- Documentation of financial decisions made based on benefits

## Social Security Collection Methods

If you don't respond to an overpayment notice, Social Security can:

# Important Contacts and Timeline

## Important Contacts

### Social Security Administration

**Phone:** 1-800-772-1213

**TTY:** 1-800-325-0778

**Hours:** Monday-Friday, 8am-7pm local time

**Website:** ssa.gov

**Online Account:** my Social Security account at ssa.gov/myaccount

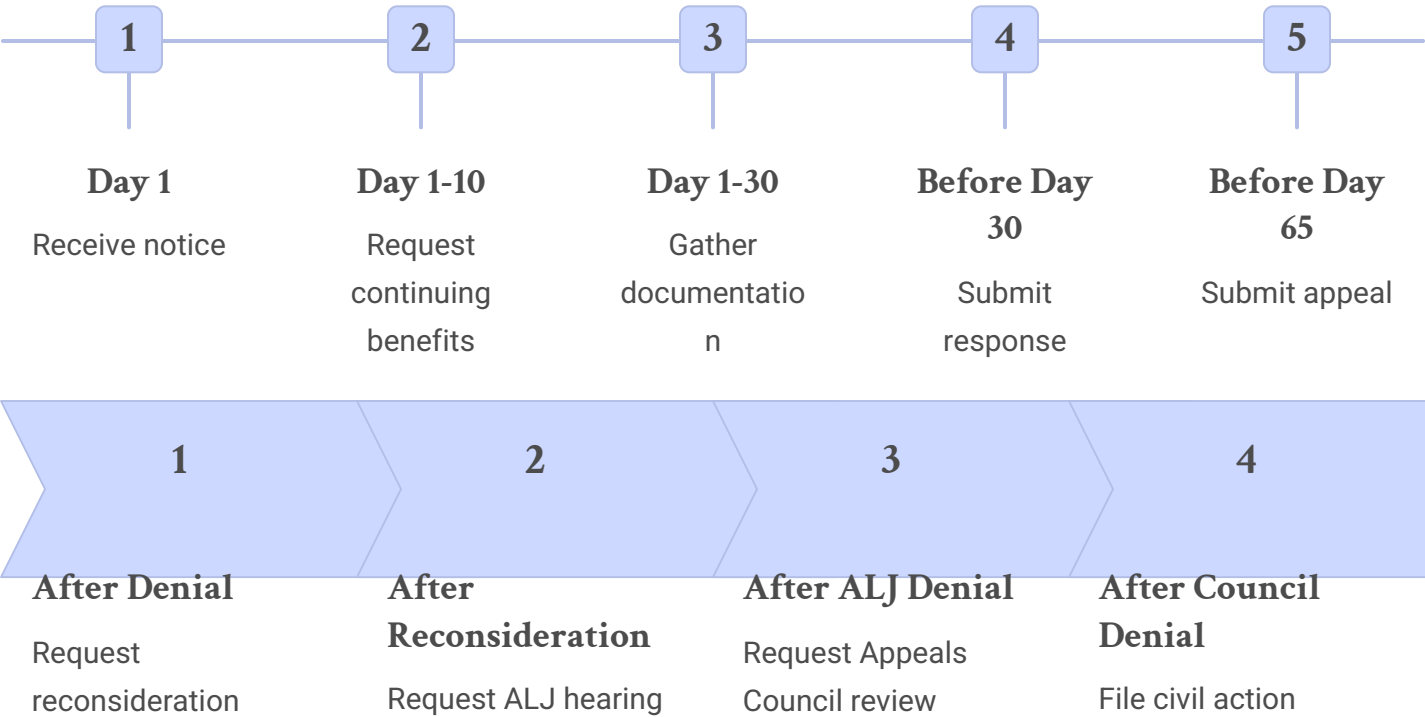
### Free Legal Help

- **Legal Aid Organizations:**  
Find local help at lawhelp.org
- **Area Agency on Aging:**  
eldercare.acl.gov or call 1-800-677-1116
- **National Organization of Social Security Claimants' Representatives:** nosscr.org or call 1-800-431-2804

### Communication Methods

- **Phone:** Fastest for simple questions and status checks
- **Online:** Through your my Social Security account
- **In-person:** At your local Social Security office
- **Mail:** For submitting forms and documentation
- **Fax:** For quicker document submission than mail

## Action Timeline



Remember: A waiver request can be submitted at any time (there is no deadline), but an appeal must be filed within 60 days of receiving the notice.



# Final Tips

Follow these key strategies to increase your chances of successfully resolving your Social Security overpayment issue. Taking the right approach can significantly impact the outcome of your case.

## QUICK TIP: Administrative Waivers for Small Overpayments

- For overpayments of \$1,000 or less: You may be able to request a waiver by phone
- For overpayments of \$2,000 or less: Ask about "administrative waivers" if you weren't at fault
- For SSI overpayments of \$50 or less: These are typically eligible for automatic waiver



### Always keep copies

Keep copies of everything you submit to Social Security



### Document all communications

Record date, time, and who you spoke with for all Social Security interactions



### Be honest and thorough

Provide complete and truthful information in all submissions



### Follow up regularly

Check on your case status consistently to stay informed



### Consider getting legal help

Seek professional assistance for complex situations



### Don't ignore the notice

Address the issue even if you can't afford to repay



### Request everything in writing

Get all communications from Social Security in written form



### Prepare thoroughly

Be fully prepared for any personal conference or hearing



### Act quickly

Use the 30-day window that prevents collection while your request is pending

Taking action promptly and providing thorough documentation are your best strategies for resolving an overpayment notice successfully. If you need additional help, contact your local Social Security office or seek assistance from a legal aid organization in your area.