

January 2025 NABWIS NEWS #8



SOCIAL SECURITY OVERPAYMENT REGULATION CHANGES

In November 2024, the Social Security Administration revised the POMS regulations on how SSA must evaluate the “without fault” and “inability to repay” criteria regarding SSA overpayments. Previously, the burden of proof rested largely on beneficiaries to show that they were without fault in causing an overpayment. As a result of recent policy changes, Social Security must presume that the beneficiary is without fault in causing an overpayment when the client reported, or attempted to report, a change in their income, living arrangement, or other pertinent information that will impact their benefit amount.

If there was a timely report or an attempt to report such changes, SSA must also presume the beneficiary without fault for:

- Payments issued after a reported change that caused or should have caused a change in benefits.
- Incorrect payment (benefit) amounts or changes after a reported change.

SSA must consider the beneficiary’s ability to understand and comply with the reporting requirements as part of the without fault determination. See <https://secure.ssa.gov/poms.nsf/lnx/0202250016>.

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Further, when determining whether an individual has the means to repay an overpayment, SSA must consider the receipt of certain needs-based benefits, which deems an individual unable to repay it. In addition to Supplemental Security Income (SSI) or Temporary Assistance to Needy Families (TANF), the definition of needs-based assistance has been expanded to include:

- Veteran's Administration pension based on need.
- Supplemental Nutrition Assistance Program (SNAP).
- Medicare D subsidy (extra help).
- Household income at or below 150% of FPL.

If the overpaid individual OR anyone living in household receives these benefits, the

individual must be found unable to repay if

they're also found without fault. The waiver form hasn't been updated to include SNAP or the Medicare D subsidy. NABWIS will share updates to the form as they're available. For the updated POMS on how SSA must evaluate a beneficiary's ability to repay, see

<https://secure.ssa.gov/apps10/poms.nsf/lnx/0202250110>

For the 2025 Federal Poverty Level (FPL) guidelines, visit:

<https://aspe.hhs.gov/sites/default/files/documents/dd73d4f00d8a819d10b2fdb70d254f7b/detailed-guidelines-2025.pdf>.

CONTACTING YOUR REPRESENTATIVES

NABWIS urges our members to continue to contact your representatives in Congress in support of the SSI Restoration Act Bill. The bill would eliminate the marriage penalty and increase SSI federal benefit amounts and resource limits for SSI beneficiaries. To view the bill, visit

<https://www.congress.gov/bill/117th-congress/house-bill/3824/text>

Contact your representatives:

<https://www.house.gov/representatives/finding-your-representative>

If you'd like to learn more about the SSI and other benefit marriage penalties, NABWIS is holding a free webinar "Love Stinks" on Friday, February 14th, at 1 PM ET. Participation in this event can count towards the general continuing education requirements for Work Incentives Practitioners certified by Cornell. Register at

<https://members.nabwis.org/ct.php?lid=360939375&mm=114727920597>

2025 LEGISLATIVE OPPORTUNITIES

Throughout 2025, several members of the NABWIS policy committee will have opportunities to visit with legislators and provide feedback on some of the biggest barriers and challenges benefits planners face in providing timely and efficient services and how these challenges impact the people we serve. *We would like to hear from you.* We encourage our members to provide suggestions on how Congress can support the mission of the Social Security Administration, improve return-to-work services and support for the individuals we serve, and enhance the resources available to benefits practitioners and the field of benefits planning. We're not looking for "Social Security could do this better"; instead, we are looking for suggestions on improving efficiency through legislative action. If you have feedback you would like to share, please email Michael.Klinger@dars.virginia.gov. Suggestions will be compiled and discussed at upcoming policy meetings. Your comments and suggestions may be used to support our work as appropriate. Contributions can remain confidential if preferred.

A Message from the NABWIS Board

The NABWIS newsletter is geared toward keeping our members apprised on updates pertaining to federal Social Security benefits, legislative changes, and ways you can partner with the NABWIS board to help inspire change for the individuals we serve. This is YOUR newsletter. If you have comments or suggestions on content you would like to see in future issues, please email contact@nabwis.org.



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