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Survey on Social Security Mistakes

March 2024

This past November you received an AASBCR Bulletin called “Beware the Social Security Clawback.” It called attention to the frequency of errors in Social Security payment calculations, and their heavy-handed efforts to recover overpayments all at once. Click [here](#) to read that bulletin again.

We asked NRLN, our lobbying partner, to include this issue in its 2024 agenda. We want Congress to legislate changes to the law requiring clawbacks, making it more senior-sensitive, and motivating the SS administration to improve the quality of their calculation efforts to avoid these situations altogether.

Now NRLN tells us they have started the ball rolling with letters to Congress calling for changes in SS clawbacks that would mirror the changes in pension clawbacks included in the SECURE 2.0 Act passed in 2022. The NRLN letter announcing this effort is attached to this Bulletin.



Action Item for Members

NRLN wants to collect member experience with SS overpayment clawbacks to show Congressional leaders the negative effects of the current process, so they understand the need for change.

AASBCR® supports NRLN in requesting that **any member who has had to pay back money to Social Security answer a 12-question anonymous survey**. Access the survey by going to <https://www.surveymonkey.com/r/SSAQ>. The survey is easy and quick, so please take three minutes to answer the questions. You’ll be helping to prevent retirees from being punished for Social Security’s mistakes.

NRLN's Letter to Members:

Help the NRLN Prevent Retirees from Being Punished for Social Security's Mistakes

You may have read articles about the hardships thrust on millions of retirees and individuals with disabilities when they are notified by the Social Security Administration (SSA) they must pay back thousands, often tens of thousands, of dollars. Many times, the overpayment received was no fault of their own – it was a mistake by the SSA. Under current law SSA is required to collect overpayments.

The NRLN has sent letters to Congressional leaders proposing **that the existing SSA overpayments be waived when it was SSA's fault and the current Social Security Code of Federal Regulations be replaced with statutory language similar to the NRLN's proposal on pension recoupment that was enacted in the SECURE 2.0 Act of 2022.**

Prior to adopting the NRLN's proposal in SECURE 2.0, a company could "recoup" or recover pension overpayments made to a retiree when it discovered them, no matter how long it had been. With the new law, the Company doesn't have a fiduciary obligation to recoup; but if it does recoup it must be done within three years of initial overpayment and may not recoup more than 10% of the overpayment per year. The same rules should apply to Social Security overpayment recovery. In addition:

- Not only should SSA not collect overpayment after the three-year lookback period but SSA needs to fix its system so it is not overpaying to begin with – wasting dollars that workers have contributed toward their retirement.
- If a beneficiary has provided erroneous information that caused the SSA to request repayment of an overpayment, the beneficiary **should not** be entitled to keep the overpayment.
- There should be no recovery action by SSA if it will cause the Social Security beneficiary to be at or below the Federal Poverty Level. (The Federal Poverty Level for an individual in 2024 is \$15,060. For a two-person household in 2024 it is \$20,440)

- When a Social Security beneficiary is sent a notification letter requesting payback of overpayment, information must be provided on how the calculations were made.

- The notification letter must inform beneficiaries about how to request a waiver.

- The SSA's waiver process must be streamlined.

In order to point out to Congressional leaders the negative impact that SSA overpayment clawbacks has had on NRLN members, please respond to the NRLN's 12-question anonymous survey **if you have had to pay back money to the SSA**. Access the survey at: <https://www.surveymonkey.com/r/SSAQ>

By taking a few minutes to participate in the survey you will help our efforts to prevent retirees from being punished for Social Security's mistakes.

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