

# JUSTICE IN AGING

FIGHTING SENIOR POVERTY THROUGH LAW

## Topics in SSI: Update on Changes to Overpayment Policies

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Justice in Aging is a national organization that uses the power of law to fight senior poverty by securing access to affordable health care, economic security, and the courts for older adults with limited resources.

Since 1972 we've focused our efforts primarily on fighting for people who have been marginalized and excluded from justice, such as women, people of color, LGBTQ individuals, and people with limited English proficiency.

# Housekeeping

- All on mute. Use Questions function for substantive questions and for technical concerns.
- Problems with getting on to the webinar? Send an email to [trainings@justiceinaging.org](mailto:trainings@justiceinaging.org).
- Find materials for this training and past trainings by searching the [Resource Library](https://justiceinaging.org/resource-library), [justiceinaging.org/resource-library](https://justiceinaging.org/resource-library). A recording will be posted to [Justice in Aging's Vimeo page](https://Justice%20in%20Aging's%20Vimeo%20page) at the conclusion of the presentation, [vimeo.com/justiceinaging](https://vimeo.com/justiceinaging).
- Enable closed captioning by selecting "CC" from the Zoom control panel.

# Justice in Aging's Commitment to Advancing Equity

To achieve Justice in Aging, we must:

- Advance equity for low-income older adults in economic security, health care, housing, and elder justice initiatives.
- Address the enduring harms and inequities caused by systemic racism and other forms of discrimination that uniquely impact low-income older adults in marginalized communities.
- Recruit, support, and retain a diverse staff and board, including race, ethnicity, gender, gender identity and presentation, sexual orientation, disability, age, and economic class.



# Overview of Overpayments

# Overpayments

- An overpayment occurs when a beneficiary receives more benefits than the amount they are entitled to, in a given month
- If the individual is currently receiving SSA benefits, SSA will withhold funds from current benefits to repay

# Why Overpayments Happen

- **SSI:** Over income or resource limit, in-kind support and maintenance (ISM), marriage, institutionalized / outside U.S. for a calendar month or 30 days or more
- **SSDI/Retirement/Survivors:** Work incentive rules, offsets due to other benefit/pension entitlement (workers' comp, government pension)

# Overpayment Options

- Appeal the overpayment (request “Reconsideration”)
- Request a waiver
- Negotiate a lower repayment amount
- Do nothing





# Recent Changes to Overpayment Policies

# Decrease Default Withholding (1 of 2)

| <b>TITLE II (RSDI)</b>                                | <b>TITLE XVI (SSI)</b>                                  |
|---|---|
| 10% (or \$10, whichever is greater) – previously 100% | Up to 10% of monthly benefit – \$94.30 maximum for 2024 |

# Decrease Default Withholding (2 of 2)

- [EM-24011: Change in Title II Overpayment Default Rate of Benefit Withholding](#)
- Went into effect on March 25, 2024
- Beginning in June 2024, those with new RSDI overpayments will see new language in notices, experience 10% default
- July 2024: letter sent to all current RSDI beneficiaries paying more than 10%
- In interim, RSDI beneficiaries can call 800-772-1213 to request adjustment to 10%

# Repayment Time Frame

- Expanded from 36 months to 60 months
- Easier to lower repayment amount without having to provide financial documentation
- [POMS GN 02210.030 - Request for Change in Overpayment Recovery Rate](#)
- [POMS SI 02220.026 - Request for a Change in Recovery Rate - SSI](#)

# Administrative Waiver

- Level increased from \$1,000 to \$2,000
- Individual must request waiver
- No further development needed if no indication individual was at fault
- [POMS GN 02210.220 - Request for Waiver - \\$2,000 Tolerance](#)
- [POMS SI 02260.030 - Impede Effective or Efficient Administration of Title XVI of the Act \(Administrative Waiver\)](#)

# Shifting Burden in Showing “Without Fault”

- First step in every request that overpayment be waived – showing individual was “without fault” in causing overpayment
- Previously, burden was on individual to prove they were “blameless”
- Shift to SSA assuming that individual was not at fault, unless SSA has evidence to the contrary
- Waiting for implementation – changes to POMS, training for SSA employees

# Easier to Apply for Waiver

- Streamlining [Form 632](#), Request for Waiver of Overpayment Recovery
- SSA is developing two- to three-page form with minimal financial information required
- New form not released yet

# Other Improvements to Come

- Revising overpayment notices
- Changes to auxiliary liability rules for Title II overpayments
- Changes to step two of waiver process
  - Expanding “defeats the purpose” financial hardship analysis
  - Expanding “against equity and good conscience” analysis



# Questions?

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Uplifting the Stories of those  
Experiencing Overpayments

# Why Stories?

- Stories are real world examples that help policymakers see how policies affect constituents & recipients in a way that data cannot
- Stories can help drive policy change
- Stories from real people can help media understand and write about the issues in a helpful way
- Telling their stories can feel empowering for individuals

# The Asset Limit & Overpayments

- Advocates are trying to raise the SSI asset limit through legislation in Congress
- Raising the asset limit to \$10,000 (individual) and \$20,000 (couple) would dramatically decrease SSI overpayments and reduce the burden on recipients and the agency
- It's a simple and much needed fix that will keep already poor people from falling into deeper poverty and allow them to retain enough cash on hand for emergencies such as renting a new apartment, repairing a car, etc

# How will Justice in Aging Collect & Use Stories?

- We have a form that we will drop in the chat. Advocates can fill it out for clients (with their informed consent) or clients can fill it out themselves
- We may contact advocates or the client for further information, follow-up, permissions, or possibly to arrange photos
- We will ensure we have permission for any specific use and not use any part of a person's story they are uncomfortable with
- The goal is to show the harm that the low asset limits cause

# What are Some of the Ways Justice in Aging Could use the Stories it Collects?

- Connect with a member of the media for a media story
- Connect the storyteller with members of Congress to tell their stories directly privately or publicly
- Write up the story with or without a photo for printed materials distributed to members of Congress and coalition partners
- Fundraising (possibly)



# Questions?

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