

HOW TO ASK FOR A WAIVER OF AN OVERPAYMENT FROM SOCIAL SECURITY

If you get a letter from Social Security that you were overpaid Social Security or SSI benefits, you can ask Social Security for a waiver. You don't need a lawyer to ask for a waiver. *If you ask for a waiver and it is granted, you don't have to pay the money back to Social Security.*

To ask for waiver, fill out the attached Request for Waiver Form and send it to Social Security.

How to Fill Out the Request for Waiver Form:

- On Question 1, print your name and Social Security Number clearly.
- On Question 2, check the first box. Also write on the form: "I want all overpayments on my record to be waived, even the amounts you have already collected."
- Skip Questions 3 and 4 unless the overpayment was paid to someone else.
- On Questions 5, 6, and 7, explain why the overpayment was not your fault. If you don't know what caused the overpayment, read the letter from Social Security and call Social Security to ask them what caused the overpayment.

Here are some **examples** of reasons why the overpayment may not have been your fault:

"I reported my work to the Social Security Administration as soon as I started working. I was told by Social Security that I could keep getting my check even though I was working."

or

"I did not understand Social Security's rules. I only finished the (____) grade. I have trouble reading and understanding. I get confused and forgetful because of my disability."

- Section II of the form (pages 3 through 7) asks for information about your income, money in the bank, and your living expenses. *This is to show that you can't afford to pay the money back.*
- Answer Questions 9 through 11.
- If you currently get SSI benefits, answer "yes" to Question 12. **If you get SSI, you do not need to fill out any more of the form except the last page.**
- If you don't get SSI, fill out the rest of the form. You have to show that you need all of your income to pay your living expenses.

****This general information from Legal Services of Southern Piedmont, Inc. is not a substitute for individual legal advice. You may wish to talk to another lawyer about your case.**

- **Sign the form on page 8 and date it.** Make sure to put your address and phone number on page 8.

Return the Request for Waiver form to your local Social Security office. KEEP A COPY.
If you have other questions about how to fill out this form, call or visit the Social Security office.

Once you fill out the waiver request form, Social Security should stop collecting the overpayment from your check. They should not collect any more money from you until the waiver request has been decided. If they do not stop collecting the money, call Social Security.

You can ask for a waiver at any time. This means that you can ask for a waiver even if they have already collected the money from you.

You can also ask Social Security for a **reconsideration** if you disagree that you were overpaid or if you disagree with the amount of the overpayment. But you have to ask for a reconsideration within 60 days of when you first got a letter that you were overpaid. Call Social Security if you want to ask for a reconsideration.

When Social Security decides your waiver request, you will get a letter in the mail with their decision.

- If Social Security decides to waive the overpayment, this means that you do not have to repay the money to Social Security. Social Security should also **refund** any part of the overpayment they already collected from you.
- If your waiver request is **denied**, you have the right to appeal that decision to an Administrative Law Judge.
 - **You have sixty (60) days from when you get the letter denying your waiver to ask for a hearing in front of the Administrative Law Judge.**
 - **If you want to appeal the waiver denial to an Administrative Law Judge, call Legal Services of Southern Piedmont at (704) 376-1600. We may be able to help you with your appeal.**

The Charlotte Social Security office is located at:

**5800 Executive Center Drive
Suite 300
Charlotte, NC 28212
Telephone (704) 532-8583
or
1-800-772-1213**

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