

Social Security Disability Insurance (SSDI) Part II

SSDI & Overpayments: How to Handle Overpayments

Created in collaboration by:



Disability Rights New Jersey

- Disability Rights New Jersey is the designated Protection and Advocacy agency for New Jersey
- We advocate for and advance the human, civil and legal rights of residents of New Jersey with disabilities



NJ Council on Developmental Disabilities

- The NJ Council on Developmental Disabilities works to assure that individuals with intellectual/developmental disabilities (I/DD) in New Jersey, and their families, participate in and have access to needed community services, individualized supports, and other forms of assistance that promote self-determination, independence and inclusion.



Second Part About SSDI Overpayments

- The first part of this webinar explained what overpayments are and how they might happen.
- This part of the webinar will explain what to do about an overpayment problem.



What Will You Learn?

- What to do about overpayment notices from the government
- The different ways to handle and fix overpayments.
- An explanation of how to handle overpayments using each method



What To Do About SSDI Overpayments

- If you get a notice of overpayment, it is important that you tell a family member or other person you trust about it.
- Keep all paperwork or letters you get from the government about your social security benefits.
- Make sure to check your mail regularly to see if you get letters or notices from the government about your benefits.



Methods to Handle Overpayments

- Request for Reconsiderations
- Request for Waiver
- Negotiate Repayment
- Do Nothing



What is a Reconsideration?

- A formal request to have the overpayment decision reviewed by the government.
- For a reconsideration you must show that:
 - 1) The different ways to handle and fix overpayments.
 - 2) That the actual amount of overpayment is wrong



When To File For A Reconsideration

- A reconsideration has to be filed within 60 days of getting the notice of overpayment.
- It is important to file paperwork on time or your monthly benefit may stop.
- If the reconsideration paperwork is filed within 30 days of notice, no money will be taken back by the government, while your appeal is decided.



What To File For A Reconsideration?

- Ask a family member or trusted friend to fill out this Social Security Administration Form (SSA-561):
<https://www.ssa.gov/forms/ssa-561.pdf>
- The government will offer you a chance for a case review of your file or a chance to meet with a representative to discuss your case.
- A case review is a review of paperwork in your file.



What is a Waiver?

- You ask the government to forgive the overpayment
- There is NO time restrictions for when you can file a waiver



When To File a Waiver?

- In order to get a waiver, you need to show:
 - 1.) You did not cause the overpayment, and
 - 2.) You are unable to afford paying back because you have to pay food, rent, medicine or other necessities, or
 - 3.) The government taking back your benefits from you would not be fair.

Examples of asking for a waiver are that you are not working, earn little income and/or cannot pay your living expenses.



How To File A Waiver?

- Ask a family member or trusted friend to fill out this Social Security Form SSA-632:

<https://www.ssa.gov/forms/ssa-632-bk.pdf>

- You must complete the entire form.
- If the government does not grant the waiver, a meeting with representatives must be scheduled.



Negotiate A Repayment Plan

- You can have a family member or trusted friend negotiate a repayment plan with the government for any money the government thinks you owe them. The family member or friend can submit this form. (SSA-634):

<https://www.ssa.gov/forms/ssa-634.pdf>

- The government can hold back the entire amount of your monthly benefit check.



If You Choose To Do Nothing

- You can accept the government's decision about an overpayment and do nothing.
- **SSDI beneficiaries** – The government will withhold the entire amount of your monthly benefit check, within 30 days of your getting the overpayment notice.



Things To Remember

- **Keep all paperwork or letters you get from the government about your social security benefits**
- **Make sure to tell a family member or person you trust about any notice you receive from the government about your SSDI.**
- **There are different ways to handle overpayments.**
- **Make sure a family member, support coordinator or trusted person helps you fill out any paperwork for the government to fix your overpayment problem.**



Handling Your Overpayment

- **Regardless of what you decide to do, make sure you talk with a family member, friend, support coordinator, or other person you trust about the overpayment.**
- **Handling any overpayment notices from the government about your benefits is very important.**



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New Jersey's designated Protection and Advocacy agency under federal law.



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We're Here to Help:



*Authorized by the federal
Developmental Disabilities Act to
engage in advocacy, capacity building
and systemic change activities.*



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