

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](http://www.ctlawhelp.org)

## BENEFITS

## LEGAL SERVICES

SELF-HELP SERIES

# SSI Overpayments

*Did you get a Notice of  
Overpayment from Social Security?*

December 2015

### 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.*



## Did you get a *Notice of Overpayment* from Social Security?

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A *Notice of Overpayment* is a letter that says you owe Social Security money. The notice may say that Social Security is going to take some of your SSI check to repay what you owe.

If the *Notice of Overpayment* is about an SSDI overpayment, you should look at the legal aid booklet on *SSDI Overpayments* because the rules are different.

This booklet tells you what to do if all of these are true:

- you get SSI;
- Social Security sent you a *Notice of Overpayment*; and
- you think something on the notice is wrong **or** you can't afford to pay back the money.

**Do not ignore the notice.** If you think there is a mistake, contact Social Security and ask for an appeal form right away.

## What can cause an overpayment?

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You will have an overpayment if Social Security pays you too much money because they have the wrong information or not enough information about you. It's your job to make sure Social Security has the right information about you, and that they get that information on time. Here are examples of things that can cause an overpayment:

- ▶ You don't let Social Security know right away when you start working.
- ▶ You don't let Social Security know right away each time your earnings change.
- ▶ You inform Social Security about changes, but they don't put the information into their computer system.
- ▶ You earn more money than Social Security allows while you're collecting SSI benefits.

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](http://www.ctlawhelp.org)

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

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### **Connecticut Legal Services**

[www.ctlegal.org](http://www.ctlegal.org)

#### *Bridgeport*

211 State Street 203-336-3851

#### *New Britain*

16 Main Street 860-225-8678

#### *New London*

153 Williams Street 860-447-0323

#### *Stamford*

20 Summer Street 203-348-9216

#### *Waterbury*

85 Central Avenue 203-756-8074

#### *Willimantic*

872 Main Street 860-456-1761

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### **Greater Hartford Legal Aid**

[www.ghla.org](http://www.ghla.org)

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

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### **New Haven Legal Assistance Association**

[www.nhlegal.org](http://www.nhlegal.org)

426 State Street  
New Haven, CT 06510  
203-946-4811

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### **Consumer Law Project for Elders**

Free legal assistance to people 60 and over throughout Connecticut who have money/debt problems.

1-800-296-1467

*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 12/2015. 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.*

Let Social Security know if you made decisions based on what Social Security told you (decisions you would not have made otherwise). Also let Social Security know if you get any other public benefits, such as cash assistance for a child or a grandchild. Let Social Security know your budget and if you have any unusual expenses. If Social Security denies your waiver request, it will use this information to decide how much they will take from your check each month.

## If your waiver request is denied

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If your waiver request is denied, you will need to appeal for a reconsideration of the waiver denial. This is the next step whether you had a personal conference or not. You have 65 days from the date of the denial notice to ask for reconsideration of the waiver denial.

If the reconsideration of the waiver denial is denied, you have 65 days from the date of the denial notice to ask for a **hearing in front of an Administrative Law Judge (ALJ)**. Asking for an ALJ hearing on your waiver request will not stop Social Security from taking some or all of your check to repay what you owe.

## If you are denied both reconsideration and a waiver

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If you are denied both reconsideration of the overpayment and a waiver (with or without a personal conference), Social Security can begin taking money from your check. They will not take your whole SSI check. The most they can take each month is 10% of your total monthly income. But if you show on your budget that you cannot meet your current ordinary and necessary living expenses, Social Security can take as little as \$1 per month to repay the overpayment.

Because overpayment law is complicated and appeals can be confusing, it is best to talk with a lawyer as soon as you can.

## **Things that can cause an overpayment, continued:**

- ▶ You don't inform Social Security right away about other money that comes into your household. For example:
  - Your spouse gets a job.
  - You get workers' compensation or child support.
  - You get money from a court case.
  - Someone pays rent or heating bills for you.
  - You get a loan without careful paperwork about repaying it.
- ▶ You get married or your spouse moves in or out, but you don't tell Social Security right away.
- ▶ You let someone put their vehicle, house, or money in your name.
- ▶ You have a bank account with more than just your name on it.
- ▶ You are in jail for more than a month.
- ▶ You have more resources than the allowable limit.\*\*
- ▶ You are no longer disabled but you keep getting benefits.
- ▶ You do not report a change, such as your address or living situation, to Social Security on time.

### **\*\*Social Security says I am over the resource limit.**

#### **What does that mean?**

Social Security has a limit on what you can own while you're on the SSI program. The things you own are called *resources*.

These things don't count as resources for SSI:

- one vehicle that you use,
- a house you own and live in, and
- personal belongings that you use.

Resources that do count are things like

- cash and bank accounts,
- land or a house you don't live in,
- extra vehicles,
- antiques or jewelry you have because of their cash value, and
- things that belong to your spouse but are counted toward you (*deemed resources*).

The limit on resources that count for SSI is \$2,000 for one person. That means you cannot have more than \$2,000 in resources. You won't qualify for SSI if your resources are too high when you apply.

If you get too many resources after you start getting SSI, Social Security will consider you not eligible for the SSI program for the months when your resources were too high. You will have an overpayment for those months, and you may be cut off from the SSI program.

You can call Social Security at 1-800-772-1213 or go online to [www.socialsecurity.gov](http://www.socialsecurity.gov) to find out what things you or your spouse are allowed to have as resources when you are on SSI.

## Social Security says I have unreported income. What does that mean?

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*Unreported income* means that you worked or had other money come into your household, but you did not inform Social Security or they don't have any record that you informed them on time.

- Social Security counts income for the month you **receive** it, not the month you earned it.
- Even if you work for only a short time, you must let Social Security know.
- You must let Social Security know each time the money you receive in a month goes up or down.

## How to ask for a waiver

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To ask for a waiver, fill out and file **Form SSA-632-BK** with Social Security. This form is for asking Social Security to

- not collect (or *waive*) the money,
- make you pay back only some of the money (called a *compromise*), or
- set up a payment plan that you can afford.

To be granted a waiver, Social Security must decide that you are *without fault* in causing the overpayment and that

- collecting it would *defeat the purpose* of the SSI program, or
- be unfair (*against equity and good conscience*).

You have a right to a *personal conference* before a decision is made about your waiver request. You have the right to look at your file with a Social Security worker who can answer your questions up to five days before the conference. You also have the right

- to bring someone with you to the conference,
- to testify yourself,
- to ask questions, and
- to show proof about the things you say.

To support your waiver request, you must show you did your best (given your medical and any language or understanding problems) to

- give Social Security all the information it needed in a timely manner,
- tell Social Security the truth, and
- give back any payments that you should have known were wrong.

## How to ask for reconsideration

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To ask for reconsideration, fill out and file **Form SSA-561-U2** with Social Security. On the form, explain

- why you think you have not been overpaid, or
- why you think the amount is wrong.

Attach a copy of your proof that you reported the income, resources, or change in household or living arrangements. Save a copy of your proof for yourself.

On the form, you will have to say how you want the case to be handled. You can ask for a *case review*, an *informal conference*, or a *formal conference*.

- ▶ A **case review** means a Social Security worker will look at your file again and make a decision about whether you have to pay back the money.
- ▶ In an **informal conference**, you meet with a Social Security worker to go over your file. You'll be able to explain what happened, and you can give Social Security new information about your situation. You can bring other people with you to help explain your case.
- ▶ A **formal conference** is more like a court hearing. You'll present your case, and you can bring other people with you to help explain your case.

## If your request for reconsideration is denied

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If Social Security denies your request for reconsideration, you can ask for a **hearing in front of an Administrative Law Judge (ALJ)**. You must ask for the hearing within 65 days from the date of the reconsideration denial letter. Asking for an ALJ hearing will not stop Social Security from taking some or all of your check to repay what you owe.

If you haven't requested a waiver yet, you might want to now.

You must report new income or changes in your income by the 10<sup>th</sup> of the next month.

If you had income or your income changed during this month:	You must tell Social Security about that income no later than this date:
January	February 10
February	March 10
March	April 10
April	May 10
May	June 10
June	July 10
July	August 10
August	September 10
September	October 10
October	November 10
November	December 10
December	January 10

To prove that you told Social Security on time about changes (in your income, resources, address, or household), this is what you should do:

- ▶ **Write a letter to Social Security** about how your income went up or down, or how the resource, your address, or your household living situation changed. Sign and date the letter. Make a copy of the letter and keep the copy for yourself.
- ▶ **Make copies** of your paystubs, any checks you got, or something showing your new address, and include them 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.

Social Security encourages people on SSI to work by not counting all of the money they earn against their SSI. **The rules are complicated.** Be sure to report all your earnings right away. Also report any expenses you run up in order to work that are caused by your disability.

**You should talk to a certified work counselor for advice about working while on SSI.** You may find information by going to Social Security's website at [www.socialsecurity.gov](http://www.socialsecurity.gov).

## What if I got a termination notice?

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Sometimes when people have an overpayment, they also get a *Notice of Termination*, which is a notice saying benefits will end.

If you get a termination notice, contact Social Security to appeal the termination right away.

If you appeal a termination **within 15 days** of the date of the termination notice, your benefits should continue while Social Security makes a decision.

- ▶ **To keep getting your benefits, you must get and file two forms at Social Security: an appeal form and SSA Form 795.**

If you miss the 15-day deadline, you can still appeal up to **65 days** from the date of the termination notice.

If you miss the 65-day deadline but you have a good reason for appealing late, explain your reasons to Social Security and file the appeal form late with your reasons on it.

## What can I do if there is an overpayment?

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If you get a *Notice of Overpayment*, you can:

- ▶ **Ask for reconsideration of the overpayment** if you don't think you were overpaid or you think the amount is wrong. It's important to ask for reconsideration quickly – within 35 days of the date of the overpayment notice, if possible.

- ▶ **Ask for a waiver** if you agree that you were overpaid but you want to be excused from paying the money back.
- ▶ **Ask for lower amounts to be taken out of your SSI check.** You can use the budget part of the waiver form to show your *financial hardship*.
- ▶ **If Social Security terminates you from the SSI program** completely for your earnings but you are so disabled you now cannot work at all, or you can't work more than a couple of hours at minimum wage, you can **ask for expedited reinstatement** during the following 60 months. Expedited reinstatement means you will get up to six months of SSI while Social Security decides if you are still disabled. If you don't get expedited reinstatement, you will need to reapply for SSI and meet all the eligibility requirements to get SSI again.

### **What are the time limits?**

**If you ask for reconsideration within 35 days** of the date on the notice, Social Security won't take money out of your SSI check while they are making a decision about your reconsideration request.

You *must* ask for reconsideration **within 65 days** of the date on the notice. If you ask within 65 days, Social Security should *stop* taking money out of your SSI check until they make a decision about your request.

If you have a good reason for asking for reconsideration *after* 65 days, explain your reasons to Social Security and send the form in late with your reasons on it.

**You can ask for a waiver at any time.** Asking for a waiver will also stop Social Security from taking money out of your SSI check while they are making a decision about your waiver request. You may want to wait to ask for a waiver until you find out if your reconsideration is denied.