\*\*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 payee when they received the overpayment; as an auxiliary child up until age 19 while they still in high school and had a payee when they received the overpayment; or as a legally incompetent adult. POMS GN 02250.016.

**DEFEAT THE PURPOSE**

**Deemed to Defeat the Purpose**

SSA will waive the overpayment under the deemed to defeat the purpose provision, if the overpaid individual or **any** household family member, currently receives one of the following needs-based assistance programs:

Supplemental Security Income (SSI);

Temporary Assistance for Needy Families (TANF);

Veterans Affairs (VA) service and non-service-related disability pension based on need;

Supplemental Nutrition Assistance Program (SNAP); or

Medicare Part D Extra Help Program (Low-Income Subsidy).

POMS GN 02250.110. This also applies if the individual’s**and** household members’ income is at or below 150% of the federal poverty level (FPL) and resources are within the limit for defeats the purpose (below $6,000 for an individual or $10,000 for an individual with a spouse or one dependent; plus $1200 for each additional dependent). POMS GN 02250.110; GN 02250.100.

The overpaid individual is a current recipient of SSI so recovery is deemed to defeat the purpose and no review of expenses is necessary. The “deemed to defeat the purpose” provision is always reviewed before “defeat the purpose” and, if the former applies, then the latter is not needed. POMS GN 02250.100.

A waiver form (with pages 1-2 and 9 completed) is attached.

Sincerely,

[ADVOCATE NAME]