

## Social Security Overpayments: Request for Waiver of Overpayment Recovery

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

The Social Security Administration (“SSA”) may give you more money than you were supposed to get. 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. 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 handouts called “Social Security Overpayments: Request for Reconsideration” and “Social Security Overpayments: Request for Change in Overpayment Recovery Rate.”

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

You can use this form “**SSA-632-BK Request for Waiver of Overpayment Recovery**” to ask SSA to waive, (or forgive), your overpayment. You can file this form at any time after SSA says you were overpaid. This means that you can request that the SSA waive your overpayment even if SSA denied your appeal of the overpayment.

### ***What do I need to show to get SSA to forgive the overpayment?***

You must show two things:

- 1) The cause of the overpayment was not your fault, **AND**
- 2) Either:
  - a. You cannot afford to pay back the overpayment,
  - OR**
  - b. You think the overpayment is unfair for another reason.
  - c.

### ***How do I show that the overpayment was not my fault?***

Here are some examples of how you can show that the overpayment was **not** your fault. These examples and are not the only ways to show this.

1. You told the SSA about changes in your income or your living situation that caused the overpayment right away, but SSA continued to pay you the same amount.
2. You had a representative payee at the time that you were overpaid, and it was their responsibility to report new information, not yours.

SSA is more likely to decide that getting the overpayment was your fault if you knew that you were getting too much money and kept it anyway. SSA is more likely to decide that it was your fault if SSA thinks you were not honest with SSA in the past.

## **Where do I get the “SSA-632-BK Request for Waiver of Overpayment Recovery” form?**

You can find this on SSA’s website at: <https://www.ssa.gov/forms/ssa-632-bk.pdf>, or by asking for it at the SSA office.

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

Make sure to answer all the questions as clearly and completely as you can. If a question does not apply to you, write, “not applicable,” or “NA.” A blank form is attached to this handout.

For Question 5 on the SSA-632-BK, check Box “A” **and** every response that applies to you.

At Question 11, if you are not sure or do not understand why Social Security says you were overpaid, check box “R”.

If you did not report changes that you were supposed to report or are not sure whether-or-not you reported the changes under Question 12 “B,” explain any circumstances that made it harder for you to report those changes. Some examples include, but are not limited to:

- Not having access to a phone or transportation to talk with SSA; OR
- Mental or physical health conditions that interfere with your memory or ability to report changes.

You can provide more detail about why you could not report the changes at Question 12 “C”.

If you get any amount of SSI, TANF (also known as CalWORKS), or a pension based on need from the Department of Veterans Affairs (VA), you only have to fill out the first four-and-a-half pages of the form (Questions 1-12F). Then fill out page 13 of the form and sign and date page 13. If you get CalWORKS benefits, or a pension based on need from the VA, provide proof that you get these benefits, like a copy of a benefits statement or award letter. If you do not know if you get SSI, you can call SSA and ask.

For Sections 5 through 8 of the form, SSA wants detailed information about all your income, expenses, and other things of value that are available to you. SSA wants you to attach documents that show proof of what you are filling into the form to explain your income and expenses. If you have a spouse or dependents, (for example children whom you support), you must also provide this information and supporting documents for your spouse and dependents. These documents cannot be older than 3 months from the date on which you turn in your request. The most common examples of supporting documents are:

- Current rent or mortgage information such as a copy of a payment, a bill, or a lease agreement
- 2 or 3 recent Utility, Medical, Credit Card, Charge Card, and Insurance Bills
- Canceled Checks
- Recent bank statements (for all checking and savings accounts)
- Current Pay Stubs
- Your Most Recent Income Tax Return.
- Blue book estimates of your cars’ value or a receipt for what you paid for them (if you own more than one car)
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For Question 17 “B,” if you are an adult and live with other people, you all pay your living expenses separately, and none of you claim each other as tax dependents, you should explain this.

**For example:** Jessie is thirty and lives with housemates, Alex, and Jo, who are not related. Each of them pays one-third of the bills and household expenses. Jessie would answer Question 17 “B” with, “yes” and “yes”. However, Jessie would write “\$0” under the “total amount you receive.” We recommend that Jessie also explain that each roommate pays their own part of the living expenses under the “REMARKS” section on page 11.

If you have more questions about your living situation and how to describe it, please call us at 408-293-4790.

Question 22 “E” asks if you get SNAP benefits. These are also known as CalFresh.

Make sure to sign and date pages 12 and 13 of the form. Check off the box giving the Social Security Administration permission to access your financial records.

### ***How do I turn in the form?***

In case Social Security loses your request, you should keep proof 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 SSA to date stamp both copies. Give SSA one copy. Keep the other copy for your records.
2. Fax the form to SSA and keep a copy of the form and a fax receipt that shows that your fax was received. Call the SSA office to make sure they got your fax. Keep a copy of the form and your fax receipt.
3. Send the form by certified mail and request a return receipt. Keep a copy of your form and the return receipt for your records.

### ***SSA denied my waiver request. What else can I do?***

You have **65 days** from the date on the denial letter to appeal SSA’s decision. The appeal is called a *Request for Reconsideration*. In your appeal, explain why you think your waiver should have been approved. Please read our handout called “Social Security Overpayments: Request for Reconsideration” for more information on filing an appeal.

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