\*\*Sections below in this color are a reminder to include specific information about the case in the letter and/or to attach specific information to the letter

*All highlighted sections should be deleted or filled with client specific information and all highlighting removed before submitting to SSA.*

[DATE]

Social Security Administration

[ADDRESS]

[CLAIMANT NAME]

[CLAIMANT SSN]

Dear Sir or Madam:

I am writing regarding a [SSI or SSDI] overpayment of [AMOUNT] for [MONTH to MONTH] based on a notice dated [DATE]. This letter is in support of a **Request for Waiver of Overpayment**. The overpayment should be waived because the overpaid individual is not at fault and recovery would defeat the purpose of the Social Security Act or be against equity and good conscience.

**NO FAULT**

The determination that the individual has been overpaid is not a finding that the individual is at fault in causing the overpayment. SSA must make separate findings of fault for each individual who requests a waiver. If the waiver request is for an overpaid person who has a payee, SSA must consider only the fault of the overpaid person. If the person is not at fault, SSA must find them not at fault even if the representative payee was at fault. POMS GN 02250.005B.3; POMS GN 02250.021B.11.

**No Fault Presumption**

SSA will presume that an individual is without fault where, as here, the individual was a child at the time of the overpayment. SSA will presume an individual is not at fault if they were overpaid as a minor child and had a representative payee when they received the overpayment. POMS GN 02250.016.

**EQUITY & GOOD CONSCIENCE**

**Deemed Against Equity & Good Conscience**

Overpayment recovery is deemed to be against equity and good conscience where, as here, the individual was a child at the time of the overpayment. If SSA overpaid a minor child who is now an adult and the individual had a payee at the time of the overpayment, SSA will find they are not at fault (refer to GN 02250.016B.7.). SSA will deem recovery is against equity and good conscience. The waiver applies only to the overpayment balance remaining once the individual attained age 18. POMS GN 02250.150D.

Sincerely,

[ADVOCATE NAME]