

# **"K.E.E.P" YOUR (SSI) DISABILITY BENEFITS**

**KNOWLEDGE + EQUITY  
EQUALS POWER**

Drexel University's Stern  
Community Lawyering  
Clinic

# DISCLAIMER

The information in this presentation is **NOT** and is not intended to be **legal advice**. Instead, all information, content, and examples contained within this presentation are for general informational purposes **ONLY**.

# AGENDA

Introduction

Social Security Administration Overpayments

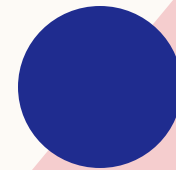
- What are they?
- What to consider.

Getting Your SSI Benefits Back!

Avoiding Overpayments

Summary

Questions



# INTRODUCTION

Who: Student attorneys at Drexel's Stern Community Lawyering Clinic

What: Equity & Access

Why: Advancing equity by addressing the crisis in access to Supplemental Security Income (SSI) benefits

# PRIMARY GOALS



**Recognizing** an overpayment issue



**Dealing** with overpayment issues



**Preventing** overpayment issues

# OVERPAYMENTS

## QUESTION:

- What is an overpayment?

## ANSWER:

- When Social Security says you received more money for a month than the amount you should have been paid.

## HOW:

- SSA knows what income and resources you have

# OVERPAYMENT INVOLVES RESOURCES & INCOME

Resource = money as well as  
something that you own and  
can turn into cash



The background of the slide is a vibrant teal color, densely populated with various icons. These include question marks in shades of red, white, and yellow, as well as speech bubbles in red, white, and yellow. The icons are scattered across the entire background, creating a busy, inquiry-oriented visual.

**WHAT ITEMS DO YOU THINK  
QUALIFY AS RESOURCES?**

**WHAT ITEMS DO NOT  
QUALIFY AS RESOURCES?**



# RESOURCES

- Cash
- Money in Bank Accounts
- Land
- Life Insurance
- Personal Property
- Vehicles (if you have more than 1)
- Houses (if you have more than 1)
- Anything you can change to cash, or can be used for food or shelter

# NON-RESOURCES

- The home you live in
- One vehicle
- Personal effects
  - Wedding/engagement ring
- Life insurance policies with value less than \$1,500
- Burial spaces for immediate family
- Burial funds for you and your spouse, each valued at \$1,500 or less

# SSI RESOURCE LIMIT

## QUESTION

- What is the SSI Resource Limit?

## ANSWER

- \$2,000 for an individual
- \$3,000 for a couple

If you exceed the resource limit . . .

- You receive an overpayment letter by mail



# **WAYS OF EXCEEDING SSI RESOURCE LIMIT**

1. Increase in Income
2. Selling a Resource
3. Change in Living Condition
4. Getting Married
5. Incarceration, Nursing Home, Hospital
6. Returning to Work
7. Failure to Report

# **WHAT DOES AN OVERPAYMENT LETTER LOOK LIKE?**





Statement of how much was overpaid and why

**Social Security Administration  
Supplemental Security Income  
Notice of Overpayment**

**Office Address:**  
Street Address  
City, State Zip Code

**Recipient**  
Street Address  
City, State Zip Code

**Telephone Number:**  
(000) 000-0000

**Date:**

**Social Security Number:**  
999-99-9999

2900 We are writing to let you know that we've paid you \$\$\$00 too much Supplemental Security Income (SSI) money. The overpayment happened in Month/Year. You were overpaid because of your spouse's pension.

2916 You must pay us back unless we decide you shouldn't have to pay us back or we're wrong about the overpayment. If you think you shouldn't have to pay us back or you disagree with the decision about the overpayment, you can:

- o Ask for a waiver,
- o Ask for an appeal, or
- o Do both.

This letter will tell you more about these things you can do.

2901 The last page of this letter has a detailed explanation of your overpayment.

2903 **If We Don't Hear From You In The Next 30 Days**

We plan to collect this overpayment from your SSI checks. We'll hold back \$\$\$00 in Month/Year to collect the overpayment. If you ask for waiver or appeal in the next 30 days, we won't change your check until we decide your case.

2942 **If You Think You Shouldn't Have To Pay Us Back**

You may not have to pay us back. Sometimes we can waive an overpayment, which means you won't have to pay us back. We can do this if both of the following are true.

See Next Page

Options if you think you should not have to pay the overpayment amount

Waiver Option

## 2921 A Detailed Explanation of Your Overpayment

## 2922 Overpayment Summary

2923 You were overpaid \$\$\$\$00. The following table shows how your payment changed each month. The first column lists the month(s) we paid you incorrectly. The next column shows the amount we paid you for each month. The last column, "Correct Amount for Each Month", shows the amount we should have paid you for each month.

The SSI we paid you included some payments we made for your State. We show your total SSI below, and then the part of this money that is from your State.

| <u>Month</u>                | <u>Amount We Paid<br/>Each Month</u> | <u>Correct Amount<br/>For Each Month</u> |
|-----------------------------|--------------------------------------|--|
| Month through<br>Month/Year | \$\$\$00                             | \$\$\$00                                 |

This notice changes the decision we sent you before about your overpayment for Month/Year.

## 2926 Why You Were Overpaid

For the month(s) listed below, the income on our records was wrong. Because we didn't know about all the income, we paid you too much SSI.

Under Type of Income, we list only the income which we corrected on our records. Under the column called Amount We Used, we show the amount we used earlier to figure your payment. Under the column called Correct Amount, we show the amount we should have used to figure your payment. Please check that column against your records. If the amount is wrong, the amount of your overpayment is wrong.

| <u>Month</u>                | <u>Amount<br/>We Used</u> | <u>Correct<br/>Amount</u> | <u>Type of<br/>Income</u>               |
|-----------------------------|---------------------------|---------------------------|---|
| Month through<br>Month/Year | \$\$\$00                  | \$\$\$\$00                | Your<br>pension<br>from a<br>former job |

Detailed  
Explanation of  
Overpayment



**CHALLENGING  
OVERPAYMENTS**

# **OPTIONS YOU HAVE AFTER YOU RECEIVED AN OVERPAYMENT**

**(1) Waiver:  
Overpayment  
Was a Mistake**

**(2) Payment Plan:  
You Agree to Pay  
Back What You  
Owe**

**(3) Appeal: Seek  
To Get Your SSI  
Benefits Back!**



# WAIVER- DEFINITION AND REQUIREMENTS

## What is it?

A form allowing you to not have to pay back the money Social Security says you owe

**STEP 1:** Inform Social Security that the overpayment was not your fault

**STEP 2:** It would be a financial hardship for you to pay it back



# FILING WAIVERS

## Process for claims over \$1,000

- File Request for Waiver (Form 632)
- No payment needed while decision pending
- Right to personal conference
- If denied, full appeal rights

## Process for claims less than \$1,000

- File an "administrative waiver"
  - Call Social Security Office
- No need to file Request for Waiver form

# NEGOTIATING A PAYMENT PLAN

## You agree to pay back what you owe

- File Request for Change in Over Payment (Form 634)
- Negotiate Repayment Plan
  - \$10/Month Repayment Rate
  - At most, 10% of your SSI check

# **APPEALING THE OVERPAYMENT DECISION**

# RECONSIDERATION

## What is it?

- Review by Social Security employee

## Deadlines:

- 10 days after notice, SSI benefits are automatically continued
- 60 days after notice, appeal is considered

## What if you miss the deadline?

- Good cause appeal

# RECONSIDERATION FORM

## Request for Reconsideration (Form 561)

- In writing
- Type of appeal options
  - Case Review
  - Informal Conference
  - Formal Conference
- Submit to address on form
- Send by mail

# AVOIDING OVERPAYMENT ISSUES

## REPORTING CHANGES

- Report wage changes the first week of each month
- Report unearned income in the month you receive it.
- Report changes in living situation ASAP (ex. Marriage)
- How: Online, via Mobile App, Over the phone, at the local Social Security field office



# AVOIDING OVERPAYMENT<sup>24</sup> ISSUES (CONT.)

## TRANSFERS TO CERTAIN FAMILY MEMBERS EXCEPTIONS

1. Transferring a home to a Spouse or a Child under 21 or child who is blind/disabled
2. Transferring a home to a Sibling with ownership interest for one year
3. Transferring home to Son/daughter who lived in home for two years before moving into institution and the child provided care
4. Transfers not motivated by getting SSI (proof needed!)



# SSI BENEFIT CONSIDERATIONS

Buying/Selling  
a Home

Transferring a  
Home

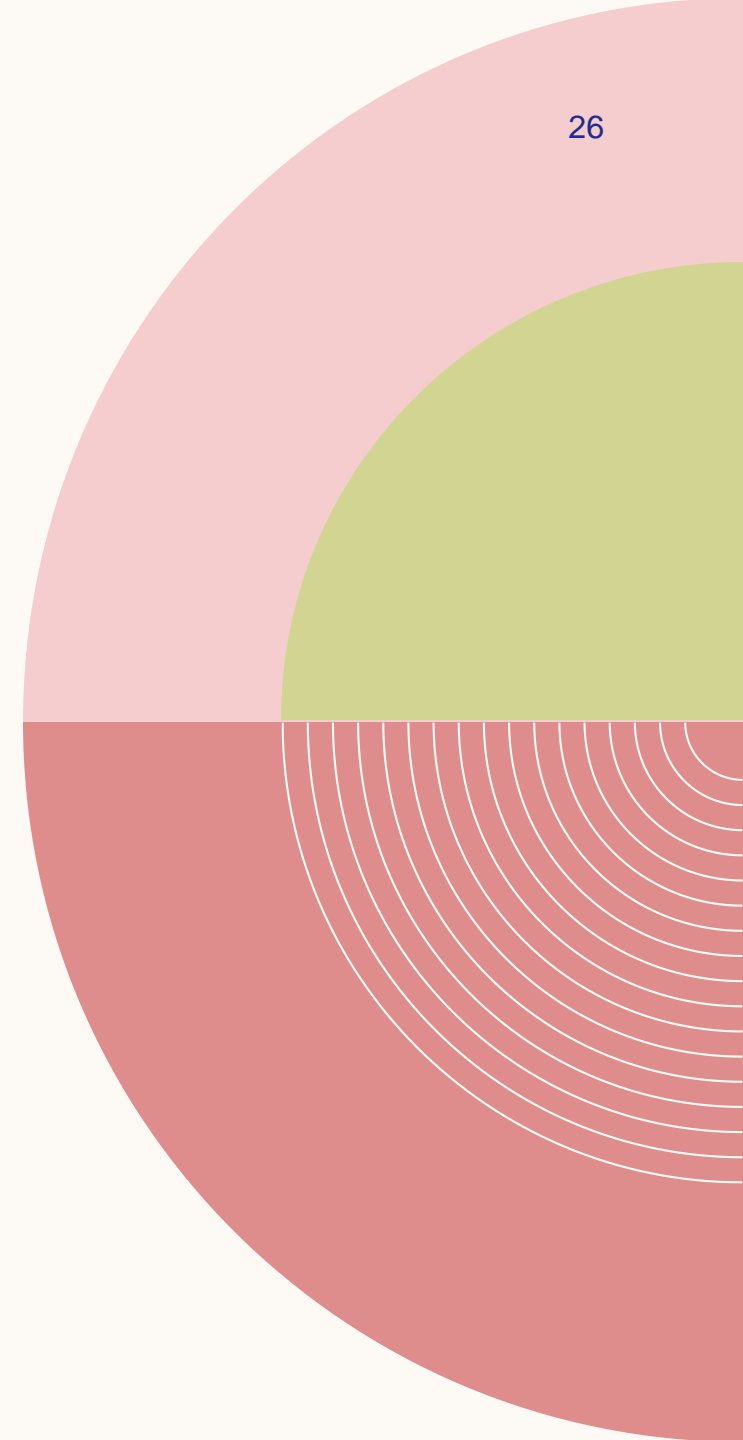
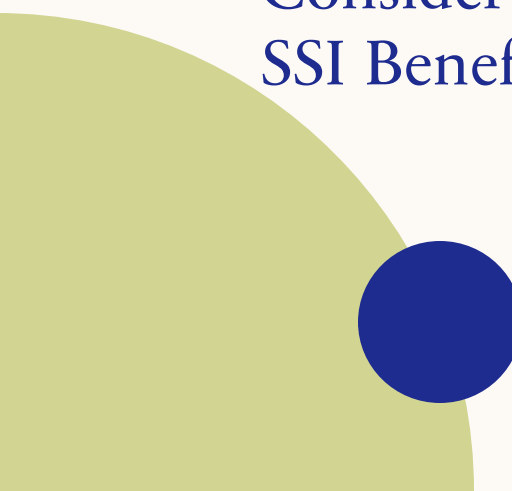
Wills and  
Deeds

Inheritance



# SUMMARY

- Respond Quickly
- The Overpayment Letter is Not Final
- Use Your Appeal Rights!
- Consider How Major Decisions Might Impact SSI Benefits



**THANK YOU**

Questions?