

EM - Emergency Message

Effective Date: 01/10/2025

Identification Number: EM-25005 SEN

Intended Audience: All
RCs/ARCs/ADs/FOs/TSCs/PSCs/OCO/OCO-CSTs/OHO/OARO/WSUs

Originating Office: ORDP OISP

Title: Social Security Fairness Act of 2023 – Implementation Instructions for Certain Initial Claims, Repealing the Windfall Elimination Provision (WEP) and Government Pension Offset (GPO)

Type: EM - Emergency Messages

Program: Title II (RSI)

Link To Reference: See References at the end of this EM.

SENSITIVE - NOT TO BE SHARED WITH THE PUBLIC**Retention Date:** 07/10/2025**A. Purpose**

The purpose of this Emergency Message (EM) is to notify all offices about law changes under the Social Security Fairness Act of 2023 (SSFA), which repeals the Windfall Elimination Provision (WEP) and Government Pension Offset (GPO) for benefits payable for months after December 2023. This EM provides instructions to technicians for processing initial applications affected by SSFA. Additional instructions will be provided separately.

B. Background

On January 5, 2025, the President signed the Social Security Fairness Act of 2023 (SSFA), which eliminates the reduction of Social Security benefits, under WEP and/or GPO, when individuals are entitled to certain pensions from work not covered by Social Security with respect to benefits payable for months after December 2023.

Under the WEP provisions, we reduce the Primary Insurance Amount (PIA) of workers who receive a foreign or domestic pension based on non-covered earnings. Under the GPO provisions, we reduce Social Security benefits of a spouse or

surviving spouse who receives a domestic pension based on their own non-covered earnings; the reduction is two thirds of the non-covered pension amount.

Follow these instructions to adjudicate (1) disability claims filed January 2025 or later and (2) retirement, auxiliary spouse, and surviving spouse claims filed July 2024 or later. SSA will no longer reduce or offset Social Security benefits for individuals receiving pensions from work not covered by Social Security (based on noncovered employment pensions). Therefore, individuals applying for TII benefits will receive benefits based on their Primary Insurance Amount (PIA) unreduced for WEP or the Monthly Benefit Amount (MBA) unreduced for GPO.

C. Policy Change

When adjudicating disability claims filed January 2025 or later and retirement, auxiliary spouse, and surviving spouse claims filed July 2024 or later, SSA will not reduce or offset Social Security benefits for individuals receiving pensions based on non-covered employment. They will receive benefits based on their Primary Insurance Amount (PIA) without a WEP offset and their Monthly Benefit Amount (MBA) without a GPO.

IMPORTANT: SSFA does not change any other SSA laws or policies regarding initial claims, such as retroactivity (see [GN 00204.030](#)) or protective filing (see [GN 00204.010](#)). Technicians should continue to follow these current policies while taking new applications.

NOTE: WEP and GPO offset will continue to apply with respect to benefits prior to 2024.

D. Procedures for Responding to Inquiries

- If the individual is currently entitled:
 - Verify address and direct deposit information, paying particular attention to individuals' records in full offset.
 - Do not initiate or process any post-entitlement actions to adjust WEP or GPO.
- NOTE: Instructions are forthcoming regarding how to process the post-*

- entitlement actions. Do not advise on which month the unreduced benefit payment will begin.*
- Advise individuals that the Social Security Administration is currently evaluating how to implement the Social Security Fairness Act. More information is forthcoming on SSA.GOV.
 - If the individual wants to file a new claim, follow existing procedures. *(See Section E for processing initial claims)*
 - If the individual is inquiring about the offset of deceased beneficiary's benefits:
 - Instruct the individual to complete the SSA-1724, Claim for Amounts Due In The Case of a Deceased Beneficiary, to develop for any possible death underpayment.
 - Do not initiate or process any post-entitlement actions to adjust WEP or GPO.
NOTE: Instructions are forthcoming regarding how to process the post-entitlement actions. Do not advise on which month the unreduced benefit payment will begin.

E. Procedures for Initial Claims

When adjudicating disability claims filed January 2025 or later and retirement, auxiliary spouse, and surviving spouse claims filed July 2024 or later, following the following instructions.

NOTE: Await further instructions for initial claims that have WEP or GPO implications before 2024.

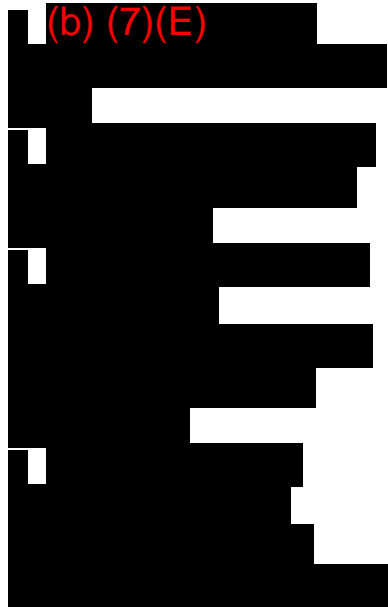
1. WEP - Initial Claims (Domestic or Foreign) for Retirement or Disability Benefits

IMPORTANT: Technicians must review all pending applications prior to adjudication and follow the instructions below to ensure the removal of WEP.

- a. Follow normal procedures for determining benefit eligibility and taking an application.

b. During the interview and when entering information into MCS, continue to ask: **“Are you currently entitled to a pension not covered under SSA?”** and properly annotate with “Y” or N” the [ADDB screen](#).

- If the applicant responds ‘N’, no further action is needed.
- If the applicant responds ‘Y’, complete the [WEPX screen](#) and indicate that WEP exclusion applies as follows:



NOTE: The steps above also apply to applications received via iClaim if the applicants already answered the pension-related questions that transmitted into the ADDB screen.

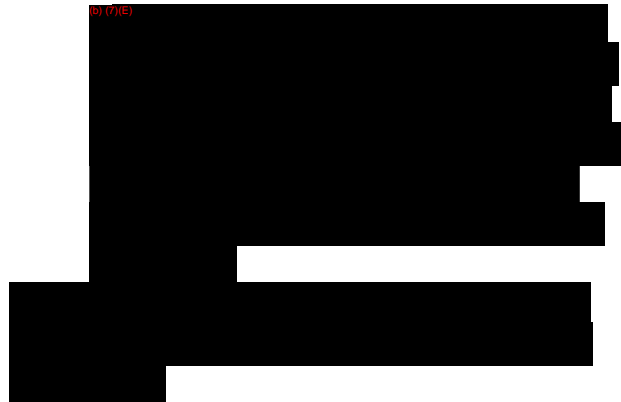
2. **GPO - Initial Claims for Spouses or Surviving Spouses Benefits**

IMPORTANT: Technicians must review all pending applications prior to adjudication and follow the instructions below to ensure the removal of GPO.

- a. Follow normal procedures to determine benefit eligibility and take an application.
- b. During the interview and entering information into MCS:
 - If Title 2 entitlement may begin before January 2024, continue to ask: **“Do you qualify for US FED/STATE/LOCAL GOV pension**

based on work you performed not covered under SSA?” and properly annotate with “Y” or N” the [ADDB screen](#).

- If there are GPO implications prior to 2024, stop and await further instructions.



NOTE: The steps above also apply to applications received via iClaim if the applicants already answered the pension-related questions that transmitted into the ADDB screen.

F. Procedures for Processing Advance File Actions

1. For advanced filing of claims that require manual processing, create an A101 or EF101 to the PC. When reviewing the A101/EF101, technicians should manually adjust the record in MCS using the instructions listed in Section E.
2. Benefit Authorizers should refer claims with WEP or GPO involvement to the Claims Specialists (CS).

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:

[MS 00703.001](#)- Government Pension Data Collection Screens - Overview

[MS 02004.001](#) - Windfall Elimination Provision Minipath Screens -

Overview

[MS 03505.012](#) - Additional Benefits (ADDB)

[MS 03505.061](#) - Non-Covered Earnings (NCES)

[GN 00204.010](#) - Protective Filing

[GN 00204.030](#) - Retroactivity for Title II Benefits

[EM-24067](#): Elimination of Windfall Elimination Provision (WEP)
and Government Pension Offset (GPO)

EM-25005 SEN - Social Security Fairness Act of 2023 – Implementation Instructions for Certain Initial
Claims, Repealing the Windfall Elimination Provision (WEP) and Government Pension Offset (GPO) -
01/10/2025

Link to this document:

(b) (7)(E)