EM - Emergency Message   **Effective Date:** 12/29/2022

Identification Number:	**EM-20037 SEN REV 5**
Intended Audience:	All RCs/ARCs/ADs/FOs/TSCs/PSCs/ OCO/OCO-CSTs/OHO/OARO
Originating Office:	DCO OPSOS
Title:	**Special Overpayment and Waiver Processing**
Type:	EM - Emergency Messages
Program:	**Title II (RSI); Title VIII (SVB); Title XVI (SSI); Disability; Supplemental Nutrition Assistance Program; Medicaid**
Link To Reference:	See **References** at the end of this EM

SENSITIVE - NOT TO BE SHARED WITH THE PUBLIC

Retention Date: February 26, 2026

Revisions:
Section A: Updated the background section.
Section C: Added instructions for overpayments resulting from the resumption of workloads.
Section D: Added instructions for special handling of overpayments and adverse actions.
Section I: Updated the streamlined waiver screening process section.

A. **BACKGROUND**
Effective August 31, 2020, technicians were instructed to resume normal workload processing for most workloads, including processing of workloads that result in adverse actions and overpayments. Offices can expect to receive a short-term increase in overpayment waiver requests with the resumption of normal workload processing.

To simplify the process, we are implementing a streamlined overpayment waiver process for cases where our deferral of certain actions contributed to overpayments between March 2020 and September 2020. The streamlined waiver process applies to qualifying overpayments (defined in Section I) incurred by Title II beneficiaries, Title VIII recipients, or Title XVI recipients during the pandemic period (March 2020 through September 2020) that we

did not process timely due to pandemic period instructions. The overpayment must have been identified on or before December 31, 2020 for the streamlined waiver process to apply.

The streamlined waiver process is available to overpaid individuals located domestically as well as those with international addresses.

B. **PURPOSE**
The purpose of this EM is to provide:

> 1. Authorization to resume normal workload processing for most workloads effective August 31, 2020;

> 2. A process for handling requests for overpayment waivers by phone during the COVID-19 pandemic; and

> 3. Special handling instructions for overpayments and waivers of overpayments incurred during the "pandemic period" (March 2020 through September 2020), since pursuant to pandemic period instructions, we deferred certain actions that could have resulted in a reduction, suspension, or termination of benefits or payments.

C. **CRITICAL CASE CODING INSTRUCTIONS**

Overpayments resulting from the resumption of workloads
Any overpayments resulting from the resumption of adverse actions previously held between March 17, 2020, and August 31, 2020, must be coded according to the instructions below. This coding is critical to identifying overpayments that qualify for the streamlined waiver process described in "Section I".

> · **Input "CV19" in the CG field of the SSR for SSI cases**
> > o For MSSICS cases, post data to the CG field through the Clearance Menu Page via the T16 Determination path in CCE.
> >
> > o For Non-MSSICS cases, complete a 1719B input, see SM 01005.525.
>
> · **Input "CV19" in the Special Message field of the MBR for Title II cases, see** MS 06307.008.

D. **SPECIAL HANDLING- ALL WORKLOADS**

Resume Processing Overpayments and Adverse Actions
Effective March 17, 2020, offices suspended processing manual overpayments and adverse actions that would result in a reduction, suspension, or termination of benefits. Effective August 31, 2020, offices resumed normal workload processing of these held actions.

Offices control held actions locally using special unit code 318 in the last three fields of the Unit Code on the development worksheet (DW01) or other workload control listing or pending in the MHF EMGY location in the PCs.

To locate pending adverse actions, search office listings for special unit code 318 in the last three fields of the UNIT CODE on the DW01, other workload control listings, or actions that are pending in the MHF EMGY location in PCACs. Review the claim and remarks to ensure proper documentation and proofs before adjudicating the open action.

IMPORTANT: It is critically important when resuming normal workload processing that technicians code the Special Message field of the MBR, and the CG field of the SSR according to the instructions in Section C, above.

E. **WAIVER REQUESTS – GENERAL**
As with normal overpayment waiver processing, the overpaid individual, appointed representative, or representative payee must request the waiver. When applicable, technicians should explain to callers that we deferred processing certain workloads in response to the COVID-19 pandemic and the availability of an overpayment waiver.

Effective August 31, 2020, technicians should:

   · Accept an oral waiver request for overpayments incurred
     during the pandemic period,

   · Document the request on an SSA-5002, and

   · Add the SSA-5002 to the electronic folder.

When an overpayment falls outside the pandemic period (March 2020 through September 2020) or when you are unable to approve

the waiver under the administrative tolerance provision or the streamlined waiver criteria, follow the steps in the embedded document.

WAIVER PROCESS FOR OVERPAYMENTS.docx

F. OVERPAYMENT NOTICES

Effective August 31, 2020, technicians resumed normal workload processing, including processing those cases deferred starting March 17, 2020 through August 31, 2020. All Title II and Title XVI overpayment notices will include the following language:

> *SPECIAL MESSAGE FOR OVERPAYMENTS BETWEEN MARCH AND SEPTEMBER 2020. We temporarily suspended processing and collection of some overpayments between March and September 2020. We did this because of the national public health emergency caused by the coronavirus (COVID-19) pandemic. If you were overpaid between March and September 2020, you may request a waiver, and we may find that you do not have to repay some or all of the overpayment. Please contact your local Social Security office by phone to request a waiver. You can find the telephone number for your local office below in this letter.*

NOTE: The presence or lack of this language is **not** a factor for application of the streamlined waiver process.

G. ADMINISTRATIVE TOLERANCE WAIVER PROCESS

If you can make an administrative tolerance determination, **do not use the streamlined waiver process**. For instructions and examples, refer to the Kansas City Region [Administrative Tolerance Decision Tree for Title II and Title XVI](#). All administrative tolerance determinations that include the period of March 2020 – September 2020 need to be reviewed on the In-Line Streamlined Review SharePoint site.

Administrative Tolerance 12292022.docx

NOTE: N8NN call guidance, [OB 21-010 Instructions for Overpayments and Waiver Requests,](#) instructs technicians to

continue to process administrative tolerance waiver determinations. Refer all waiver requests you cannot approve to the field office general inquiry line.

H. **SPLIT DECISION WAIVER PROCESS**

When the overpayment period has months both within and outside of the pandemic period (March 2020 through September 2020), technicians will apply the split decision waiver process. Technicians will process the waiver for months outside the pandemic period under normal overpayment waiver instructions in GN 02250.000 and SI 02260.000. Technicians will process the waiver for months inside the pandemic period under the streamlined waiver process.

For Title II and Title XVI, if you are making a split determination and cannot input both decisions at the same time:

> · Hold the streamlined waiver input until development is complete on the entire overpayment period; or

> · Complete all aspects of the streamlined waiver determination and document in your remarks that there is another portion of the overpayment requiring full development. Be sure to include all necessary development.

For Title XVI Only - Enter the following remark on the SSR using the CRMK screen or a 1719b input for non-MSSICS cases for split decisions:

> · *Waiver for sequence XX input in the amount of $XXX for MM/2020 to MM/2020 due to pandemic procedures. See EM-20037 SEN.*
> · Include in the remark that it was a split determination and note the sequence number.
> · Enter the waiver determination in MSSICS using the UOWV screen. See MS 00304.009.

See the Split Decision Title II/Title XVI Examples:

Streamlined Waiver Split Decision Example1.docx

I. Streamlined Waiver SCREENING PROCESS – COVID-19 PERIOD

1. Qualifying overpayments are those where the beneficiary requests an overpayment waiver and the overpayment:

· was incurred between March 1, 2020 and September 30, 2020 (the "pandemic period");
· is the result of a manually held action through August 31, 2020;
· does not involve an exception to the without fault presumption or held processing (see I.4-5 below); and
· was identified by December 31, 2020.

IMPORTANT: Not all overpayments incurred during the pandemic period will qualify for the streamlined waiver process. Technicians must make sure all other criteria are met before applying the streamlined process.

NOTE: Most qualifying overpayments should be identified with a CV19 code in the Special Message field of the MBR or the CG field of the SSR. However, you may find coding on the DW01, SSR or MBR remarks, a MBR, Paperless annotation stating the action was held, an ACR history of being housed in the workload EMGY in Paperless, or WorkTrack evidence which will also indicate the action was identified as held by August 31, 2020, even if the CV19 code is absent. The presence of any of the above means that SSA had identified the overpayment for the purpose of qualifying for the streamlined waiver by December 31, 2020.

2. An overpayment does not need to be posted to the record before December 31, 2020 in order to qualify for the streamlined waiver. To qualify, an overpayment must only have been "identified" by December 31, 2020. An overpayment was identified by December 31, 2020 if it was posted to the record by that date <u>or</u> if the record contains any of the codes, annotations, or evidence listed in the NOTE in section I.1 of this message, which demonstrates that SSA was aware of the overpayment no later than December 31, 2020.

If a qualifying overpayment was posted to the record after December 31, 2020, annotate DMS remarks or MSSICS DROC with the determination on why the case is eligible for the streamlined waiver process.

3. If the overpayment meets the criteria in the above bullets, the streamlined waiver process applies, and technicians will:

· Document every oral request for a waiver on a Report of Contact (SSA-5002);
· Presume that overpaid individuals are not at fault in causing the overpayment for any month that falls within the pandemic period, *unless* OIG determines fraud or there is a documented similar fault determination. Do not consider *at fault* to be the same as *similar fault*. For information about similar fault, see SI 04070.020 and GN 0402.010.

· Find that recovery of the portion of the overpayment incurred during the pandemic period is against equity and good conscience; and
· Waive recovery of a qualifying overpayment incurred between March 2020 and September 2020.

4. Exceptions to the streamlined waiver process include, but are not limited to, the following:

· Waiver requests processed under the administrative tolerance provision;

· Fraud or similar fault;

· Double Check Negotiation (DCN);

· Misuse of benefits by a representative payee;

· SSA failing to withhold appointed representative fees from past due benefits to pay the appointed representative;

· Automated data exchanges (such as the SSA/VA interface) not requiring manual action;

· Prisoner suspensions;

· Monthly telephone or online wage reporting;

· Implementation of, or updates to, Windfall Elimination Provision (WEP) or Government Pension Offset (GPO); or
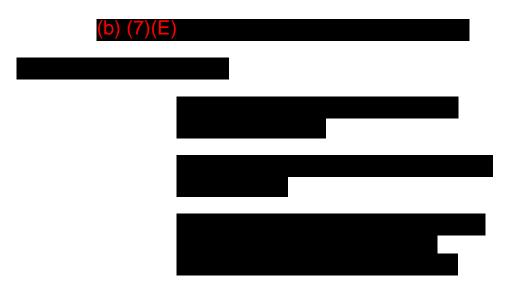
· Bureau of Worker's Compensation (BWC) or public disability benefit (PDB) offset.

NOTE: WEP, GPO, BWC and PDB adverse actions were held only from 03/18/2020 through 06/22/2020, when instructions were updated to resume processing these workloads. Technicians should apply the streamlined waiver determination only for the months of 03/2020 through 06/2020 when actions were held.

5. Use the following information to assist in determining if DCN, representative payee misuse, fraud, or similar fault is involved.

For Title II and Title XVI, check the Evidence Portal and all repositories for an SSA-553 documenting a similar fault determination. Review eRPS for misuse allegations.

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See the Streamlined Waiver Processing Decision Tree and Decision TII/TXVI Examples:

Streamlined Waiver Decision Tre1.docx

Title II Title XVI Streamlined Waiver Examples.docx

J. DOCUMENTATION REQUIREMENTS

Technicians should add the CV19 code to the MBR or SSR when they determine streamlined waiver processing applies.

For both Title II and Title XVI, enter remarks in the applicable DMS, MSSICS DROC, or SSA-5002 for non-MSSICS with the following language:

> ***This overpayment is being waived under COVID-19 procedures per EM-20037 SEN. A request for waiver was received from the overpaid person and it is presumed the overpaid person is not at fault in causing the overpayment (or part of the overpayment) due to the pandemic. The waiver is approved based on against equity and good conscience provision.***

Also, include the following information in the remarks, the overpayment:

· Reason;

· Period;

· Amount (Title II/Title XVI), sequence number and period (Title XVI only);

· For split decisions, if applicable, include the amount waived under the normal waiver process and the amount waived under the streamlined process.

NOTE: The OQA Toolbar Remarks Tool has COVID-19 DMS and SSR remarks. For Title XVI, remember to lock the DROC to save remarks.

K. IN-LINE REVIEW REQUIREMENTS

Technicians must submit all waiver determinations under the streamlined process and the administrative tolerance provision for review prior to completing the determination in DMS or MSSICS.

· Follow regional or local procedures to notify the reviewer that a waiver determination is ready for review.
· Reviewers must complete reviews on the In-Line Streamlined Waiver Review SharePoint.
· Technician will correct any errors found by reviewer and return the determination to the reviewer for verification the errors have been corrected. The reviewer will verify the corrections have been completed, update the SharePoint site, and notify the technician to complete case processing.

L. COMPLETE THE WAIVER DETERMINATION

Enter Title II waiver determinations in DMS following MS 01106 instructions.

· For split waiver determinations, calculate the amount of the overpayment that falls within the pandemic period, March 2020 through September 2020, to determine the approval amount on the DRWD screen.

· Document the waiver determination for months that fall inside the pandemic period in DMS remarks as instructed in Section J.

· Complete an SSA-635 *Waiver Determination* form only for months outside the pandemic period. See GN 02250.410.

Enter Title XVI waiver determinations in MSSICS using the UOWV screen. See MS 00304.009.

Follow waiver approvals over $2,000 follow the 2-PIN review process. For Title II, see GN 02250.301. For Title XVI, see SI 02220.005.C.7.

Complete and mail the waiver decision notice in the Document Processing System (DPS) if the system does not send an automated waiver notice.

M. BILLING AND OVERPAYMENT COLLECTIONS
We continue to suspend referrals of new delinquent debts to TOP for collection until further notice.

RECOOP billing resumed on January 11, 2021.

Direct all program-related and technical questions to your Regional Office (RO) support staff using vHelp or Program Service Center (PSC) Operations Analysis (OA) staff. RO support staff or PSC OA staff may refer questions, concerns or problems to their Central Office contacts.

References:
EM-16011 SEN Authorization to Access Financial Information for Title II and Title XVI Defeats the Purpose Waiver Determinations
GN 00201.015 Alternative Signature Methods
GN 02201.025 Title II Overpayment Reconsideration Request
GN 02250.301 Title II Waiver Decisionmaker
GN 02250.350 Waiver under the $1,000 Administrative Tolerance
GN 02250.410 Form SSA-635 (Waiver Determination) – Exhibit
GN 02270.005 FO Action on Receiving Folder- Personal Conference
GN 02270.009 Folder Review by the Person for Personal Conference
GN 02270.013 Conducting the Conference
GN 02410.300 Benefit Payment Offset
GN 04020.010 Unrestricted Reopening for Determination or Decisions Obtained by Fraud or Similar Fault
MS 00302.019 Update Diaries (UDIA)
MS 00304.008 Overpayment Decisions (UOPD)
MS 00304.009 Waiver (UOWV)
MS 01108.003 Billing Data (IBIL)
MS 01109.003 Remarks (RMRKS)
MS 01114.003 Stop Collection Action (TRSC)
MS 01114.004 Resume Collection Action (TRRC)

[MS 06307.008](#) Special Message Data (SMS1)
[OB 21-010](#) Instructions for Overpayments and Waiver Requests
[SI 02220.005](#) Documenting the Supplemental Security Income (SSI) Overpayment
[SI 02260.006](#) Personal Conferences
[SI 04070.020](#) Fraud of Similar Fault – Supplemental Security income (SSI)

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Link to this document:
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