

The Terror of an Overpayment Bill From Social Security:

How to Fight It or Avoid It Altogether

Recently Carolyn W. Colvin, the acting commissioner of Social Security, released the following comment regarding recovery of debts owed to the Social Security Administration (SSA) that are 10 years old or older.

"I have directed an immediate halt to further referrals under the Treasury Offset Program to recover debts owed to the agency that are 10 years old and older pending a thorough review of our responsibility and discretion under the current law to refer debt to the Treasury Department.

If any Social Security or Supplemental Security Income beneficiary believes they have been incorrectly assessed with an overpayment under this program, I encourage them to request an explanation or seek options to resolve the overpayment."

The SSA typically does a review of all cases to ensure that recipients are receiving the proper monthly benefits. However, like any business, there are times when the system becomes overwhelmed and falls behind on these reviews, and they do not catch the overpayment until several months, or even years in some cases, have passed. This results in the SSA overpaying you, and this means that you receive more in disability benefits than you are eligible. It does not matter if it is not your fault; they will hold you responsible to pay back the overpayment. Some important information to remember about calculation of SSI payments:



- If you are a Supplemental Security Income (SSI) recipient, your SSI benefit amount is calculated on a monthly basis. Thus it is important to report any changes that occur in income or assets of the entire household on a monthly basis. Whether it is you, your spouse, or your child who is receiving SSI, the income or assets of every member of the household can affect an individual's monthly SSI benefits.
- If you are a Social Security Disability (SSDI) recipient, only your income counts. This means that you only need to report your own income and no one else; however, when it pertains to your income activity, this means everything even pensions from retirement plans.

Cases have been reported where the recipient did not report their change in income and the SSA didn't catch the overpayment for so many years that the recipient ended up being responsible for over \$100,000 or more. That is a lot of money to owe the government. As such, it is so important to report any changes in your income on a monthly basis. If you return to work and receive SSI or SSDI benefits while you are working, you need to report this to the SSA as the SSA places the burden to report work activity on you. Should you fail to report this, you will be held accountable. If you report what is asked of you, there is a slim to none chance that you will find yourself responsible for any overpayment.

But what if you do find yourself with an overpayment bill from the SSA? You have two options.

Option one is to appeal the overpayment. You can argue that overpayment never occurred by showing the SSA that they are miscalculating the overpayment. To do this, you need to show there was no change of income or that any money that did come in to the household is not income that can be counted by the SSA against your SSI or SSDI benefits.

Option two is to ask for a waiver. By asking for a waiver, you are agreeing that an overpayment occurred but you are arguing that you should be excused from having to pay it because it is not your fault that the overpayment occurred and you cannot afford to pay it. To support the second portion of this statement, you will need to provide all your bills and costs for your necessities.

At the end of the day, being held responsible for an overpayment issue can be avoidable. Report any changes of income or work on a monthly basis to the SSA, keep any supporting documentation that can help support you did everything the SSA asked of you, and be diligent about staying on top of your finances.

Halloween Is Not Just For Kids!
Get Into the Spirit!



'Aladdin, Jasmine & Abu' - Halloween 2012

Halloween is not just for the kids! It is a fun time for people of all ages to get in the spirit and "be a kid again", no matter what your age. In my household we take dressing up for Halloween very seriously!

What Is New?

Trip Back to My Childhood in Sweden



*Downtown Vetlanda, Sweden -
the small town I grew up in.*

I grew up in a very small town in Sweden called Vetlanda. My family and I left Sweden in 1996 to move to Atlanta GA and I had not been in back since to see my childhood hometown or my childhood friends. Last month, in September, after 18 years of being away, I traveled back to Sweden with my husband and son to show them where I grew up and familiarize them with my hometown in Vetlanda. We had a wonderful time as I reunited with old friends, neighbors, and even school teachers. I even got a chance to go to my old house that I grew up and got to go to my old bedroom. I got

to watch my son play in the playground and swing on the same swings that I had played in when I was his age. It was surreal going back to a place that had become a childhood fantasy to me after 18 years of being away. Everything there smelled better, tasted better, and felt just right; and the reason for that is simple, it is all linked to a very emotional place in my heart and that is my childhood.

Administrative Announcement: **Happy Birthday**

Happy Birthday to our paralegal Patrice Callahan!
Her special day was October 16th!



Calendar of Events: **October 2014**

- October 2: Court in Montgomery, Alabama
- October 10: Presentation to the North Fulton Community Charities Caseworkers
Topic - Getting Through the Social Security Disability Process
- October 16: Court in Covington, Georgia
- October 23: Court in Gainesville, Georgia
- October 29: Court in Atlanta, Georgia

Contact

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'We help people get through the Social Security Disability process with personalized legal care.'

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