



*a program of Law Foundation of Silicon Valley*

152 North Third Street, 3<sup>rd</sup> Floor

San Jose, California 95112

MHAP Intake Line (408) 280-2420 • Fax (408) 350-1158 • TTD (408) 294-5667

## **SOCIAL SECURITY OVERPAYMENTS: REQUEST FOR CHANGE IN REPAYMENT RATE**

### ***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. For more information on overpayments please read our handout called “Social Security Overpayments: Request for Reconsideration.”

### ***What does a Request for Change in Repayment Rate do?***

The form **SSA-632** asks 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 for your overpayment at any time. You can make this request even if the SSA already denied your appeal or request that they waiver your overpayment.

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

Yes. Social Security will consider how money you receive each month and how high your expenses are when deciding what you can afford to pay back each month. Social Security sometimes lowers the amount that people repay to as little as \$10 each month.

### ***How do I fill out the form?***

Get a copy of the SSA form **SSA-632** “*Request For Waiver Of Overpayment Recovery Or Change In Repayment Rate.*” For Question 2, check Box B, and write the amount of money that you can afford to repay each month in the blank. Make sure to answer the questions as completely as you can. A sample form attached to this handout.

If you get any amount of SSI, you only need to fill out the first 3 pages of the form (questions 1-12) and then sign and date page 8 of the form. If you do not get SSI, you need to fill out all of the pages on the form and sign and date page 8. If you do not know if you get SSI, you can call the SSA and ask.

It is important to be able to prove that you turned in your written request. There are three ways that 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 them one copy. Keep the other copy for your records.
2. Fax the form to Social Security and keep a copy of the form and a fax confirmation printout. Call the SSA office to make sure they got your fax.
3. Send the form by certified mail and request a return receipt. Keep a copy of your form and the return receipt in case SSA loses what you turned in.

### ***What happens after I request an adjusted repayment rate?***

In most cases the SSA will contact you to negotiate a repayment agreement. They may ask you for proof of your income or expenses. They will send you a written decision about the repayment agreement.

### ***SSA denied my request for a change in my repayment rate. What else can I do?***

You have **65 days** from the date on the denial letter to appeal. The appeal is called a Request for Reconsideration. In your appeal, you would argue why you think your adjusted repayment amount should have been approved. Please read our handout called “Social Security Overpayments” for more information on the Request for Reconsideration.

*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.*