



Cornell University
School of Industrial and Labor Relations
Employment and Disability Institute

Work Incentives Support Center

Policy & Practice Brief #5

Dealing with Post-Entitlement Issues

A Practical Guide for Advocates

James R. Sheldon, Jr., Attorney
Neighborhood Legal Services

This is one of a series of articles written for benefits specialists employed by Benefits Planning, Assistance and Outreach projects and attorneys and advocates employed by Protection and Advocacy for Beneficiaries of Social Security programs. Materials contained within this policy brief have been reviewed for accuracy by the Social Security Administration (SSA), Office of Employment Support Programs. However, the thoughts and opinions expressed in these materials are those of the authors and do not necessarily reflect the viewpoints or official policy positions of the SSA. The information, materials and technical assistance are intended solely as information guidance and are neither a determination of legal rights or responsibilities, nor binding on any agency with implementation and/or administrative responsibilities.

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I. Introduction

Supplemental Security Income (SSI)² and Social Security Disability Insurance (SSDI) beneficiaries who work face a complex maze of rules governing how that work will affect their benefits. These rules may have an impact on both their current and future eligibility for SSI and SSDI benefits. Since these rules are so complex, and will differ depending on whether the individual receives SSI, SSDI or a combination of both, beneficiaries who work are often uncertain about whether they are being paid properly. Many beneficiaries must simply assume that the Social Security Administration (SSA) has paid them properly in response to timely reporting of wages.

As most advocates know, a high percentage of SSI and SSDI beneficiaries who work will face an overpayment of benefits at some time.³ An overpayment case will arise whenever SSA asserts that an individual received a benefit payment that he or she was not legally entitled to receive. While many of these alleged overpayments are small and their recovery by SSA can be avoided by a timely request for waiver,⁴ many will amount to \$1,000 or more. In fact, the author is aware of numerous cases in which beneficiaries faced alleged overpayments in excess of \$20,000.

As explained in more detail below, the best way to avoid an SSI overpayment (or underpayment) is to report any of the following events quickly: changes in earned or unearned income; changes in resources which result in non-excluded resources exceeding SSI's \$2,000 limit (\$3,000 for a couple); marriage or divorce; and changes in living arrangements. SSDI beneficiaries should also report any changes in earned income in a timely manner. Regular communication with SSA's staff, especially when it appears that improper payments are coming to a beneficiary, may also help minimize the chances of an overpayment or the amount of any overpayment that does occur. The other advantage of this timely communication and reporting is that it ensures that the beneficiary will have a reasonable expectation of what income to plan on for the immediate future.

When SSA informs an individual of an alleged overpayment, he or she has four choices. First, the individual may agree that they were overpaid, determine that it is not worth pursuing a waiver, and agree to pay the money back. Second, the individual can use the SSA appeals system to challenge the overpayment determination. Third, the individual can agree with all or part of the overpayment determination and seek a waiver of SSA's right to recover the overpayment. Fourth, facing the need to repay an overpayment through a reduction to the SSI or SSDI check, the individual may seek to negotiate a lower monthly amount of repayment.

This article will describe:

- how overpayments occur;
- SSA's notice requirements when they advise recipients of alleged overpayments;
- how the beneficiary or advocate submits a request for reconsideration or waiver;
- how to avoid overpayments through timely reporting of income and other events;
- tips for evaluating the merits of a potential request for reconsideration or waiver; and
- how to establish the right to a waiver where "without fault" and "hardship" must be shown.

¹ The author acknowledges the editorial contributions of Edwin J. Lopez-Soto, formerly a Staff Attorney with the Greater Upstate Law Project in Rochester, New York and now employed as a Lead Trainer-Technical and Organizational Development Specialist with Cornell University's Work Incentives Support Center.

² A listing of the abbreviations and acronyms used in this article appears in Appendix-A at the end of this article.

³ SSI recipients, in particular, may face an underpayment of benefits as well. This would most likely occur when a reduction in wages was either not timely reported to SSA or not timely input into SSI's data system.

⁴ As discussed more fully below, upon application by a beneficiary SSA may administratively waive any overpayment of \$500 or less without meeting all of the traditional criteria for a waiver.

This article is written for a primary audience of benefits specialists employed by Benefits Planning, Assistance and Outreach (BPA&O) projects, and attorneys and advocates employed by Protection and Advocacy for Beneficiaries of Social Security (PABSS) programs. The original version of this article states that neither BPA&O nor PABSS advocates are allowed to represent beneficiaries in either a reconsideration or waiver request, with respect to an alleged overpayment. This continues to be a grant condition for BPA&O projects, but is no longer a grant condition for PABSS programs.

Although BPA&O advocates are not allowed to represent beneficiaries in either a reconsideration or other appeal, it is appropriate for BPA&O staff to provide beneficiaries with information concerning how they assert those rights. You can then make a referral to an advocate or advocacy program that may be available to represent the individual. In light of the 2003 change in PABSS grant conditions, this referral might now be to a PABSS program in selected cases. BPA&O and PABSS programs are encouraged to regularly communicate to determine when a referral to the PABSS program is appropriate. Both BPA&O and PABSS staff should continue to use this article as a guide for providing beneficiaries with needed information. It should also be made available to the advocates, outside the BPA&O and PABSS networks, who represent the beneficiaries in overpayment matters.

It is also appropriate for BPA&O staff to assist an individual with a Request for Waiver which is not an appeal. The waiver must concern a work-related overpayment and the individual should either be working or have work as a goal.

NOTE: Based on the 2003 revisions to PABSS grant conditions, PABSS attorneys and advocates can now represent beneficiaries in overpayment-related cases if the alleged overpayment was work related or involved application or interpretation of one of SSA's work incentive provisions. This representation can involve challenges to SSA's determination of overpayment or it can involve a request that SSA waive its right to recover the overpaid amount. PABSS staff can now represent beneficiaries on such appeals up through and including the Social Security Appeal Council level of review. PABSS funding cannot be used to pursue appeals to the U.S. District Court.

II. Sources of Overpayments

An overpayment of SSI or SSDI benefits can result from a seemingly endless variety of events. This section will focus on some of the most common reasons for overpayments, with an emphasis on those overpayments that are associated with work activity.

A. SSI Overpayments

I. Excess Income

This overpayment could be attributed to unearned income. For example, some adult SSI recipients will qualify for SSDI benefits known as Child's Insurance Benefits (most often referred to as Disabled Adult Child's or DAC benefits) upon the disability, retirement, or death of a parent. This may occur, for example, when the SSI recipient has a disability, such

as mental retardation, that existed before the individual was 22 years old. The receipt of this new SSDI check will result in a reduction in the amount of the SSI check or, in some cases, will eliminate SSI eligibility. A beneficiary who continues to receive the same SSI check, in these circumstances, will probably face an overpayment.⁵

This overpayment could also result from increased earned income from employment. The SSI program will disregard the first \$65 of gross wages (or \$85 if there is no unearned income) in calculating the monthly SSI check. After that, the SSI check will be reduced by \$1 for every additional \$2 in monthly gross wages. This means that if the wages of a working SSI beneficiary increase by \$200, his or her monthly SSI check should go down by \$100. A beneficiary who continues to receive the same SSI check, in these circumstances, will probably face an overpayment.

2 Excess Resources

A very common overpayment occurs when SSA determines that SSI benefits were paid to an individual during a period when they possessed excess resources, i.e., non-excluded resources in excess of the SSI program's \$2,000 limit (\$3,000 for a couple).⁶ For example, if the person possessed \$2,300 in a bank account for a five-year period, SSA may seek recovery of an overpayment based on the amount of SSI benefits paid during each month of the five-year period. In a situation like the one described — an overpayment of thousands of dollars caused by \$300 over the resource limit — SSA should be able to waive the recovery of the overpayment if the beneficiary did not realize the bank account was above the resource limit. In these circumstances, recovery would be “against equity and good conscience.”⁷

3 Other Factors That May Cause an SSI Overpayment

Many factors or changes in circumstances can affect an individual's right to an SSI check or affect the SSI payment rate that applies to them. For example, a person who is out of the country for 30 consecutive days will be ineligible for SSI.⁸ Similarly, a person who goes into a public institution for a full calendar month will be ineligible for SSI. If an individual goes into a medical treatment facility for a full calendar month and Medicaid pays for at least 50 percent of the care, the SSI payment will be limited to \$30 per month.⁹ An individual who shares an apartment or house with others, and ceases to contribute to the household expenses, may face up to a one third reduction in the amount of SSI payment that is due.¹⁰ When the individual continues to receive the same SSI check, despite these changes in circumstances, it is likely that he or she will be overpaid.

B. SSDI Overpayments: Performing Substantial Gainful Activity after a Trial Work Period

Substantial gainful activity (SGA) is defined, for the year 2006, as gross monthly earnings of \$860 or more.¹¹ The SSDI beneficiary is allowed a nine-month trial work period (TWP) during which the individual can collect a full paycheck and an SSDI check, even if their earnings are above the SGA level.¹² Following the ninth TWP month, the beneficiary is entitled to a 36-month extended period of eligibility (EPE).

⁵ An individual currently receiving DAC benefits may see those benefits increase when certain events occur. For example, DAC benefits may increase upon the death of a parent who was collecting SSDI or Social Security retirement benefits.

⁶ See 20 C.F.R. § 416.1210, for a listing of resources that are exempt and not counted against the \$2,000 limit.

⁷ SSA Program Operations Manual System (POMS) SI 02260.025 D. See section VII, below.

⁸ See 20 C.F.R. § 416.215.

⁹ See *id.* §§ 416.211 (residents of a public institution); 416.212 (continuation of full benefits in certain cases of medical confinement).

¹⁰ See *id.* §§ 416.1130-.1148 for SSI's rules governing in-kind support and maintenance.

¹¹ See 20 C.F.R. §§ 404.1574(b), 416.974(b). The SGA amount will be indexed each year based on the National Wage Index. *Id.* The 2006 SGA amount for the legally blind is \$1,450 per month, which will also be indexed each year. In this article, our examples will all reference the \$860 SGA rule. SSA will usually announce the new SGA amounts no later than November for the upcoming year.

¹² 42 U.S.C. § 422(c); 20 C.F.R. § 404.1592; POMS DI 13010.035 *et seq.*

The first time the beneficiary earns gross countable wages of more than the SGA amount following the TWP, the individual will be entitled to SSDI benefits for that month and the following two months (known as the three-month grace period). If this occurs during the EPE, the individual will be entitled to SSDI checks in subsequent EPE months only when his or her monthly countable wages are less than the SGA for the year involved. When countable wages are more than the SGA amount, the individual will not be entitled to an SSDI check for that month. When an individual earns more than the SGA amount after the EPE, the individual faces an immediate termination of SSDI benefits, subject to expedited reinstatement if wages are later reduced below the SGA level.¹³

A very common overpayment occurs when an SSDI beneficiary continues to receive benefits when they are performing SGA during the EPE or following the EPE. Compared to SSI overpayments associated with work activity, the SSDI monthly overpayment amounts tend to be much higher. This is because the SSDI overpayment, in these cases, will always be equal to the full monthly check. So, for example, an SSDI beneficiary who was performing SGA as their EPE began and continued to do so throughout their entire 36-month EPE will face a 33-month overpayment if they continued to receive SSDI throughout that period. If this individual received a \$700 per month SSDI check during these 33 months, he or she would face an overpayment of more than \$23,000. As we explain below, sometimes overpayments like this occur, despite timely reporting of wages, because SSA's staff fails to timely determine continuing SSDI eligibility during and after the EPE. PABSS involvement would be allowed in a case like this: either to challenge the finding of SGA for one or more months of the 33-month period, or to seek a waiver of SSA's right to recover the overpaid amount.

III. How a Beneficiary is Informed of an Overpayment

A. The Beneficiary Must Receive a Written Notice

The SSI and SSDI regulations require that SSA issue a written notice to the current or former beneficiary whenever it asserts that the individual has received an overpayment of benefits.¹⁴

B. The Written Notice Must Explain the Basis for SSA's Claim that the Individual was Overpaid

The written notice of overpayment must fully inform the recipient of the basis for SSA's decision. The notice must advise the individual of the following: the time period or periods during which the overpayment of benefits arose; the amount of overpayment in each time period and the total overpaid amount for all periods; and the reason for the overpayment.¹⁵ On a practical level, the notice must provide enough information so that the beneficiary or the beneficiary's advocate can determine whether all or part of SSA's determination is incorrect.

What if an SSI recipient received an overpayment because a \$200 wage increase was not recorded by SSA for 10 months, resulting in a \$1,000 overpayment? The notice should indicate the months for which benefit amounts were affected; the SSI amount that was due each month and the SSI checks actually received; and the total amount of the overpayment that SSA claims must now be repaid.

¹³ An article which thoroughly discusses the SGA rule, the TWP, the EPE, and the new expedited reinstatement of benefits provisions, in the SSDI context, is contained in the Summer 2004 edition of *The Benefits Planner* newsletter. This newsletter, which is produced by the New York State Work Incentives Support Center, can be found on the website Neighborhood Legal Services, Inc., www.nls.org/planner/summer04.htm.

¹⁴ 20 C.F.R. §§ 404.502a, 416.558.

¹⁵ *Id.* §§ 404.502a, 416.558; POMS GN 02201.009.

C. The Written Notice Must Inform the Beneficiary of the Rights to Reconsideration and Waiver

The SSI or SSDI recipient has the right to appeal SSA's overpayment determination and the amount of the overpayment. This initial appeal is known as a reconsideration. Even if the beneficiary agrees with SSA with respect to the entire alleged overpayment or agrees that part of the overpayment determination is correct, the individual can request that SSA waive its right to recover the overpayment. If the recipient requests waiver and SSA denies the waiver request, the recipient can appeal the denial.

SSA's notice of overpayment must fully inform the individual of the right to reconsideration and waiver, and how those rights can be asserted. For example, the notice format that SSA uses explains what reconsideration and waiver are, and explains that the beneficiary can request either reconsideration or waiver, or both, by filing a written request and either mailing it to a specified address or turning it in at an SSA office. The notice must also inform the individual of any time limits for filing their request which, in the case of a reconsideration, is 60 days from receipt of SSA's notice. In the case of a request for waiver, there is no time limit for filing that initial request.

In many cases, the beneficiary has the right to have his or her benefits continue without change (i.e., without any benefit reduction to begin collecting the overpayment), if the reconsideration or waiver is requested within a specified time period. The notice of overpayment must specify any time limit for requesting the reconsideration or waiver in order to receive benefits without change, pending the determination on the reconsideration or waiver request.¹⁶

D. The Written Notice Must Inform the Beneficiary of Limitations on SSA's Right to Collect the Overpayment from Future SSI or SSDI Checks, or through Seizure of Federal Tax Refunds

With SSI overpayments, recouping the overpayment from future SSI checks, is limited to 10 percent of the individual's total income, defined as countable income plus SSI and state supplementary payments.¹⁷ The practical effect of this is that the reduction to the individual's SSI check can never be more than 10 percent of the SSI payment rate for the individual, whether they receive only SSI payments or a combination of SSI payments and other income. For example, in a state that pays the 2006 federal benefit rate of \$603, the reduction to the check can be no more than \$60.30 per month. In New York, where the state supplement is \$87, the 2006 payment rate for an individual living alone is \$690 and the reduction could be no more than \$69.00.

With SSDI overpayments, there is nothing like SSI's 10 percent rule. The general rule is that SSA will immediately begin collecting the overpaid amount, subject to any rights to continued payments pending an appeal, by withholding the entire SSDI check each month until the overpaid amount is recovered. SSA's regulations require a reduction of the amount withheld if "it is determined that withholding the full amount [of the SSDI check] each month would ... deprive the person of income required for ordinary and necessary

¹⁶ See, e.g., 20 C.F.R. 404.506(b) (providing that SSDI benefits will not be reduced to recover the overpayment if waiver requested within 30 days of notice), 416.1336(b) (providing that SSI benefits will not be reduced to recover an overpayment if appeal, i.e., reconsideration, is filed within 10 days of receipt of notice or good cause is established for failing to file within 10 days).

¹⁷ *Id.* § 416.571.

living expenses.”¹⁸ The minimum amount of withholding authorized is \$10 per month.¹⁹ In the author’s experience, SSA personnel are often willing to reduce the withholding amount to a level that the SSDI beneficiary can afford. The SSDI notice must advise the beneficiary of the proposed rate of withholding and advise the individual of the right to seek a lower rate if he or she claims an economic hardship.²⁰

NOTE: As of March 3, 2004, SSA will limit the amount of recovery from SSDI benefits for an SSI overpayment to 10 percent of the total monthly benefits.²¹

SSA also has the right to collect an overpayment that is owed and past due by seizing a federal tax refund.²² When it proposes to do so, it must send a written notice to the individual, advising the individual of the conditions under which SSA will waive recovery of the original overpayment. This provision cannot be applied to recover an SSI overpayment from a current recipient of SSI. Nor can this provision be applied to recover an SSDI overpayment from a current recipient of SSDI. However, a person with an SSI overpayment who now receives SSDI only can have their tax refund seized to recover the SSI overpayment. Similarly, a person with an SSDI overpayment who now receives SSI only can have their tax refund seized to recover the SSDI overpayment. Since many wage earners allow their employers to over-withhold federal taxes to ensure a federal tax refund, benefits specialists should routinely advise beneficiaries that, subject to certain limitations, their entire tax refund could be seized in the future to collect an overpayment.

E. Subsequent Notices Following the Determination Regarding a Reconsideration or Waiver Request

Following the request for a reconsideration, SSA personnel will review the case again and issue a reconsideration determination. If this determination is in any way unfavorable to the beneficiary (i.e., it determines that the overpayment determination was either totally or partially correct), the beneficiary will have a right to appeal that determination and have the matter heard by an administrative law judge (ALJ). The individual will have 60 days from receipt of the reconsideration determination to request an ALJ hearing.²³ The written reconsideration determination must advise the beneficiary of this right to an ALJ hearing, the time limit for requesting that appeal, and the manner in which the appeal can be requested. If the ALJ decision is in any way unfavorable, that decision can be appealed to the Social Security Appeals Council. An Appeals Council decision is subject to review by a federal district court. As previously noted, PABSS funding cannot be used to pursue appeals into the federal district court.

Following the request for a waiver, SSA personnel in the field office will review the request and the facts supporting it. SSA will then notify the individual if the waiver can be approved. If the determination is in any way unfavorable (i.e., it determines that all or part of the overpayment cannot be waived), the field office will notify the individual and schedule dates for a folder review and a personal conference. This will occur without the beneficiary requesting the personal conference. After the personal conference, SSA will notify the beneficiary of the waiver decision. If the individual declines the personal conference, a waiver denial decision will be issued.

¹⁸ 20 C.F.R. § 404.502(c).

¹⁹ *Id.*

²⁰ *Id.* § 404.502a.

²¹ 42 U.S.C. § 1320(b) - 17(b).

²² *Id.* §§ 404.520-526, 416.580-586.

²³ The time limit to request any review of a previous determination can be extended beyond 60 days from receipt of the determination if the individual can establish “good cause” for failing to meet the deadline. See, e.g., 20 C.F.R. §§ 404.911, 416.1411, regarding good cause for failing to request a reconsideration within 60 days.

At this point, the procedures vary slightly depending on whether the case involves SSI or SSDI. For SSI, a reconsideration will be available to appeal any unfavorable waiver determination (with or without a personal conference). If the reconsideration decision is in any way unfavorable, the individual will have a right to request an ALJ hearing. For SSDI, an initial decision denying the waiver, without a personal conference, can be appealed through a reconsideration. If the denial of the waiver request follows a personal conference, the individual has a right to appeal that decision to an ALJ hearing.

The initial waiver determinations, as well as the reconsideration determinations on appeal, must advise the beneficiary of the right to the next level of appeal (i.e., reconsideration or ALJ hearing), the time limit for requesting it, and the manner in which it can be requested. Like the appeals challenging the overpayment, the waiver appeals can also be pursued to the Appeals Council and to federal district court.

IV. Submitting the Request for Reconsideration and/ or Waiver

Although BPA&O advocates are not allowed to represent beneficiaries in either a reconsideration or any other appeal, it is appropriate for BPA&O staff to provide beneficiaries with information concerning how they assert those rights. BPA&O staff can then make a referral to an advocate or advocacy program that may be available to represent the individual. Based on amended grant conditions, some of these referrals can now be made to PABSS programs. BPA&O staff can assist beneficiaries with completing a Request for Waiver form, which is not an appeal.

A. Reconsideration — Challenging the Existence of the Alleged Overpayment

The beneficiary can file the reconsideration in one of two ways, by drafting a letter or by using SSA's Request for Reconsideration form.²⁴ To avoid any confusion, the beneficiary or advocate should use the SSA-approved form. If the individual submitting the request needs to write a longer explanation than will fit in the form, a letter of explanation can be submitted with the Request for Reconsideration form. The written request can either be mailed to the address specified on SSA's notice or it can be hand-delivered to an SSA office. When important documents like this are mailed, many advocates routinely send them by certified mail, return receipt requested, so that they can prove that the request was filed within the 60-day limit for requesting a reconsideration.

B. Waiver — Asking SSA to Waive its Right to Collect the Overpayment

Like the request for reconsideration, the request for waiver can be submitted by drafting a letter or by completing an SSA form.²⁵ In the case of waiver requests, the official SSA form will eventually have to be completed in all cases as it asks a series of questions that relate to the criteria that must be established to obtain a waiver.

²⁴ SSA's "Request for Reconsideration" form, SSA-561-U2, is available on SSA's website at www.socialsecurity.gov/online/ssa-561.pdf.

²⁵ SSA's "Request for Waiver of Overpayment Recovery or Change in Repayment Rate" form, SSA-632-BK, is available on SSA's website at www.socialsecurity.gov/online/ssa-632.pdf.

C. Submitting Additional Documents or Written Arguments to Support the Request for Reconsideration or Waiver

Requests for reconsideration or waiver typically will be supported by the underlying facts. In many cases, the beneficiary or the beneficiary's attorney or advocate will need to submit additional documents to support their case. For example, in a reconsideration which challenges an SSI determination of overpayment associated with earned income, the individual or advocate may wish to submit actual wage stubs or a statement from an employer that shows that SSI's determination was based on inaccurate information. In the case of a waiver request, which seeks to establish that the beneficiary was without fault in causing the overpayment, the individual or advocate may wish to submit copies of a series of SSA notices which support the beneficiary's contentions.

Here again, if you work for a BPA&O program, you are not allowed to represent the beneficiary in connection with the reconsideration or other appeal. However, it is appropriate for BPA&O staff to assist the beneficiary in analyzing the merits of pursuing the reconsideration. It is also appropriate for BPA&O staff to provide the beneficiary with forms or self-help tools to pursue these issues without assistance, or to provide a referral to an advocate or advocacy agency that can provide assistance or representation. Since it is now appropriate for PABSS programs to represent beneficiaries in some overpayment cases, including work-related overpayment cases, BPA&O and PABSS programs may wish to develop protocols for when it is appropriate to refer these cases to a PABSS program.

V. Avoiding Overpayments through Reporting of Income & Other Events

A. Work with SSA Offices to Establish the Best Method of Reporting Wages and Other Information

Many overpayments occur because information about wages and other events affecting SSI or SSDI payments is either not reported in a timely manner or not reported in a fashion that ensures a timely determination of SSI payment amounts or continuing eligibility for SSDI benefits. To avoid these unnecessary overpayments (and underpayments as well), we recommend that BPA&O staff communicate with SSA field offices to establish protocols for communication and reporting changes in income and other information. Due to differences in the ways SSA offices operate, we cannot recommend one method that will work in all offices.

With SSI, for example, after the initial two months of eligibility, SSI payments in a given month are determined by income received two months earlier. The SSI program refers to this as retrospective monthly accounting (RMA).²⁶ The June SSI check is based on April's income, July is based on May's income, and so forth. If income is expected to be the same each month, many SSA offices prefer that reports be made only if that income changes. Keep in mind, however, that since SSI income is counted in the month it is received, individuals who work and are paid weekly will experience a five-paycheck month four times

²⁶ 20 C.F.R. § 416.420.

per year. Similarly, individuals who are paid every two weeks will experience a three-paycheck month twice per year. Most SSI claims representatives have reported to us that income received in a month should be reported by the tenth of the following month in order to ensure that the SSI payment amount that is based on that income is properly calculated and paid under the RMA system.

As many advocates and beneficiaries have learned, despite timely reporting of wages, SSA offices sometimes do not make timely inputs into their data system after they receive the information. SSA is aware of this problem and is looking to improve its operations in response. SSA is also looking to new collaborations to address these issues. For example, in the *New York Works* project, a State Partnership Initiative funded by SSA, a special collaboration between SSA staff and benefits specialists was being piloted.²⁷ In the project's Erie County site, for example, members of the regional Plan for Achieving Self Support (PASS) Cadre served as liaisons to the project. SSA provided to benefits specialists postage-paid envelopes addressed to SSA's PASS Cadre. At the end of each month, the beneficiary was expected to mail his or her wage stubs to SSA. A PASS Cadre member, upon receipt of this wage information, input it into SSA's data system and returned the wage stubs to the assigned benefits specialist. The benefits specialist recorded the information in his or her file and returned the wage stubs to the beneficiary with an envelope to be used for the next month.

The *New York Works* wage reporting system was designed to drastically reduce, if not eliminate, overpayments and underpayments for working SSI beneficiaries. It was also designed to allow benefits specialists to retain accurate wage information to ensure quality benefits planning and assistance. This system, in operation for nearly five years through late 2004, appears to have met its goals. In fact, in its Erie County site where this project served more than 200 SSI beneficiaries, with as many as 40 percent of them working at any given time, overpayments were almost nonexistent. If SSA determines that this system is cost-effective,²⁸ they may institute it in other offices. BPA&O projects may wish to see if SSA field offices in their regions are willing to institute some variation of this wage reporting system.

When the SSI recipient is expected to have fluctuating wages, another strategy that has been employed by some beneficiaries and their advocates is to provide SSA with future wage estimates that are somewhat higher than what the individual expects to earn. The advantage to beneficiaries is they avoid overpayments and often receive small supplements to their SSI payment to make up for any underpayment. Many SSA offices have embraced this strategy, as it takes much less time to issue a periodic underpayment supplement than it does to process an overpayment determination and then collect it from future checks and/or devote staff time to dealing with requests for reconsideration and waiver.

B. Timely Reporting of Income

Earned income should be reported monthly, unless there is a pre-arranged agreement with a local SSA office to only report wages when the monthly amount increases or decreases. As described in the previous section, timely reporting should minimize the occurrence of underpayments or overpayments in the SSI program. If monthly reporting and monthly input of wage information present special challenges for either the beneficiary or SSA, see if SSA would like projected estimates of monthly wages using the system outlined at the end of the last section.

²⁷ The *New York Works* project ended with the termination of its funding on September 30, 2004.

²⁸ Despite the labor involved to input this data on a monthly basis, SSA should save staff time that is not needed, at a later date, to issue notices of underpayments and overpayments or process reconsideration and waiver requests. SSA will also save money when there are fewer overpayments, many of which cannot be recovered. Ultimately, the hope is that beneficiaries who have more confidence in this payment system will have greater incentives to work without the fear of being overpaid and facing the collection of an overpayment.

Timely reporting of earned income will also enable SSA staff to track use of TWP and EPE months for SSDI beneficiaries. The potential challenge here is that many SSI recipients are dually entitled to both SSI and SSDI benefits.²⁹ Many SSA offices have one group of claims representatives handling SSI cases and another group handling SSDI cases. In the author's experience, this often means that a report of wages to the SSI claims representative does not guarantee that the wage report ever reaches the SSDI claims representative, and vice versa. Separate reports to the different claims representatives may be needed. In the *NY Works* project, described above, this problem was avoided by having the SSA liaison (i.e., PASS Cadre member) serve as the claims representative for both SSI and SSDI claims. This allows the liaison to work with the benefits specialist to track both SSI payment changes and TWP and EPE months (and the right to continued benefit checks) for the SSDI claim.

Most unearned income will come in equal amounts each month. For example, SSDI benefits, Veterans Administration benefits, private disability benefits, and pension benefits most frequently do not change from month to month. Subject to any different arrangement that your local SSA office may prefer, it is usually enough to only report to SSA if there are changes in the monthly payment amounts.

Sometimes unearned income may be temporary. It can also vary from month to month. For example, unemployment insurance benefits will be available to many working beneficiaries who lose their jobs. Typically, unemployment benefits will continue for no more than six months. If the individual returns to work part-time while receiving unemployment benefits, the unemployment check may be reduced accordingly. Other examples of unearned income that may be temporary include workers' compensation and private disability payments.³⁰ Whenever the income in question varies from month to month, it is important that the beneficiary report the receipt of income to SSA on a monthly basis.

C. Timely Reporting of Other Changes

SSI payments and payment rates can be affected by a wide range of circumstances. A change of address or living arrangements can affect the SSI payment amount and should be reported promptly. Clearly, any receipt of a non-excluded resource which might place a person's resources above SSI's \$2,000 limit for an individual (or \$3,000 for a couple) must be reported. When the SSI beneficiary is made aware of the impact that resources (typically cash) can have on eligibility, the beneficiary may opt to reallocate the resources so that their new assets are excludable. For example, excess cash could be used to set up a burial fund (an excluded asset) or to put a new roof on a residential home (repair to an excluded asset). The excess cash would also be excluded if it is used toward a vocational goal in an approved PASS.

²⁹ Based on information gathered from SSA for the *NY Works* project, a fair estimate is that 30 percent of SSI recipients will be dually eligible for SSDI.

³⁰ Many beneficiaries do not realize that these forms of income, i.e., unemployment benefits, workers' compensation, and private disability benefits, are treated as unearned income by the SSI program. See 20 C.F.R. §§ 416.1120, 416.1121. Unearned income is subject only to a \$20 exclusion, rather than the more generous \$65 plus 50 percent earned income exclusion. See *id.* §§ 416.1112, 1124. A failure to report that these benefits have replaced all or part of one's wages could result in a significant overpayment.

D. Contact SSA about any Unexpected Benefits

Sometimes an SSI or SSDI beneficiary receives a check with a payment amount that is much larger than usual. The individual might also receive an extra check when he or she was not expecting it. Whenever the beneficiary receives an unexpected larger check or an extra check, it is always best to review any correspondence from SSA that either accompanies the check or precedes its delivery, to see if that explains the extra money. If there is no correspondence from SSA, or the correspondence is unclear, it is always best to contact the local SSA office about why the larger check or extra check was sent. Pending any final word from SSA about the extra money, the beneficiary should be advised to retain the extra money until SSA makes it clear it is their money to spend.

VI. Challenging SSA's Overpayment Finding: Evaluating the Merits of a Reconsideration

Before a beneficiary or advocate assumes that SSA made a correct determination, a few steps can be taken to evaluate the merits of a potential challenge to that determination. Since SSA's determination may be based on information about income and other changes in a person's life, reported at various times during a period of months or years, it is often the case that SSA has acted upon wrong or incomplete information. Additionally, since SSA's determination may be based on any number of complex rules and exceptions to rules, SSA may have misapplied or failed to apply one of these rules or exceptions.

This section will provide a framework for evaluating SSA's overpayment determination when the alleged overpayment is caused by wages from work activity. In a significant number of cases, a quick review will reveal that the overpayment found by SSA is either totally wrong or much higher than it should be. Keep in mind, however, that sometimes a review will show that the overpayment may be even higher than what SSA determined it to be.

This section of the policy and practice brief is very important to PABSS attorneys and advocates who expect to devote a portion of the PABSS resources to overpayment issues. Since the discussion and examples all deal with alleged overpayments caused by wages from work activity, these cases are at the heart of the new potential casework for PABSS programs.

A. SSI Overpayments Due to Excess Income

I. Review the notice to verify dates and income amounts

Since the notice must contain a summary of the monthly income used to re-do the calculations, a quick comparison of SSA's information to the beneficiary's information (or that supplied by an employer) should tell you whether there are any mistakes here. When verifying income for SSI purposes, remember that the gross wages (not take-home pay) are counted when received. This means that most individuals will have "extra paycheck months" each year (a fifth paycheck four times per year if paid weekly; a third paycheck twice per year if paid every two weeks). The best record of how much money the beneficiary earned each month will be pay stubs.

This part of the review can be very labor-intensive. If you work for a BPA&O project, you should encourage the beneficiary to perform this task whenever that is realistic. Sometimes the beneficiary will be working with a social worker, job coach or other professional who can work with the beneficiary to perform this task.

2 Use SSI's Formula and Check the Monthly Calculations

Budget sheets are available from many sources that can be used to plug in earned and unearned income, and any special deductions in order to calculate the amount of monthly countable income and the resulting SSI check. Many BPA&Os have created their own budget sheets for this purpose.³¹

Based on the monthly income information you gathered or verified, do monthly calculations and see if the SSI check you were expecting agrees with SSA's calculation. Do not forget that under SSI's RMA rules, an SSI check is based on the wages and other income received two months earlier. Be particularly diligent with calculations in those cases that have added complications, such as: monthly income that is constantly changing; wages from two or more jobs; a combination of earned and unearned income; impairment-related work expenses; and blind work expenses.

3 Are there any special deductions that SSA failed to use?

The most common deductions that you should look for are the student earned income exclusion (SEIE), impairment-related work expenses (IRWEs), and blind work expenses (BWEs). These are all deductions that SSA staff frequently overlooks. Even when SSA uses the deduction, they sometimes don't identify every dollar of deduction allowed. In the author's experience, identification of these deductions can significantly reduce the overpayment identified by SSA.

The SEIE is only available to certain students, up to age 22. Prior to January 2001, the SEIE was a maximum of \$400 per month, up to a maximum of \$1,620 per year. Effective January 2001, the SEIE was increased to a maximum of \$1,290 per month and \$5,200 per year, with SEIE amounts indexed each year based on the Consumer Price Index.³² Since the 2001 increase in the SEIE was so large, and even the old SEIE was not well publicized, the benefits specialist or advocate should pay special attention to ensure students are getting the benefit of this exclusion. The 2006 SEIE is \$1,460 per month and \$5,910 per year.³³

An IRWE may include any expense that is paid by a beneficiary, is related to his or her disability, and enables the beneficiary to work.³⁴ Since IRWE expenses, in the SSI calculation, are deducted before the 50 percent earned income exclusion, their value is up to 50 cents on the dollar. So, for example, a person with \$200 in countable earned income without accounting for IRWEs, who has \$200 in IRWE deductions, would see their countable earned income reduced by \$100.

A BWE may include a range of expenses that are related to work.³⁵ Some BWEs, like IRWEs, are related to the blindness and enable the individual to work. These include items like guide dog expenses and special transportation expenses associated with the disability. Other BWEs, unlike IRWEs, are related to work but have no relationship to the disability.

³¹ A sample budget worksheet appears at the end of this article at Appendix-B.

³² 20 C.F.R. § 416.1112(c)(3).

³³ See SSA's website at www.socialsecurity.gov/pressoffice/factsheets/colafacts2006.htm.

³⁴ 20 C.F.R. § 404.1576, 416.976.

³⁵ *Id.* § 416.1112(c)(8).

These include federal, state, and local tax withholding, and meals consumed during work hours. Since BWE expenses, in the SSI calculation, are deducted after the 50 percent earned income exclusion, their value is up to one dollar for every dollar spent.³⁶ So, for example, a person with \$200 in countable earned income without accounting for BWEs, who has \$200 in BWE deductions, would see their countable earned income reduced by \$200.

B. SSDI Overpayments due to Performance of Substantial Gainful Activity

I. Review the notice to verify dates and income amounts.

This review will be very similar to the review in SSI cases. Like SSI, you will want to verify gross wages on a monthly basis. One difference is that wages that are used to determine if a person performed substantial gainful activity (SGA) are counted when those wages are earned, not when they are received. So, for example, an individual who earns \$400 every two weeks would have gross wages of \$867 each month (i.e., \$400 times 2.167) even though pay periods of every two weeks might result in gross monthly paychecks of \$800 in most months. [Note: In the author's experience, wage reports in SSA's files almost always contain information based on the wages *received* in a month and SGA has been determined on that basis.]

2. Verify Correct Application of Trial Work Period and Substantial Gainful Activity Amounts, as Indexed

A TWP month, between January 1990 and December 2000, was any month in which gross earnings were \$200 or more. For calendar year 2001, a TWP month is any month in which gross earnings are \$530 or more. For calendar years beginning in 2002, a TWP month will be either the same as the previous year's figure or higher based on any recent increases in the National Wage Index.³⁷ Now that the TWP figure will probably vary each year, you must check to ensure that SSA is applying the correct figures.

The monthly SGA amount has followed a similar pattern. The monthly gross earnings considered to be SGA, between January 1990 and June 1999, was \$500. The monthly gross earnings considered to be SGA, between July 1999 and December 2000, was \$700. For calendar year 2001, the SGA amount is \$740 per month. For calendar years beginning in 2002, the SGA amount will be either the same as the previous year's figure or higher based on any recent increases in the National Wage Index. Now that the SGA figure will probably vary each year, you must check to ensure that SSA is applying the correct figures.³⁸

3. Verify Correct Determination of Trial Work Period, Extended Period of Eligibility, and Expedited Reinstatement Rights

Once you verify the correct amount of monthly wages and match up the correct TWP and SGA amounts for the period in question, you can begin to analyze whether SSA has correctly applied the TWP, EPE and expedited reinstatement rules. This will also involve analysis, as explained in the next section, of potential application of IRWEs and subsidies as deductions from earned income.

³⁶ The SSI budget worksheet, attached as Appendix-B, illustrates how the IRWE and BWE exclusions are deducted in calculating the SSI check.

³⁷ SSA has announced that the 2006 TWP month amount will be now \$620. See SSA's website at www.socialsecurity.gov/pressoffice/factsheets/colafacts2006.htm.

³⁸ SSA has announced that the 2006 monthly SGA amount will be \$860 or \$1,450 for persons who are legally blind. See SSA's website at www.socialsecurity.gov/pressoffice/factsheets/colafacts2006.htm.

This task is among the most challenging to be performed by the BPA&O's benefits specialists or PABSS attorneys and advocates, and it is beyond the scope of this article to discuss the detailed fact development and policy analysis that is necessary to evaluate SSA's determination of a work-related SSDI overpayment. This development and analysis is, however, at the heart of the benefits specialist's job. In fact, when benefits planning is done in combination with timely reporting to SSA, this development and analysis will ensure that the beneficiary is aware of the effects that work will have on benefits *before* those effects occur. Therefore, SSA's timely determinations regarding continuing eligibility, due to performance of SGA, will not come as a surprise.

With respect to the issues presented in this section, the role of the BPA&O advocate is best described as proactive. Through appropriate benefits advisement and counseling by BPA&O staff, changes in wages and other key information can be timely reported and overpayments can be avoided. By contrast, the role of the PABSS advocate will more often be reactive. The PABSS advocate will more likely step in where proactive benefits planning did not occur and the beneficiary now faces an alleged overpayment based on an SSA staff person's interpretation of some very complicated facts and SSA policies.

4. Have any Impairment-Related Work Expenses or Subsidies been Deducted?

To determine "countable income" to be measured against the SGA rule, SSA is required to deduct any IRWEs or subsidies that may exist. Based on the author's experience with many appeals involving the denial or termination of benefits based on performance of SGA, the presumption of SGA based on gross wages is often overcome by good documentation of IRWEs or subsidies. Here again, this analysis is at the heart of the benefits specialist's job and will often be done before SSA has made a determination that an individual has performed SGA. When IRWEs or subsidies are identified *before* SSA has made an SGA determination, it is appropriate for the BPA&O's benefits specialist to advocate before SSA for an IRWE or subsidy determination. When IRWEs or subsidies are identified *after* the SGA and overpayment determinations, it is appropriate to assist the beneficiary with analyzing whether IRWEs and subsidies exist and provide the beneficiary with counsel on how to appeal if IRWEs and/or subsidies appear to reduce countable wages below the SGA amount for any of the months in question.

Here again, it would be appropriate for the PABSS attorney or advocate to represent a beneficiary on appeal if the issue in the appeal concerns whether SSA failed to appropriately identify and deduct IRWEs from gross monthly income when making an SGA determination.

VII. Establishing the Right to a Waiver: Practice Tips

A. The Waiver Standard: A Two-Part Test

Both the SSI and SSDI programs follow the same two-part test for granting a waiver. First, the beneficiary³⁹ must show that he or she was “without fault” in causing the overpayment to occur. Second, the beneficiary must show one of two things: 1) that recovery of the overpayment would cause an undue hardship; or 2) that recovery would be against equity and good conscience. NOTE: In the case of either SSI or SSDI, SSA will automatically grant a waiver, on the basis that recovery would impede the effective and efficient administration of the SSI or SSDI program if: waiver is requested; and the overpayment is \$500 or less.⁴⁰

B. Part One: Was the Beneficiary without Fault in Causing the Overpayment?

I. Did the beneficiary report any changes he or she is required to report?

When an individual first qualifies for benefits and periodically thereafter, SSA provides written notices that detail the recipient’s obligation to report changes in income, living arrangements, marital status, and other things that may affect continuing eligibility for SSI or SSDI benefits. A good general rule is that monthly income should be reported to SSA within 10 days of the last pay period each month, unless SSA has agreed upon less frequent reporting. If the beneficiary has reported wages and other income in a timely fashion, subject to this general rule, he or she should be able to establish without fault unless the beneficiary knew or should have known that the checks they received were more than they were entitled to.

2. Did the beneficiary know or should they have known that benefits were mistakenly paid?

Even if the beneficiary quickly and accurately reported wages, unearned income or other events affecting eligibility, the individual can still be at fault if they knew or had reason to believe that the SSI or SSDI checks received were more than they deserved. For example, some beneficiaries may know the rules governing work and benefits very well. If they continued to receive the same SSI check after a significant increase in wages, or continued to receive an SSDI check despite performing SGA throughout the EPE, SSA may decide the individual was not without fault because they had reason to know that they were not entitled to the checks they received.

On the other hand, a majority of beneficiaries have, historically, had very limited knowledge of how work affected benefits. Many advocates have successfully asserted to SSA’s decision-makers that the rules for determining SGA, the TWP, the EPE, IRWEs and subsidies are so complex that very few beneficiaries can be expected to know how they operate. Faced with a complexity of rules that even the best SSA Claims Representative struggles with, many SSA staff have been very willing to find the beneficiary without fault so long as the individual timely reported his or her wages in a timely fashion.

³⁹ The waiver may be sought and granted to a person who is no longer an active beneficiary. However, since both BPA&O and PABSS staff are limited to working with individuals who are SSI or SSDI beneficiaries, we will continue to refer to the beneficiary as the person who is seeking the waiver.

⁴⁰ 20 C.F.R. § 416.550; POMS GN 02201.013 D, SI 02260.030C.

C. Part Two: Three Alternative Tests

I. Would recovery defeat the purpose of the SSI or SSDI program by causing an undue hardship?

Current SSI recipients will automatically meet this test.⁴¹ On the Request for Waiver form, once the questions related to fault are completed, the SSI recipient is not expected to complete the questions about household income and expenses as an SSI recipient is presumed to be incapable of repaying the overpayment without undue hardship.

For persons not on SSI, i.e., recipients of SSDI only, SSA presumes recovery of the overpayment will defeat the purpose of the program if the person uses substantially all of his or her income to meet “ordinary and necessary living expenses,” and if resources are less than \$3,000 for an individual or \$5,000 for a couple, with \$600 added for each additional dependent.⁴² Whether a person meets this test will be determined by how he or she completes the Request for Waiver form, a series of questions designed to establish income, expenses, and resources available to repay the overpayment.

In the author’s experience, most beneficiaries who complete the expenses section of the Request for Waiver form tend to leave out many expenses. For example, the following expenses are often not included when the beneficiary completes the form: over-the-counter medications, haircuts, a daily newspaper, modest amounts for birthday and holiday gifts, modest amounts for entertainment, modest amounts for church donations, vehicle maintenance, occasional long distance charges to retain family relationships, and cable T.V. Some may debate whether cable T.V. is a legitimate expense, but many individuals with disabilities report that it is one of their only forms of entertainment.

2. Would recovery be against equity and good conscience?

Recovery will be waived for any individual who is without fault and for whom recovery would be “against equity and good conscience.” If an individual has lost valuable rights or changed his or her position for the worse as a result of reliance upon the overpayment, then SSA will waive recovery of the overpayment.⁴³ To prevail on this ground, the individual should describe ways in which he or she either declined additional income (such as refusing a job) or spent money, or otherwise became obligated to spend money due to a reasonable belief that incorrect payments were correct. For example, SSA should be able to find recovery against equity and good conscience if an individual leased a more expensive apartment believing that an incorrect benefit rate was correct.

SSA has also instructed its staff to find recovery against equity and good conscience and waive any SSI overpayment caused by excess resources of \$50 or less.⁴⁴ Similarly, SSA has instructed its staff to waive the remainder of any SSI overpayment, resulting from excess resources, once SSA has first recouped the amount of money that exceeded the resource limit.⁴⁵

⁴¹ *Id.* § 416.553(b).

⁴² POMS GN 02250.115 A.4.

⁴³ 20 C.F.R. §§ 404.509, 416.554.

⁴⁴ POMS SI 02260.025.C.2, 002260.030-035.

⁴⁵ POMS SI 02260.025.D.

Finally, it should be pointed out that the evaluation of equity and good conscience does not take into account the individual's finances. Thus, it may provide a crucial ground for obtaining waiver of overpayments in cases where the overpaid individual has income or resources too high to ever permit the individual to establish that recovery would create an undue hardship.

3. **Would recovery impede the effective and efficient administration of the SSI program due to the small amount involved?**

Recovery will be waived for any individual who is without fault if recovery would impede the efficient and effective administration of the SSI or SSDI program in that the amount of the overpayment is less than the average cost of attempting to recover the overpayment.⁴⁶

The availability of waiver on this particular ground depends on the amount of the alleged overpayment. If an SSI overpayment is less than \$1, SSA will presume "without fault" and will normally not send a notice to the individual or pursue recovery. If the overpayment is between \$1 and \$30, SSA will send a notice only under certain very rare conditions.⁴⁷ If notice is sent and the individual requests a waiver, SSA will grant the waiver automatically.

In other cases, for both SSI and SSDI, if the overpayment is less than \$500 and the individual requests waiver, SSA will usually presume "without fault" and will grant the waiver.⁴⁸ SSA's policy requires its staff to "administratively discontinue" any efforts to recover the overpayment "**unless** from the facts that are apparent on the face of the waiver/reconsideration request you believe that there is an indication of fault on the part of the overpaid person. When there is such an indication, you may conduct full waiver development."⁴⁹ If the overpayment is less than \$500 and the recipient requests only reconsideration, SSA will treat the request for reconsideration as a request for waiver and will waive recovery of the overpayment.⁵⁰

VIII. **Conclusion**

Overpayments are a very common problem that SSI and SSDI beneficiaries encounter when they go to work. This means that BPA&O and PABSS staff, who work with beneficiaries, will encounter many individual beneficiaries who receive notices of alleged overpayments.

The conditions attached to the BPA&O grants continue to preclude their staff from representing beneficiaries on appeals to challenge the overpayment determination or requests to waive recovery of the overpayment. It is appropriate, however, for BPA&O staff to provide beneficiaries with information concerning how they assert those rights. Staff can then make referrals to advocates or advocacy programs, including PABSS programs in selected cases, that may be available to represent the individuals.

⁴⁶ 20 C.F.R. § 416.555.

⁴⁷ POMS SI 02260.030.

⁴⁸ POMS GN 02201.013 D.

⁴⁹ POMS SI 02260.030 C.1.
(emphasis in original).

⁵⁰ *Id.*; POMS SI 02260.030
C.3.

A very important role that BPA&O and PABSS staff can also play, with respect to overpayment issues, is to work with beneficiaries and SSA to foster better communication about the changes in income and other circumstances that may lead to overpayments. With better reporting, more timely input of wage information by SSA, and more timely determinations by SSA with respect to things like the SSDI program's TWP and EPE, many overpayments can be avoided and the associated stress imposed on beneficiaries eliminated.

While PABSS programs have limited resources and are not required to offer assistance with overpayment-related appeals, your PABSS program may decide to do so as part of an overall P&A agency mission to assist individuals with severe disabilities who are seeking to work. Clearing up outstanding overpayments, either through successful appeals or waiver requests, will in many cases make beneficiaries more confident about continuing work or returning to work. This is particularly true if the BPA&O project can simultaneously offer prospective assistance with benefits planning and management.

APPENDIX A - Abbreviations and Acronyms Used in This Article

ALJ	—	Administrative Law Judge
BPA&O	—	Benefits Planning, Assistance and Outreach Project
BWE	—	Blind Work Expense
C.F.R.	—	Code of Federal Regulations
DAC	—	Disabled Adult Child's Benefits (referring to a form of SSDI benefits, officially known as Child's Insurance Benefits)
EPE	—	Extended Period of Eligibility
IRWE	—	Impairment Related Work Expense
PABSS	—	Protection and Advocacy for Beneficiaries of Social Security Program
POMS	—	SSA's Program Operations Manual Systems
RMA	—	Retrospective Monthly Accounting
SEIE	—	Student Earned Income Exclusion
SGA	—	Substantial Gainful Activity
SSA	—	Social Security Administration
SSDI	—	Social Security Disability Insurance
SSI	—	Supplemental Security Income
TWP	—	Trial Work Period
U.S.C.	—	United States Code

APPENDIX B: SSI Budget Worksheet

Name _____

Month _____ Social Security # _____

Unearned Income	\$	
General Income Exclusion (GIE)	- \$	20.00
Countable Unearned Income	\$	
Gross Earned Income	\$	
GIE if not used above	- \$	20.00
Student-Earned Income Exclusion	- \$	
Remainder	\$	
Earned Income Exclusion	- \$	65.00
Remainder	\$	
Impair. Related Work Exp.	- \$	
Remainder	\$	
Divided by 2	\$	
Remainder	\$	
Work Expenses if Blind	- \$	
Total Countable Earned Income	\$	
Total Countable Unearned Income	+ \$	
Total Countable Earned Income	\$	
Countable Income	\$	
PASS Deduction	- \$	
Total Countable Income	\$	
Base SSI Rate	- \$	
Total Countable Income	\$	
SSI Payment	\$	

* You only get to use the \$20 any-income deduction once. If you do not use all of the deduction to reduce your unearned income, you can use the balance to reduce your earned income.

MY NOTES ON TRANSLATING THIS TO PRACTICE:



MY STATE CONTACTS:



Contact Information

Employment and Disability Institute School of Industrial and Labor Relations

Cornell University
ILR Extension Bldg., Rm. 201
Ithaca, New York 14853-3901
607/255-7727 (voice)
607/255-2891 (TTY)
607/255-2763 (fax)
ilr_edi@cornell.edu (e-mail)
www.edi.cornell.edu

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