



SSI Overpayments

What is an SSI overpayment?

An overpayment means that you got more SSI money than you were supposed to. This can happen because you or Social Security make a mistake. Even if it was their fault, Social Security can ask you to pay back the money.

How can I avoid an overpayment?

Report changes right away to Social Security. Even if you report right away, the next check may be sent before the amount can be changed. Then you have an overpayment.

Some examples of things that could cause an overpayment are:

- getting married
- changes in your income
- starting or stopping a job
- going into the hospital
- the death of a spouse, or
- getting a large payment, like an insurance award or car accident settlement



If you think such a change may happen, get legal advice about choices you can make to avoid an overpayment. Keep proof of when you report changes. Keep copies of things for yourself or a log of who you talk to at Social Security.

What happens if I get an overpayment?

Social Security will try to get the money back from you. They can also report the overpayment to credit bureaus so it's on your credit report.

- SSI can ask you to repay the whole amount now, or to repay it over time. You do not have to agree to this.
- They can take the money out of your SSI checks. They can only take up to 10% of your check. This is called "recoupment."
- They can take your federal tax refund or other federal money owed to you or your spouse. But they don't do this if you are still on SSI.
- They can sue in court for the overpayment plus court costs. They don't do this if you are still on SSI.

What if the overpayment is small?

If it is \$1,000 or less, Social Security won't try to get the money if you ask them not to. This is called an "administrative waiver." You can call and ask Social Security for this waiver. You don't need to fill out any paperwork.

What if Social Security is going to recoup from my check?

You can do these things:

- **Agree to pay it back and work out a payment plan.** This way you get some control of how much is taken out of your check. See if they can take less than 10% per check.
Note: the smallest amount they will agree to is \$10 a month. You can ask for a different repayment amount without having to do any paperwork if you also get another kind of cash assistance like MFIP, MSA or VA benefits.
- **Appeal.** If you do not think you were overpaid, you can appeal. File a written appeal right away. See our fact sheet, [SSI Appeals](#), for how to do this.
 - Appeal within **10 days** of getting the notice if you want your checks to stay at the same amount during the appeal.
 - Appeal within **60 days** of getting the notice, or you lose the right to appeal.

Note: Social Security assumes that you get the notice 5 days after the date on the notice. You can try to appeal after 45 days but you need to prove that you had a good reason for appealing late.

- **Ask for a “waiver.”** This means that even if you were overpaid, you should not have to pay it back. If you can’t afford to pay the money back, file for a waiver right away. If you file within 30 days of getting the overpayment notice, Social Security can’t take money from your check until you have a meeting with them. If they already started taking money, asking for a waiver stops them from taking more until a decision is made. They have to give you the waiver if **the overpayment wasn’t your fault, and:**
 - It would be unfair to make you repay it (for example, you can’t afford to pay it back, and it would be a great hardship), or
 - The overpayment is small and not worth the time and energy to collect it.

Note: If your overpayment was caused by getting benefits during an appeal, the rules are different. Contact Legal Aid for more information.

You can file for both an appeal and a waiver at the same time. SSA should not withhold your benefits during an appeal or while you wait for a decision on a waiver.



What if I lose my appeal?

If your first overpayment appeal and waiver request is denied, you can appeal further. See our fact sheet, [SSI Appeals](#).

Fact Sheets are legal information NOT legal advice. See a lawyer for advice.

Don't use this fact sheet if it is more than 1 year old. Ask us for updates, a fact sheet list, or alternate formats.

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