

If you're 60 or over, call your local legal aid office:

Eastern CT	800-413-7796	Western CT	800-413-7797
Hartford Area	860-541-5000	Bridgeport Area	800-809-4434
Stamford Area	800-541-8909	New Haven Area	203-946-4811

If you're under 60, call SLS for help:



Statewide Legal Services
1-800-453-3320
860-344-0380

Search our website for help:



www.ctlawhelp.org

BENEFITS

LEGAL SERVICES

SELF-HELP SERIES

SSDI Overpayments

Did you get a Notice of Overpayment from Social Security?

January 2024



We offer free legal help in many areas, including

- welfare,
- SNAP (food stamps),
- divorce,
- child support,
- domestic violence,
- bankruptcy,
- special education,
- nursing home care,
- health insurance,
- eviction,
- foreclosure,
- and more.

See the reverse side for more about legal services.

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If you're under 60, call us for help:



Statewide Legal Services
1-800-453-3320 or 860-344-0380

Search our website for help:



www.ctlawhelp.org

If you're over 60, call your local legal aid office.

Connecticut Legal Services

www.ctlegal.org

Bridgeport

1000 Lafayette Blvd Suite 950 203-336-3851

New Britain

16 Main Street 860-225-8678

New London

125 Eugene O'Neill Dr. Suite 120 860-447-0323

Stamford

1177 Summer Street 203-348-9216

Waterbury

85 Central Avenue 203-756-8074

Willimantic

1125 Main Street 860-456-1761

Greater Hartford Legal Aid

www.ghla.org

999 Asylum Avenue
Hartford, CT 06105
860-541-5000

New Haven Legal Assistance Association

www.nhlegal.org

205 Orange Street
New Haven, CT 06510
203-946-4811

Consumer Law Project for Elders

Free legal assistance to people 60 and over throughout Connecticut who have money/debt problems.
1-800-296-1467

SSDI Overpayments

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This booklet was produced by Connecticut Legal Services, Greater Hartford Legal Aid, New Haven Legal Assistance Association, and Statewide Legal Services of Connecticut. The information in this booklet is based on laws as of 1/2024. We hope that the information is helpful. It is not intended as legal advice. For advice on your situation, call Statewide Legal Services or contact a lawyer.

You can call Social Security to report earnings. You can call the Social Security automated phone number at 1-800-772-1213 to report your earnings. Remember to do this by the 10th of the month. Make a note of when you called and what information you gave Social Security for your records.

How can I get help?

If you have very low income, call Statewide Legal Services at 860-344-0380 (Central CT) or 1-800-453-3320 (all other areas in Connecticut).

Notes

This booklet is for people who get SSDI benefits and who got a *Notice of Overpayment* from the Social Security Administration.

If you got a notice about an SSI overpayment, you should read the legal aid booklet, *SSI Overpayments*, because the rules are different for SSI.

www.ctlawhelp.org/ssi-overpayments

What is an overpayment?

An overpayment means that Social Security says

- they paid you too much SSDI, and
- you owe them money that must be paid back.

Overpayments happen when Social Security gives you more SSDI than they should have because they have the wrong information or not enough information about you.

Why did I get a Notice of Overpayment?

Here are some things that can cause an overpayment:

- You were no longer disabled but you kept getting SSDI payments.
- You didn't report your income to Social Security.
- You reported your income to Social Security, but they didn't put the information you gave them into their computer system on time.

Why did I get a Notice of Overpayment? Continued...

- You didn't tell Social Security about another disability payment you got, such as Workers' Compensation.
- You appealed a Social Security decision to stop your benefits, you kept getting SSDI payments during the appeal, and then you lost your appeal.
- You earned too much money after your Trial Work Period expired (**even if you are in the Ticket to Work program** – see the next page).

If you go back to work while you have SSDI:

Trial Work Period: If you go back to work while you have SSDI, you are allowed to earn more than the Trial Work Period amount (\$1,110 per month before taxes in 2024) for nine months. The nine months do not have to be in a row—they can be spread out over a rolling 60-month time period. Once you have used up your nine months, you enter the *Extended Period of Eligibility*.

Extended Period of Eligibility: For the 36 months (3 years) right after your Trial Work Period ends, any month when you earn more than the *Substantial Gainful Activity* amount (\$1,550 per month before taxes in 2024 or \$2,590 per month before taxes for people who are blind), you will not be eligible to get your SSDI payment. You can get your SSDI payment during any month that you don't earn the Substantial Gainful Activity amount. This is why you must always tell Social Security about your earnings. If they pay you when you are not eligible, that will become an overpayment and you will owe them money.

Let Social Security know right away about

- changes to your address,
- money you earn from working (**even if you are in the Ticket to Work program**), and
- any other disability payments you get (such as Workers' Compensation).

The rule is that you have to tell Social Security about any changes *this month* by the 10th of *next month*. Here is how to tell Social Security about these changes:

- **Write a letter to Social Security** and tell them about any changes to your situation that could affect your SSDI. Sign and date the letter. Make a copy of the letter and keep the copy for yourself. This includes changes to your
 - income,
 - address, or
 - any other disability payment you receive.
- **Make copies of the proof you have** (pay stubs, any checks you got, or something showing your new address) and include it with the letter.
- **Send the original letter by certified mail** with a return receipt requested. You must do this at the post office window. Keep the receipt from the post office.
- **Keep the return receipt**, which is the signed post card that comes back to you in the mail showing that Social Security got your letter.

The rules about overpayments and what may not be your fault can be complicated. For more information, call Statewide Legal Services at 860-344-0380 (Central CT) or 1-800-453-3320 (all other areas in Connecticut).

If Social Security denies your waiver, you have the right to appeal the decision. You should contact Social Security as soon as possible for more information on appealing. You must file the appeal **within 65 days** from the date on the waiver denial letter.

Payment Plan—If the overpayment was your fault or your waiver was denied:

If you cannot afford for Social Security to take your entire SSDI check every month, you can use Form SSA-634 to show that you can't afford the payment and ask to set up a payment plan.

How can I prevent an overpayment?

The best way to avoid an overpayment is to keep good records about your income and resources, and tell Social Security about any changes to your situation.

If you go back to work, **even if you are in the Ticket to Work program**, keep track of the money you earn so you don't end up with an overpayment. Do not rely on Social Security to let you know that you have used up your Trial Work Period months.

See page 4, *If you go back to work while you have SSDI*, for more information on Trial Work Period and Extended Period of Eligibility.

If you working and you are past your Trial Work Period but still in your Extended Period of Eligibility, Social Security can stop your payment for any month when you earn more than the Substantial Gainful Activity amount.

What can Social Security do if they say I have an overpayment?

Social Security can take up to 100% of your SSDI check to repay the overpayment.

What if Social Security says they are going to stop my benefits?

When you get a Notice of Overpayment, you might also get a notice from Social Security saying that they are terminating your SSDI benefits. You can appeal Social Security's decision to stop your benefits by filing a *Request for Reconsideration*.

You must file a reconsideration appeal within 65 days of the date on the notice of termination, but if you file it **within 10 days**, you can keep getting your SSDI payments while Social Security decides about the appeal. To ask for reconsideration, fill out and file Form SSA-561-U2 with Social Security. On the form, explain why you think you are still disabled under Social Security's rules and why your benefits should continue.

Go to www.ctlawhelp.org/ssdi-overpayments for links to the forms that you will need to file.

What can I do about an overpayment?

Appeal – If you were not actually overpaid, or if the amount is wrong:

You should file an appeal called **Reconsideration** if you think Social Security is wrong about the facts. For example:

- Social Security says you got money that you didn't actually get.
- The amount that Social Security says you were overpaid is wrong.
- Social Security says you were working, but you weren't.
- Social Security says you got Workers' Compensation, but you didn't.
- Social Security says you made more than the Trial Work Period amount or Substantial Gainful Activity amount allows, but you didn't.

You MUST file a reconsideration appeal within 65 days from the date on the Notice of Overpayment.

You can keep getting your SSDI payment while Social Security makes a decision if you file it **within 35 days**.

To ask for reconsideration, fill out and file Form SSA-561-U2 with Social Security. On the form, explain why you think you were not overpaid.

If Social Security denies your request for reconsideration, you can ask for a hearing in front of an Administrative Law Judge (ALJ) by filing Form HA-501-U5. You must ask for the hearing **within 65 days** from the date of the reconsideration denial letter.

Waiver – If you were overpaid, but it was not your fault:

If you think the overpayment is **not your fault** and you cannot afford to pay it back, you can ask for a **waiver**. There is no deadline to file a waiver. Once you file a waiver, Social Security should stop taking money out of your SSDI check while they make a decision. You will probably have to ask them about this—it is not automatic.

If you appealed a Social Security decision to stop your benefits and you kept getting SSDI payments during the appeal, and then lost the appeal, the overpayment should not be your fault, as long as you appealed in good faith.

IMPORTANT NOTE: You can file a both Request for Reconsideration and a waiver. You still have to file the Request for Reconsideration within 65 days of the date of the notice. If you file for both reconsideration and a waiver at the same time, Social Security will make a decision about the reconsideration appeal before they look at the waiver.

- ▶ **If the amount of the original overpayment was less than \$1,000**, you can ask for an *Administrative Waiver* at a Social Security office without filling out a waiver form. If the office agrees that the overpayment was not your fault, they can waive the overpayment. You should go to your local Social Security Office to speak to someone about this.
- ▶ **If the amount of the overpayment was more than \$1,000**, fill out and file Form SSA-632-BK with Social Security. On the form, fill out the budget and explain why the overpayment was not your fault. Ask for a waiver of the entire overpayment amount, not just whatever is left. You should include any evidence you have that proves the overpayment is not your fault, especially any documents that show you reported your income on time.