

Social Security Overpayments: Request for Change in Overpayment Recovery Rate

What is an overpayment?

The Social Security Administration (“SSA”) may give you more money than you were supposed to get. This extra money is called an “overpayment.” Overpayments can happen for many reasons. For example, if you do not tell SSA that you receive money from work or another income source, this causes an overpayment. If you don’t tell SSA when your living situation changes, this may also cause an overpayment. For more information on overpayments, please read our handouts called “Social Security Overpayments: Request for Reconsideration” and “Social Security Overpayments: Request for Waiver of Overpayment Recovery.

What does a Request for Change in Repayment Rate do?

This is a request for SSA to lower the amount you repay towards your overpayment each month. It does not get rid of the overpayment. You can request that Social Security lower the amount that they collect from you each month at any time. You can make this request even if the SSA denied your overpayment appeal or would not waive your overpayment.

I can’t afford to pay back more than a very small amount each month. Is this possible?

Yes. Social Security sometimes lowers the amount that people repay to as little as \$10 each month. Depending on how much you owe, there are 3 different ways to request a lower repayment rate.

1. SSA will allow you to pay as little as \$10 each month, if it can collect the entire overpayment within 12 months. You can ask for this by talking to SSA or by turning in a written request. Ask SSA to give you a letter that shows that they agreed to the repayment plan.
2. SSA will also allow you to pay as little as \$10 per month, if it can collect the entire overpayment within 36 months (3 years). You can ask for this by talking to SSA or by turning in a written request. Ask SSA to give you a letter that shows that they agreed to the repayment plan.
3. If you are requesting a repayment amount that would take longer than 36 months (3 years) to pay back the overpayment, then SSA will need you to fill out the **SSA-634-BK form**.¹

¹ GN 02210.030 Request for Change in Overpayment Recovery Rate, Form SSA-634-BK

Social Security will consider how money you receive each month and all your expenses when it decides what you can afford to pay each month.

Where do I get the “SSA-634-BK Request for Change in Overpayment Recovery Rate” form?

You can find this on SSA’s website at: <https://www.ssa.gov/forms/ssa-634.pdf>, or by asking for it at the SSA office.

How do I fill out the SSA-634-BK form?

Make sure to answer all the questions as clearly and completely as you can. If a question does not apply to you, write, “not applicable,” or “NA.” A blank form is attached to this handout.

Question 2 asks if you get any SSI, TANF, (also known as CalWORKs benefits), or a pension based on need from the Department of Veterans Affairs (VA).

SSA wants detailed information about all your income, expenses, and other things of value that you own in Sections 2 through 5. SSA wants you to attach documents that show proof of what you are filling into the form to explain your income and expenses. These documents cannot be older than 3 months from the date on which you turn in your request. The most common examples of supporting documents are:

- Current rent or mortgage information such as a copy of a payment, a bill, or a lease agreement
- 2 or 3 recent Utility, Medical, Credit Card, Charge Card, and Insurance Bills
- Canceled Checks
- Recent bank statements (for all checking and savings accounts)
- Current Pay Stubs
- Your Most Recent Income Tax Return.
- Blue book estimates of your cars’ value, or a receipt for what you paid for them (if you own more than one car)

Be prepared for Social Security to ask you for more information about the financial information you include in Sections 2 through 5. Question “E” asks if you get SNAP benefits. In California, SNAP is known as CalFresh, or food stamps.

If you run out of room to write in any part of the form, you can continue writing in the “Remarks” section on page 6 of the form. Write the number of the question that you are responding to and the rest of your response in this section. If needed, you can add on extra pages.

Make sure to sign and date page 7 of the form.

How do I turn in the form?

You may need to prove that you turned in your written request if Social Security loses it. There are three ways to help prove this:

1. You can bring 2 copies of the filled-out form to the SSA office. Ask the SSA to date stamp both copies. Give SSA one copy. Keep the other copy for your records.
2. Fax the form to SSA and keep a copy of the form and a fax receipt that shows that your fax was received. Call the SSA office to make sure they got your fax. Keep a copy of the form and your fax receipt.
3. Send the form by certified mail and request a return receipt. Keep a copy of your form and the return receipt for your records.

What happens after I request an adjusted repayment rate?

If SSA agrees with the amount you offered to pay back monthly, it may adjust the amount being collected each month. In most cases the SSA will contact you to negotiate a repayment agreement. SSA may ask you for more proof of your income and expenses. It is possible that SSA will ask you for information about your spouse and dependents', (for example children whom you financially support), income and expenses before it decides. SSA will send you a written decision about the repayment agreement.

If SSA denies your request, it will send you a letter that explains why they denied your request and how SSA will collect your overpayment. You do **not** have the right to appeal this decision.² However, you can try requesting a different repayment amount.

DISCLAIMER: This fact sheet is intended to provide accurate, general information regarding legal rights. It is not legal advice. Because laws and legal procedures frequently change and can be interpreted differently, the Law Foundation of Silicon Valley cannot guarantee that the information in this fact sheet is current or be responsible for any use of this information. Do not rely on this information without consulting an attorney or the appropriate agency about your rights in your particular case or situation.

Last updated October 2019.

² GN 02210.030 Request for Change in Overpayment Recovery Rate, Form SSA-634-BK