



*A program of the Law Foundation of Silicon Valley*

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## **Social Security Overpayments of \$1,000 or Less: Requesting an “Administrative Waiver”**

### ***What is an overpayment?***

The Social Security Administration (“SSA”) may give you more money than you were supposed to receive. 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. Likewise, if you don’t tell SSA when your living situation changes, this may also cause an overpayment.

### ***What does a Request for Waiver of Overpayment do?***

Requesting a waiver for an overpayment is asking SSA to waive (or forgive) your overpayment. You can request a waiver any time after SSA says you were overpaid. For more information on what you need to show to get a waiver you can read our handout called “Social Security Overpayments: Request for Waiver of Overpayment Recovery.”

### ***What is an “Administrative Waiver?”***

SSA may forgive an overpayment if it is originally \$1000 or less.<sup>1</sup>

You may get an administrative waiver if:

- 1) Your overpayment is \$1000 or less, **AND**
- 2) There is no reason for SSA to think the overpayment was your fault.<sup>2</sup>

Some, but not all examples of when an overpayment may be your fault:

- 1) Social security thinks you lied.
- 2) You did not tell Social Security that your living situation changed.
- 3) You received money as a gift or from a job and did not tell Social Security
- 4) Social Security paid you twice for the same month and you kept both payments.

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<sup>1</sup> POMS SI 02260.030

<sup>2</sup> POMS SI 02260.030

### ***How do I get SSA to give me an Administrative Waiver for my overpayment?***

You have to ask SSA to give you an Administrative Waiver.<sup>3</sup> They will not offer one to you.<sup>4</sup>

You can ask for one in writing. You can also ask for one verbally by calling SSA on the phone or going to an SSA office in person. We strongly suggest asking for one in writing at an SSA office and asking SSA to give you a copy of the date stamped writing so you have proof you asked for an administrative waiver. See the attached sample request letter.

### ***SSA denied my Administrative Waiver request. What should I do?***

If you have issues getting an administrative waiver, you can call MHAP for help at (408) 280-2420 or (408) 280-2430.

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*DISCLAIMER: This fact sheet is intended to provide accurate, general information regarding legal rights. It does not constitute legal advice. Because laws and legal procedures are subject to frequent change and differing interpretations, the Mental Health Advocacy Project cannot ensure the information in this fact sheet is current nor be responsible for any use to which it is put. Do not rely on this information without consulting an attorney or the appropriate agency about your rights in your particular case or situation.*

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<sup>3</sup> POMS SI 02260.030

<sup>4</sup> POMS SI 02260.030

(Your Name)  
(Your Address)  
(Your City, State, and Zip Code)

(The Date)

Social Security Administration  
(Your local Social Security Office Address)  
(Your local Social Security City, State, and Zip Code)

Dear Social Security Administration:

My name is \_\_\_\_\_ and my Social Security  
Number is \_\_\_\_\_ - \_\_\_\_\_ - \_\_\_\_\_.

I recently received a notice that I received an overpayment in the amount of \_\_\_\_\_. I  
am requesting an Administrative Waiver of the overpayment because the amount is \$1000 or  
less and I do not think I am at fault. See POMS SI 002260.030.

Thank you for your considering my request for an Administrative Waiver of my  
overpayment.

Sincerely,

[Your signature]

(Your name)