

JUSTICE IN AGING

FIGHTING SENIOR POVERTY THROUGH LAW

Campos et al. v. Kijakazi Settlement Agreement: What SSI Advocates Need to Know

Kate Lang, Justice in Aging
Michelle Spadafore, New York Legal Assistance Group

March 11, 2025

Webinar Logistics

- All on mute. Use Questions function for substantive questions and for technical concerns.
- Problems with getting on to the webinar? Send an e-mail to 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. A recording will be posted to [Justice in Aging's Vimeo page](#) at the conclusion of the presentation, vimeo.com/justiceinaging.
- Enable closed captioning by selecting “CC” from the Zoom control panel.

JUSTICE IN AGING

FIGHTING SENIOR POVERTY THROUGH LAW

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.

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.

About NYLAG

Founded in 1990, New York Legal Assistance Group (NYLAG) is a leading civil legal services organization combatting economic, racial, and social injustice by advocating for people experiencing poverty or in crisis. Our services include comprehensive, free civil legal services, financial empowerment, impact litigation, policy advocacy, and community partnerships. NYLAG's staff of 400 impacted the lives of 130,000 people last year.



COVID-19 Pandemic

March 2020

- Social Security Administration (SSA) closed field offices in response to pandemic
- No agency-wide remote work plan in place
- Stopped manual processes, including reducing or suspending Supplemental Security Income (SSI) benefits
- More and larger overpayments as result

September 2020

- SSA employees began remote work while field offices remained closed
- Resumed processing manual workloads
- Beneficiaries continued to struggle to report changes, or request overpayments be waived

Interim Final Rule (IFR)

- “Waiver of Recovery of Certain Overpayment Debts Accruing During the COVID-19 Pandemic Period”
 - [85 Federal Register 52909, August 27, 2020](#)
- Overpayments incurred between March 1, 2020 and September 30, 2020, and identified by December 31, 2020
 - Resulting from SSA suspending manual processes
 - Not for those resulting from fraud or similar fault, or involving misuse by representative payee
- “Streamlined” waiver process
 - Overpaid person presumed to be not at fault in causing and “against equity and good conscience” to collect
 - Oral request by phone, no paper form (SSA-632) required
 - No refunds



Campos et al. v. Kijakazi

Problems with “Streamlined” Waiver Process

- SSA didn’t effectively inform overpaid people that this new process existed
- Those who did learn about it were not able to utilize it. For example:
 - SSA field office told overpaid person to contact specific SSA employee at specific telephone number, but never answered or able to leave message
 - SSA field office told overpaid person they had to make appointment with specific SSA employee to request “streamlined” waiver, but no appointments available

Campos et al. v. Kijakazi Lawsuit

- Nation-wide class action lawsuit filed in the Eastern District of New York, on behalf of five SSI recipients with overpayments
- Challenging the interim final rule as “arbitrary and capricious”
- [Complaint](#) filed September 15, 2021
- No answer or motions filed by SSA



Settlement Agreement

Guidance on COVID-19 Circumstances in Waiver Determinations

- Reminder for technicians on “fault” determination at first step on waiver request
- For ANY overpayments incurred in any month since March 2020 (Title II & Title XVI)
- Now located in Paragraph D. of EM-24005 REV 2: COVID-19 Factors in Overpayment Waiver Determinations & Handling Campos Settlement Notice Inquiries

Notice to SSI Recipients Assessed Overpayments (March 2020 – April 2023)

- SSA is mailing notices to all SSI recipients who were assessed an overpayment for one or more months during the COVID-19 National Emergency Period (March 2020 – April 2023)
- Notice informs overpaid individuals how to request a waiver, and includes the COVID-19 related factors from EM-24005 REV 2
- [Redacted notice](#)

Automatic Waiver of March – Sept. 2020 SSI Overpayments

- Automatic waiver of all SSI overpayments incurred for March through September 2020 resulting from suspension of manual processes
 - Overpaid person does not have to submit waiver request
 - SSA will send separate notice with information about waiver when granted
 - SSA will grant most of these waivers by June 2025 (notice on previous slide says “it could take a year or more for you to receive the notice that your overpayment has been waived.”)

Refunds of Amounts Already Repaid

- For any SSI recipient who has already repaid some or all of the amount that SSA will automatically waive (March – Sept. 2020 overpayments), SSA will issue “underpayment”
 - SSA will follow law and policies in connection with these underpayments – may be used to offset other overpayments
 - SSA will issue via direct deposit/Direct Express
- Overpaid person does not have to submit any additional paperwork
- Most underpayments will be issued by June 2025
- POMS [SI 01130.600](#): Retroactive SSI and RSDI Payments (nine month exclusion from being counted as resource)



Resources

SSA Resources

- [EM-24005 REV 2: COVID-19 Factors in Overpayment Waiver Determinations & Handling Campos Settlement Notice Inquiries](#)
- [Campos Settlement SSA Webpage](#)
- [POMS GN 02250.016 - Presumptions of Not at Fault for Waiver Determinations - Title II and Title XVI](#)
 - Paragraph B.20: Overpayments during the COVID-19 pandemic period

Additional Resources

- *Campos v. Kijakazi* Settlement [Fact Sheet](#) (NYLAG)
- NCLER webinar: Updates on Social Security Overpayment Policies (Jan. 9, 2025)
 - [Slides](#)
 - [Practice Update](#)



Questions?

Kate Lang,
klang@justiceinaging.org

Michelle Spadafore,
MSpadafore@nylag.org

[Justice in Aging on LinkedIn](#)

Want to receive Justice in Aging trainings and materials?

Join Our Network!

Go to justiceinaging.org and click “**Sign up**” or send an email to info@justiceinaging.org.