



# DISABILITY LAW CENTER

Utah's Protection and Advocacy Agency

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

## Social Security Overpayments

An overpayment occurs when the Social Security Administration (SSA) sends you a Social Security Disability Insurance (SSDI) or Supplemental Security Income (SSI) benefit check that they should not have.

Overpayments can be caused by many different events. Some examples are:

- A change in your living situation
- A marriage
- A change in your disability status
- An increase in income
- Or a return to work

If SSA finds that you have gotten too much money in your benefit check, they must send you a Notice of Overpayment. The Notice of Overpayment must contain:

- The amount of the overpayment
- A detailed explanation in plain language of the cause of the overpayment
- Repayment options
- A complete statement of your appeal rights

Do not ignore the Notice of Overpayment. You have the right to challenge an overpayment but there are time limits. You must act quickly. You have three options to challenge an overpayment:

1. File a **Request for Reconsideration** if you disagree with the overpayment or believe that the amount is incorrect. This is a request to have the amount of the overpayment computed again. To file a Request for Reconsideration, you should:

- File your request immediately to prevent money being taken out of your benefit check
- State that you disagree with the amount of the overpayment
- Ask that no money be withheld from your check until a final decision is reached

2. File a **Request for Waiver** if the overpayment was not your fault and you cannot repay it. This is a request to have the overpayment forgiven. To file a Request for Waiver, you should:

- File your request immediately to prevent money being taken out of your benefit check
- Prove to SSA that the overpayment was not your fault and you cannot afford to repay the money. In most circumstances, SSA will determine that you cannot afford to repay the overpayment if your only income is SSI or if you can show that all of your income is needed to meet ordinary living expenses
- Ask that no money be withheld from your check until a final decision is reached.

3. **Negotiate a payment plan** if you do not dispute the overpayment. You can do this by filing a waiver and selecting the option for a payment plan. To negotiate a payment plan, you should:

- Submit a suggested monthly payment amount that you are certain that you can afford
- Submit an income and expense statement that supports your proposal
- Ask that no money be withheld from your check until a final decision is reached. If you are unable to make the full payment under the agreement, contact SSA to let them know.

Both Request for Reconsideration and Request for Waiver decisions can be appealed. The appeal right will be listed in the decision notice you receive from SSA. These rights are time limited and in order to receive these protections you must act immediately.

The DLC has prepared this guide for people who have received a Notice of Overpayment. This guide is informational only and is not intended to be legal advice. DLC materials are available in other languages and alternative formats such as large print, Braille and audio tape upon request.

### ***For more information***

#### **Disability Law Center**

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#### **Utah Benefits Planning Assistance and Outreach Program**

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