

About Community Legal Services of Mid-Florida (CLSMF)

The mission of CLSMF is to provide access to justice through high quality legal assistance to low-income persons.

Community Legal Services of Mid-Florida, Inc. provides free legal assistance to eligible low-income persons in civil matters (we do not provide legal assistance in criminal or traffic matters).

CLSMF provides community education seminars and detailed informational brochures on the major areas of law we practice. Please see the back of this brochure for a complete listing of offices.



The Florida Bar Foundation, with *Interest on Trust Accounts* program funding, provides support for this service.



This brochure is a publication of the Public Benefits Unit of Community Legal Services of Mid-Florida, Inc. This information is for general education only and is not intended to be used to solve individual problems, nor does it replace the advice of an attorney. The law which supports conclusions contained herein is subject to change.

Community Legal Services of Mid-Florida Offices:

***BREVARD: 1-866-469-7444**

CITRUS & SUMTER
106 N. Osceola Ave., Inverness, FL 34450
(352) 726-6592 – CITRUS
1-800-984-2918– SUMTER

FLAGLER: 1-800-405-1417

HERNANDO: 1-866-801-5566

LAKE— (352) 343-6351
226 West Main St., Tavares, FL 32778

MARION— (352) 629-6257
1610 SE 36th Ave.
Ocala, FL 34471

***ORANGE — (407) 841-7777**
122 E. Colonial Drive, Suite 200
Orlando, FL 32801

OSCEOLA — (407) 933-1791
800 North Main St., Kissimmee, FL 34744

PUTNAM: (386) 385-0928
216 S. 6th Street, Palatka, FL 32177

***SEMINOLE: (407) 322-6673**
315 Magnolia Ave., Sanford, FL 32771

VOLUSIA — (386) 258-5600
128 Orange Ave., Suite 100,
Daytona Beach, FL 32114
Client toll-free number: 1-800-363-2357

ADMINISTRATIVE OFFICE: (386)506-5396

info@clsmf.org
Apply for hrlp at www.clsmf.org

***Offices currently not offering Family Law services**



What To Do When You Are Notified Of An Overpayment By Social Security



Should I appeal the Notice of Overpayment?

If you are notified by the Social Security Administration (SSA) that they have overpaid you benefits; you have rights. If you believe SSA is wrong and they have not overpaid you, or the amount they are claiming they overpaid you is wrong, you must file a Request for Reconsideration within 60 days of the Notice of Overpayment to protect your appeal. The Request for Reconsideration form is available at your local SSA office or on-line at www.ssa.gov. If your Notice of Overpayment did not show how the overpayment was calculated, you should request an itemized statement. This way, you can verify how SSA calculated your overpayment. You may wish to consult with an attorney to determine whether the overpayment is correct and assess your legal options. If you do not file an appeal in time, you lose your right to object to the overpayment alleged.

Should I file a Request for Waiver of Overpayment Recovery?

SSA has a process where it can decide to not collect on an overpayment. To qualify for this waiver, you must show 1) that you were not at fault in causing the overpayment and 2) that if you were required to repay the overpayment it would cause you financial hardship which would defeat the purposes of the program.

If you believe the overpayment is calculated correctly but you were not at fault in causing the overpayment and cannot afford to pay it back without enduring financial hardship, you should file a Request for Waiver of Overpayment Recovery. This form is also available at your local SSA office or on-line at www.ssa.gov.

What does SSA mean by “at fault in creating the overpayment?”

You would be considered at fault and not eligible for a waiver if you failed to timely report earnings or assets to SSA.

Examples of not being at fault:

- You report the income to SSA within a short time (30 days) but SSA did not put the information properly into your case.
- You were not aware of the income or asset (a long lost relative left you property in a will).
- You had a Representative Payee appointed for you and your Representative Payee failed to report income or assets. Be advised that while you would be considered not at fault, SSA may go after the representative Payee for reimbursement.

What does SSA mean by “financial hardship?”

SSA will consider it a financial hardship if after your necessary monthly expenses you will not have sufficient money left over to make a payment toward the overpayment each month. The necessary monthly expenses

considered by SSA include rent/mortgage, utilities, food, car payments, gas, insurance, taxes, credit card bills—minimum monthly payments only, as well as some other expenses. Luxury items will not be considered, such as timeshare payments.

When must waiver be filed?

You may file a Request for Waiver of Overpayment Recovery at any time. There is no 60 day limit for this request. You are also not limited in how many you file. This means that if SSA turns you down and your financial situation worsens, you may file a new request based upon your current situation.

What if I am at fault or can pay back some of the overpayment but not all?

You can also agree to enter into a repayment plan with SSA where you pay back a small amount each month out of your monthly benefits until the overpayment is paid in full. If you are an SSI recipient, this amount can be as low as \$10 per month.

Should I get legal representation to help me with an overpayment?

You should at least get legal advice. Community Legal Services can review your papers and advise you on the best course of action and even assist you in preparing your documents if you need help. If your case has merit, we will undertake representation.

