

SOCIAL SECURITY OVERPAYMENTS: REQUEST FOR CHANGE IN OVERPAYMENT RECOVERY RATE

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 Waiver of Overpayment Recovery.

WHAT DOES A REQUEST FOR CHANGE IN REPAYMENT RATE DO?

This is a request for SSA to lower the amount you repay towards your overpayment each month. It does not get rid of the overpayment. You can request that Social Security lower the amount that they collect from you each month at any time. You can make this request even if the SSA denied your overpayment appeal or would not waive your overpayment.

I CAN’T AFFORD TO PAY BACK MORE THAN A VERY SMALL AMOUNT EACH MONTH. IS THIS POSSIBLE?

Yes. Social Security sometimes lowers the amount that people repay to as little as \$10 each month. Depending on how much you owe, there are 3 different ways to request a lower repayment rate.

1. SSA will allow you to pay as little as \$10 each month, if it can collect the entire overpayment within 12 months. You can ask for this by talking to SSA or by turning in a written request. Ask SSA to give you a letter that shows that they agreed to the repayment plan.
2. SSA will also allow you to pay as little as \$10 per month, if it can collect the entire overpayment within 36 months (3 years). You can ask for this by talking to SSA or by turning in a written request. Ask SSA to give you a letter that shows that they agreed to the repayment plan.
3. If you are requesting a repayment amount that would take longer than 36 months (3 years) to pay back the overpayment, then SSA will need you to fill out the **SSA-634-BK form**.¹ Social Security will consider how money you receive each month and all your expenses when it decides what you can afford to pay each month.

¹ GN 02210.030 Request for Change in Overpayment Recovery Rate, Form SSA-634-BK

WHERE DO I GET THE “SSA-634-BK REQUEST FOR CHANGE IN OVERPAYMENT RECOVERY RATE” FORM?

You can find this on SSA’s website at: <https://www.ssa.gov/forms/ssa-634.pdf>, or by asking for it at the SSA office.

HOW DO I FILL OUT THE SSA-634-BK 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.

Question 2 asks if you get any SSI, TANF, (also known as CalWORKs benefits), or a pension based on need from the Department of Veterans Affairs (VA).

SSA wants detailed information about all your income, expenses, and other things of value that you own in Sections 2 through 5. SSA wants you to attach documents that show proof of what you are filling into the form to explain your income and expenses. 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.
- Kelly Blue Book estimates of your cars’ value, or a receipt for what you paid for them (if you own more than one car)

Be prepared for Social Security to ask you for more information about the financial information you include in Sections 2 through 5. Question “E” asks if you get SNAP benefits. In California, SNAP is known as CalFresh, or food stamps.

If you run out of room to write in any part of the form, you can continue writing in the “Remarks” section on page 6 of the form. Write the number of the question that you are responding to and the rest of your response in this section. If needed, you can add on extra pages.

Make sure to sign and date page 7 of the form.

HOW DO I TURN IN THE FORM?

You may need to prove that you turned in your written request if Social Security loses it. There are three ways to help prove this:

1. You can bring 2 copies of the filled-out form to the SSA office. Ask the 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.

WHAT HAPPENS AFTER I REQUEST AN ADJUSTED REPAYMENT RATE?

If SSA agrees with the amount you offered to pay back monthly, it may adjust the amount being collected each month. In most cases the SSA will contact you to negotiate a repayment agreement. SSA may ask you for more proof of your income and expenses. It is possible that SSA will ask you for information about your spouse and dependents', (for example children whom you financially support), income and expenses before it decides. SSA will send you a written decision about the repayment agreement.

If SSA denies your request, it will send you a letter that explains why they denied your request and how SSA will collect your overpayment. You do **not** have the right to appeal this decision.² However, you can try requesting a different repayment amount.

If you have questions about this information, call our Health Intake Line at (408) 280-2420.

WARNING: This information sheet is intended to provide accurate, general information regarding legal rights. It is not legal advice. Because laws and legal processes are frequently change and can be interpreted differently, the Law Foundation of Silicon Valley cannot guarantee that the information in this sheet is current. The Law Foundation of Silicon Valley cannot be responsible for what anyone does with this information. Do not rely on this information without consulting an attorney or the appropriate agency about your rights in your particular situation.

² GN 02210.030 Request for Change in Overpayment Recovery Rate, Form SSA-634-BK

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Request for Change in Overpayment Recovery Rate

When To Complete This Form

Complete this form if you are requesting that we adjust the current rate of withholding to recover your overpayment because you are unable to meet your necessary living expenses. We will use your answers to decide if we can reduce the amount you must pay us back each month.

IMPORTANT: Please answer the following questions as completely as you can. If you are answering the questions for someone else, check the boxes and answer each question as it applies to the overpaid person.

SECTION 1 - IDENTIFYING QUESTIONS

1.	A. What is the name, Social Security Number, and claim number (if any) of the overpaid person?
	Name:
	SSN: Claim Number:
	B. Are you the overpaid person? <input type="checkbox"/> Yes (go to question 2) <input type="checkbox"/> No (go to question 1.C)
	C. If you are not the overpaid person, what is your relationship to the overpaid person? (Check all that apply)
	<input type="checkbox"/> I am the overpaid person's parent. <input type="checkbox"/> I am the overpaid person's representative payee.
	<input type="checkbox"/> I am the overpaid person's spouse. <input type="checkbox"/> I am the overpaid person's legal guardian.
	<input type="checkbox"/> Other, please explain:
	D. If you are not the overpaid person, what is your name or the name of the organization you represent?
	Name:
2.	Please check all that apply:
	<input type="checkbox"/> I am receiving Supplemental Security Income (SSI) benefits.
	<input type="checkbox"/> I am receiving Temporary Assistance for Needy Families (TANF)
	<input type="checkbox"/> I am receiving a pension based on need from the Department of Veterans Affairs (VA)
	<input type="checkbox"/> I am receiving Social Security benefits.
	<input type="checkbox"/> I am not receiving benefits.
3.	Enter the total amount you owe: \$
4.	Enter the amount you can afford to pay or have withheld from your payment each month: \$

YOUR FINANCIAL STATEMENT

Documents to Support Your Statements

Please answer all questions and submit any supporting documents with your request. Your supporting documents should be no older than 3 months from the date you are requesting a change in the repayment rate.

Examples of supporting documents are:

- Current Rent or Mortgage Information
- 2 or 3 Recent Utility, Medical, Charge Card, and Insurance Bills
- Canceled Checks
- Recent Bank Statements (checking or savings account)
- Current Pay Stubs
- Your Most Recent Income Tax Return

Please write only whole dollar amounts. Round any cents to the nearest dollar. If you need more space for answers, use the "Remarks" section at the bottom of page 6.

SECTION 2 - ASSETS - THINGS YOU HAVE AND OWN

5. A. How much cash do you have in your possession? \$

B. List all of your financial accounts. Examples of accounts you should list include: Checking, Online (e.g., PayPal), Savings, Certificate of Deposit (CD), Individual Retirement Accounts (IRAs), Money or Mutual Funds, Stocks, Bonds, Trust Funds, Prepaid Debit Cards, or any other accounts.

Type of Account	Name and Address of Institution	Name on Account	Balance or Value	Income Per Month (interest or dividends)	Account Number
TOTALS \$					

6. A. Do you own more than one family vehicle, including a car, sport utility vehicle (SUV), truck, van, camper, motorcycle, boat, or any other vehicle?

- Yes (list all the vehicles below) No (go to 6.B)

Owner	Year/Make/Model	Present Value	Loan Balance (if any)	Main Purpose for Use
TOTAL COUNTABLE VALUE \$				

(Options continue on next page)

6. B. Do you own any real estate other than where you live? Yes (list below) No (go to 6.C)

Owner	Description	Market Value	Loan Balance (if any)	Income Amount
TOTALS \$				

C. Do you own or have an interest in any business, property, or valuables?

Yes (list below) No (go to 7)

Owner	Description	Market Value	Loan Balance (if any)	Income Amount
TOTALS \$				

SECTION 3 - MONTHLY HOUSEHOLD INCOME

The next question asks about monthly take home pay. Enter your take home pay, and check the box to show whether you are paid weekly, every 2 weeks, twice a month, or monthly. Add the monthly amount on line 9.A.

7. Are you employed? Yes (provide information below) No

Employer Name, Address, and Phone: (Write "self" if self-employed)	Take home pay or earnings if self-employed (Net) Choose one:	\$
	<input type="checkbox"/> Weekly <input type="checkbox"/> Every 2 Weeks <input type="checkbox"/> Twice a Month <input type="checkbox"/> Monthly	

8. A. Do you receive support or contributions from any person or organization?

Yes (go to question 8.B) No (go to question 9)

B. Is the support received under a loan agreement?

Yes (go to question 9) No (go to question 8.C)

C. How much money do you receive each month? (Show this amount on line I of question 9)

\$	Source
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9. Income (Be sure to show monthly amounts below)	Your Income	SSA USE ONLY
A. Take Home Pay (Net) (from question 7)		
B. Social Security Benefits (retirement, disability, widows, students, etc.)		
C. Supplemental Security Income (SSI)		

(Options continue on next page)

9.	D. Pension(s) (VA, Military, Civil Service, Railroad, etc.)	TYPE		
		TYPE		
	E. Supplemental Nutrition Assistance Program (SNAP) Benefits			
	F. Income from Real Estate, Business, etc. (from question 6.B and 6.C)			
	G. Room and/or Board Payments from a person who is not a Dependent. Explain in Remarks below.			
	H. Child Support/Alimony			
	I. Other Support (from question 8.C)			
	J. Income from Assets (from question 5.B)			
	K. Other (from any source, explain in REMARKS below)			
	TOTAL:			
REMARKS:				

SECTION 4 - MONTHLY HOUSEHOLD EXPENSES

DO NOT list an expense that is withheld from your paycheck (such as medical insurance, child support, alimony, wage garnishments, etc.). (Be sure to show **monthly** average amounts in number 10). Please write only whole dollar amount and round any cents to the nearest dollar.

10.	Type of Expense	\$ Per Month	SSA USE ONLY
	A. Rent or Mortgage (if mortgage payment includes property or other local taxes, insurance, etc., DO NOT list again below)		
	B. Food (groceries, including food purchased with SNAP benefits, and food at restaurants, work, etc.)		
	C. Utilities (Gas, electric, telephone (cell or land line), Internet, trash collection, water, and sewer)		
	D. Other Heating/Cooking Fuel (oil, propane, coal, wood, etc.)		
	E. Clothing		
	F. Household Items (personal hygiene items, etc.)		
	G. Property Tax (State and local)		
	H. Insurance (life, health, fire, homeowner, renter, car, and any other casualty or liability policies)		

(Options continue on next page)

10.	I. Medical/Dental (prescriptions and medical equipment, if not paid by insurance)		
	J. Vehicle Loan/Lease Payment		
	K. Vehicle Expenses (gas and repairs)		
	L. Other Transportation (bus, taxi, etc., used for medical appointments, work, or other necessary travel)		
	M. Tuition and School Expenses		
	N. Court Ordered Payments Paid Directly to the Court		
	O. Credit Card Payments (show minimum monthly payment). DO NOT include any expenses already listed above		
	P. Any expense not shown above		
	TOTAL		

EXPENSE REMARKS: (Please provide any additional information not included above. Also, explain any unusual or very large expenses such as medical, college, etc.)

SECTION 5 - INCOME AND EXPENSES COMPARISON

11.	A. Your Monthly Income Write the amount here from " Total " of question 9.	\$
	B. Your Monthly Expenses Write the amount here from " Total " of question 10.	\$
	C. Total Subtract B from A.	\$

12. If your expenses in 11.B are more than your income in 11.A, explain how you are paying your bills. If you are not paying your bills, explain which bills have unpaid balances.

SECTION 6 - FINANCIAL EXPECTATION AND FUNDS AVAILABILITY

13. A. Do you expect to receive an inheritance within the next 6 months?

Yes (Explain on line below) No (go to 13.B)

B. Is there any reason you **cannot** convert or sell the "Balance or Value" of any financial assets shown in items 5.B, 6.A, 6.B, or 6.C to cash?

Yes (Explain on line below) No

C. Please provide the total of your assets from questions, 5.A, 5.B, 6.A, 6.B, and 6.C

Total \$: _____

REMARKS SPACE - If you are continuing an answer to a question, please write the number (and letter, if any) of the question first.

PENALTY CLAUSE, CERTIFICATION, AND PRIVACY ACT STATEMENT

I declare under penalty of perjury that I have examined all the information on this form, and on any accompanying statements or forms, and it is true and correct to the best of my knowledge. I understand that anyone who knowingly gives a false statement about a material fact in this information, or causes someone else to do so, commits a crime and may be subject to a fine or imprisonment.

SIGNATURE OF OVERPAID PERSON OR REPRESENTATIVE PAYEE

Signature (First name, middle initial, last name) (Write in ink)

Date (MM/DD/YYYY)

Home Telephone Number (include area code)

Work Telephone Number If We May Call You At Work (include area code)

Mailing Address (Number and street, Apt. No., PO Box, or Rural Route)

City

State

ZIP Code

Witnesses are required ONLY if this statement has been signed by mark (X) above. If signed by mark (X), two witnesses to the signing who know the individual must sign below, giving their full addresses.

1. Signature of Witness (Write in ink)

2. Signature of Witness (Write in ink)

Address (Number and street, City, State, and ZIP Code)

Address (Number and street, City, State, and ZIP Code)

Privacy Act Statement Collection and Use of Personal Information

Sections 204, 1631, and 1879 of the Social Security Act, as amended, allow us to collect this information. Furnishing us this information is voluntary. However, failing to provide all or part of the information may prevent an accurate and timely decision on your request for change in overpayment recovery rate.

We will use the information to make a determination regarding overpayment recovery. We may also share your information for the following purposes, called routine uses:

- To employers to assist the Social Security Administration (SSA) in the collection of debts owed by former beneficiaries and representative payees of Social Security payments who received an overpayment and owe a delinquent debt to the SSA; and
- To another Federal agency that has asked SSA to effect an administrative offset under common law or under 31 U.S.C. § 3716 to help collect a debt owed the United States.

In addition, we may share this information in accordance with the Privacy Act and other Federal laws. For example, where authorized, we may use and disclose this information in computer matching programs, in which our records are compared with other records to establish or verify a person's eligibility for Federal benefit programs and for repayment of incorrect or delinquent debts under these programs.

A list of additional routine uses is available in our Privacy Act System of Records Notices (SORN) 60-0094, entitled Recovery of Overpayments, Accounting and Reporting/Debt Management System, as published in the Federal Register (FR) on August 23, 2005, at 70 FR 49354; 60-0231, entitled Financial Transactions of SSA Accounting and Finance Offices; as published in the FR on January 11, 2006, at 71 FR 1847; and 60-0320, entitled Electronic Disability Claims File, as published in the FR on December 22, 2003, at 68 FR 71210. Additional information, and a full listing of all our SORNs are available on our website at www.socialsecurity.gov/privacy.

Paperwork Reduction Act

This information collection meets the clearance requirements of 44 U.S.C. § 3507, as amended by Section 2 of the Paperwork Reduction Act of 1995. You do not need to answer these questions unless we display a valid Office of Management and Budget control number. We estimate that it will take about 45 minutes to read the instructions, gather the facts, and answer the questions. **SEND OR BRING THE COMPLETED FORM TO YOUR LOCAL SOCIAL SECURITY OFFICE. You can find your local Social Security office through SSA's website at www.socialsecurity.gov. Offices are also listed under U.S. Government agencies in your telephone directory or you may call Social Security at 1-800-772-1213 (TTY 1-800-325-0778).** You may send comments on our time estimate above to: SSA, 6401 Security Blvd, Baltimore, MD 21235-6401. **Send only comments relating to our time estimate to this address, not the completed form.**
