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.
<table>
<thead>
<tr>
<th>SSI Overpayments</th>
</tr>
</thead>
<tbody>
<tr>
<td>What is an overpayment?</td>
</tr>
<tr>
<td>Why did I get a Notice of Overpayment?</td>
</tr>
<tr>
<td>What can Social Security do if they say I have an overpayment?</td>
</tr>
<tr>
<td>What if Social Security says they are going to stop my benefits?</td>
</tr>
<tr>
<td>What can I do about an overpayment?</td>
</tr>
<tr>
<td>How can I prevent an overpayment?</td>
</tr>
</tbody>
</table>

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 9/2019. 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.

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The rule is that you must 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 SSI. Sign and date the letter. Make a copy of the letter and keep the copy for yourself. This includes changes to your
  - income,
  - resources
  - address, or
  - household living situation.

- **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.

### 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).

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

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

www.ctlawhelp.org/ssdi-overpayments

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### What is an overpayment?

An overpayment means that Social Security says

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

Overpayments happen when Social Security gives you more SSI 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 SSI payments.
- You didn’t report your income to Social Security.
- You got married or someone else moved in with you and you did not tell Social Security right away.
- You were in jail or a nursing home for more than one month.
- You reported a change 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 appealed a Social Security decision to stop your benefits, you kept getting SSI payments during the appeal, and then you lost your appeal.

- You earned too much money (even if you are participating in the Ticket to Work program).

- You had more resources (also called assets) than Social Security allows.

What are resources?

A resource (also called an asset) is money or something you own that you can sell for money. If you have too many resources, you won’t be able to get SSI.

The resource limit in 2019 is $2,000 for a single person and $3,000 for couples. If you have money or belongings over these amounts and you get SSI, you will probably have an overpayment.

Some things you own don’t count toward this limit, such as one vehicle that you use or your house if you live in it. The rules are even more complex for children who get SSI. You can call Social Security at 1-800-772-1213 or go to www.socialsecurity.gov to find out what the current resource limit is and what things you or your spouse are allowed to have as resources while you are on SSI.

If you get SSI, you must report your income and any resources you get (such as a house you don’t live in, an extra vehicle, or property you own together with another person) to Social Security. If you don’t report your resources, you will probably have an overpayment for any month when you had resources and also got your SSI benefit. See page 9: How can I prevent an overpayment?

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 are working, even if you are in the Ticket to Work program, always tell Social Security about the money you earn. Keep your pay stubs and a record of how much money you earn every month. For more information, see page 5: If you go back to work while you have SSI.

Be sure to also keep track of your resources and make sure that you know how much money is in your bank accounts. For more information, see page 4: What are resources?

Let Social Security know right away about

- changes to your address,
- money you earn from working (even if you’re participating in the Ticket to Work program),
- other payments you get (such as Workers’ Compensation or child support),
- getting money from a court case or inheritance, and
- someone paying your rent or buying your food.

If the person who gets SSI is a child or is married, you must tell Social Security about any money the family receives.
If the amount of the overpayment was more than $1,000, fill out and file Form SSA-632-BK with Social Security. Fill out just the first part on the form 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 documents that show you reported any changes to your information on time. Note that you should not have to fill out the budget part of the waiver form if you are still eligible for SSI.

The rules about overpayments and what might 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. To appeal, fill out and file Form SSA-561 with Social Security. On the form, explain why you disagree with the waiver denial. You must file the appeal within 65 days from the date of 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 10% of the SSI amount out of your check every month, you can use Form SSA-634 to show you can’t afford the payment and ask to set up a payment plan. The minimum amount Social Security can take out of your check in 2019 is $10.

When Social Security says you have too many resources, the way Social Security calculates the overpayment amount is complicated. If Social Security says you have an overpayment because you had more resources than Social Security allows, call Statewide Legal Services for advice: 860-344-0380 (Central CT) or 1-800-453-3320 (all other areas in Connecticut).

**If you go back to work while you have SSI:**

Social Security will lower the amount of SSI you get based on the amount you earn unless your earnings are very low.

If you earn more than the Substantial Gainful Activity amount ($1,220 per month before taxes in 2019), you will probably not be eligible for SSI.

If you earn less than the Trial Work Period amount ($880 per month before taxes in 2019), you will probably be able to keep getting your SSI benefits, although Social Security might lower your SSI payment.

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

If Social Security says that you have too many resources, they will stop sending you SSI payments until you prove that you no longer have too many resources. For more information, see above: What are resources?

If you have other income—from working or from another source—Social Security can reduce your SSI payment according to their calculations. For more information, see above: If you go back to work while you have SSI.

If you are still getting SSI, Social Security can take up to 10% of the SSI payment amount from your 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 SSI 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 from the date on the notice of termination, but if you file it within 15 days, you can keep getting your SSI payments while Social Security decides about the appeal. To ask for reconsideration, fill out and file Form SSA-561 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.

**What can I do about an overpayment?**

**Appeal – If you were not actually overpaid or 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 had resources that you did not have.
- Social Security says someone was paying for your rent or food, but that is not true.

You MUST file a reconsideration appeal within 65 days from the date on the Notice of Overpayment. You can keep getting your SSI payment while Social Security makes a decision if you file the form within 35 days.

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

If Social Security denies your request for reconsideration, you can ask for a hearing in front of an Administrative Law Judge (ALJ). Fill out and file Form HA-501 with Social Security. You must ask for the hearing within 65 days from the date on the reconsideration denial letter unless you have good cause for being late (for example, you were in the hospital).

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

If you think the overpayment is not your fault, 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 SSI check while they make a decision. You will probably have to ask them about this—it is not automatic.

**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 from 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 ask someone about this.