

Disability Rights Nebraska

Protection and Advocacy for People with Disabilities

This is basic information and does not constitute legal advice.

Social Security Overpayments

What is an Overpayment?

An overpayment is when the Social Security Administration (SSA) notifies you that they have paid you more than you should have been paid. In other words, the SSA sends you a Benefits Check when they should not have sent you the check or if you were paid the incorrect amount of benefits for one or more months.

What can cause an Overpayment?

An overpayment can happen when:

- Your income is more than you estimated. (This may happen if you receive a gift of money or an inheritance.)
- Your living situation changes.
- You get married.
- You have more financial resources than the allowable limit.
- You no longer have a disability and continue to receive benefits.
- You do not report a change to the SSA.
- SSA incorrectly figures your benefits.
- You work and do not report your income to the SSA.

How do I know if I have an Overpayment?

If the SSA believes you have been overpaid, they will send you a letter called a Notice of Overpayment that states how much money you owe them. Do not ignore this notice because of the time limits (explained below).

What are my options if I receive a Notice of Overpayment?

If you receive a Notice of Overpayment, you must act quickly because certain time limits apply. You can choose to do the following:

- File a Request for Reconsideration
(SSA Form 561-U2- find at www.ssa.gov/online/forms.html)

- File a Request for Waiver
(SSA Form 632-BK- find at www.ssa.gov/online/forms.html)
- Negotiate a Payment Plan

What is a Request for Reconsideration?

If you disagree with the Overpayment or believe that the amount is incorrect, a request for reconsideration seeks to have the amount of the overpayment reviewed. There are different timelines that apply depending on if you receive Supplemental Security Income (SSI) or Social Security Disability Insurance (SSDI).

SSI Timeline

If you receive SSI and you want to file a request for reconsideration, you have a total of **30 days** to do so. However, you must file within **10 days** from when you receive the notice of overpayment if you want to prevent any money from being taken out of your Benefits Check.

SSDI Timeline

If you receive SSDI and you want to file a request for reconsideration, you have a total of **60 days** to do so. However, you must file within **30 days** from when you receive the notice of overpayment if you want to prevent any money from being taken out of your Benefits Check.

In your request for reconsideration, you should:

- State that you disagree with the amount of the Overpayment.
- Ask that no money be withheld from your Benefits Check until a final decision is reached.

What is a Request for Waiver?

If the Overpayment was not your fault and you cannot repay it, a request for waiver seeks to have the Overpayment forgiven. You may file this request at anytime. However, you should file your request immediately to prevent money from being taken out of your Benefits Check. There are different timelines that apply depending if you receive Supplemental Security Income (SSI) or Social Security Disability Insurance (SSDI).

- SSI: You have **10 days** to file a request for waiver.
- SSDI: You have **30 days** to file a request for waiver.

In your request for waiver:

- You must tell SSA why you believe that the Overpayment was not your fault and prove you cannot afford to repay the money owed to SSA.
- Ask that no money be withheld from your Benefits Check until a final decision is made.
- In most circumstances, SSA will determine that you cannot afford to repay the Overpayment if your income is only SSI or if you can show that all of your income is needed to meet ordinary living expenses.

How do I negotiate a Payment Plan?

If you do not dispute the Overpayment, you have the option of working out a payment plan. To negotiate your plan, you should:

- Submit a suggested monthly payment amount that you are certain you can afford.
- Submit an income and expense statement that supports your proposal.
- Ask that no money be withheld from your Benefits Check until a final decision is made.

If, at a later time, you become unable to make the full payment under the agreement, contact SSA to let them know.

Can someone help me file these forms?

If you are currently receiving SSI or SSDI and your Overpayment is due to working, you can contact:

- Disability Rights Nebraska
134 S. 13th Street, Suite 600
Lincoln, NE 68508
Phone: 402-474-3183
Toll Free: 800-422-6691
Fax: 402-474-3274
Website: www.disabilityrightsnebraska.org
E-mail: info@disabilityrightsnebraska.org
- You can also contact your local SSA office.

SSA has reviewed the following publication for technical accuracy only; this should not be considered an official SSA document.

