EM - Emergency Message **Effective Date:** 11/16/2020

For Historical Reference Only
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Identification Number:	**EM-20056 SEN**
Intended Audience:	All RCs/ARCs/ADs/FOs/TSCs/PSCs/OCO/ OCO-CSTs/OHO/OARO
Originating Office:	DCO OPSOS
Title:	**Treasury Offset Program (TOP) Refund Call- in and Follow-up Waiver Notice Case Routing Instructions for Centralized Process Location (CPL) Technicians – One-Time-Only Instructions**
Type:	EM - Emergency Messages
Program:	**All Programs**
Link To Reference:	See Reference at the end of this EM

SENSITIVE - NOT TO BE SHARED WITH THE PUBLIC

Retention Date: May 15, 2021

A. **Purpose**

This EM provides workflow instructions for Centralized Process Location (CPL) technicians handling inquiries about the Treasury Offset Program (TOP) Refund Call-in notices and Follow-up Waiver notice. SSA sent notices to debtors who may be eligible to receive a refund for Federal or State payment that the Department of Treasury (Treasury) offset via the Treasury Offset Program (TOP). We used the refund to recover their delinquent Title II or Title XVI overpayment.

NOTE: CPL technicians handling inquiries about the TOP Refund Call-in notices and Follow-up Waiver notice should reference the TOP script and desk guide specifically published for CPL's use. Due to the COVID-19 pandemic, technicians work from alternate duty stations. This temporary relocation changes the SSA-632-BK mailing and receipt process as well as interview procedures. While under the telework mandate, technicians will refer to the instructions listed in the EM for case routing.

B. **Background**

Effective May 12, 2017, we no longer refer Title II, Title VIII, or Title XVI debts with a delinquency date of May 19, 2002, or earlier to TOP. Our automated External Collection Operation (ECO) system no longer selects these debts for external collection; therefore, no manual action is necessary to prevent TOP selection or referral. Debts with a delinquency date after May 19, 2002, remain eligible for TOP referral.

Because of this policy change, we are offering refunds to debtors who have a debt with a delinquency date of May 19, 2002, or earlier if we recovered part or all of the debt via TOP after May 2012. Debtors who are not in this group and whose debts we recovered via TOP are not eligible to receive a refund. Furthermore, debtors in this group who elect to receive a refund are still responsible for repaying the overpayment.

In April 2018, we released TOP Refund Call-in notices via staggered mailings over several months to debtors eligible for a refund.

Beginning December 2020, the Social Security Administration (SSA) will send a notice to beneficiaries who previously requested or refused a refund of their tax offset and did not request a waiver at that time. The Follow-up Waiver notice will notify the beneficiary that they still have the option to file a waiver. SSA will send the Follow-up Waiver notices via staggered mailings over several months.

NOTE: SSA established CPLs to manage this group of debts. Only assigned CPL technicians should accept calls and process refunds

C. **Waiver Procedure for CPL**

If you receive a call from a debtor who previously refused or requested a refund of their Treasury offset, complete the following steps.

D. **Verify Caller**

The SSA technician must verify the caller per GN 03380.005:

1. If the caller is not inquiring about the TOP Refund/Follow up-Waiver notice, the technician will refer the caller to 800-772-1213.
2. If the caller would like more information about the waiver, the technician will determine the program where the debt in question originated via the Title XVI SharePoint, MBR, SSR, External Collection Operation Query (TRCA screen) as needed.
3. Proceed with waiver development if the debtor is requesting a waiver.

E. **Documenting in Paperless**

For each call received, create an ACR in Paperless using the following TOEL codes:

- For Title II cases, create an ACR using: "**OPMT/DUEPROC/ALERT/T2TOP**"
- For Title XVI cases, create an ACR using: "**OPMT/DUEPROC/ALERT/T16TOP**"

When you create the ACR, be sure to include a description of all actions taken. For Title XVI cases, create a 30-day diary to have the case return to your own Paperless queue. At the end of the 30- days, review the case to ensure you take all necessary actions. If not, contact the FO technician for status, and then continue to diary until you complete all actions.

F. **Determine the amount of the waiver request**

Refer to TOP Refund Desk Guide page 31 under subheading "Amount to be Considered for the Waiver Request" for more information.

G. **CPL PSC Phone Instructions: Title II and Title XVI overpayments $1,000 or less**

If the debtor requests a waiver, the original debt amount was $1,000 or less, and this was the amount referred to TOP, follow GN 02250.350 or SI 02260.030 to determine if the administrative tolerance applies.
1. Verify the amount and reason for the overpayment before completing an administrative waiver determination.
2. Determine if the debtor is at fault. If there is an indication that the debtor may be at fault, inform the caller that we will need additional information from him/her and move to Section H.1.B.
NOTE: For Title XVI waiver requests forward to FO CPL for assistance.

H. CPL PSC Post Call Instructions: Title II and Title XVI overpayments $1,000 or less

1. Input the waiver approval determination per MS 01106.002 (DRMU).
    a. Document the waiver approval on the Debt Management System Remarks (RMKS) screen as follows "TOP Refund waiver approval based on administrative tolerance; overpayment is $1,000 or less and the overpaid person is not at fault.", and
        i. Send a standard waiver approval notice.
    b. If the technician cannot approve the waiver based on administrative waiver tolerance, refer to FO CPL technician for waiver development.
        i. Contact FO technician assigned to CPL via email/ MDW
2. Refer all Title XVI waiver request to the FO CPL.

I. CPL PSC Phone instructions: All other Title II and Title XVI overpayments

1. If the debtor requests a waiver for a Title II or Title XVI overpayment with an original debt amount greater than $1,000, inform the caller that they need to complete and return the SSA-632-BK (Request for Waiver of Overpayment Recovery).
2. For Title II cases input the informal waiver request using the Protest/Stop Recovery Request (PC) (DRPR) screen in DMS, see MS 01106.003.

3. Annotate your actions in DMS Remarks "TOP Refund case. Waivers handled by special cadre. Do not resume collection. See EM-20047 SEN "

4. Ask the caller if they have access to the internet and a printer. If the caller has internet and printer access, refer them to http://www.socialsecurity.gov/online/ssa-632.html and inform the caller to return the completed SSA-632 and proofs via eFax to the CPL technician within 30 days

IMPORTANT: Technicians may only utilize their SSA email account if the debtor encrypts the document submissions. Sending PII via email is not recommended unless necessary for the correspondence. When responding to emails with potential PII, ensure you follow the agency secured email policy. See Secure Email Partners reference.

- If the caller prefers to receive the SSA-632 by email, request the caller's email address and send forms by Emailer (see Appeals section) and ask the caller to return the completed form and proofs to the CPL technician via email or designated eFax line.
- If the caller prefers to mail in the documents, provide the FO assigned to CPL mailing address.

- If the debtor does not have internet access, inform the caller an SSA field office representative will follow up to complete form SSA-632 over the phone in 7 -10 business days.
- Notify the FO serving the CPL by email/MDW that the caller would like to file a waiver over the telephone.

J. CPL PSC Post Call instructions: All other Title II and Title XVI overpayments

A. **SSA-632 instructions:**

Place the ACR in diary hold for 30-day to receipt the SSA-632.

- If the beneficiary returns the SSA-632 to the CPL, upload completed SSA-632-BK into CEF via NDRed. Contact FO technician assigned to CPL via email/ MDW to notify of uploaded SSA-632.

- If the caller prefers to mail the documents, provide the FO assigned to the CPL mailing address.
- If the beneficiary does not return the SSA-632 to the PC or FO CPL, resume recovery by the end of the 30-day diary. Update DMS RMKS and Paperless comment and send the ACR to FIN.

B. **Annotate waiver request on XVI SharePoint**

Use the XVI TOP Refund SharePoint site to document any subsequent debtor request concerning the overpayment, including a waiver request.

K. CPL-FO for instructions for all other Title II and Title XVI overpayments

Follow current policies and procedures in GN 02250.000 for Title II and SI 02260.000 and SI 02220.005 (including administrative waiver tolerance)for

Title XVI to process the waiver request (i.e., TII - Input and document DMS with an initial waiver request for the overpayment, TXVI – Input and record a waiver request in MSSICS for the overpayment). Technicians must document all of the data elements in SI 02220.005B2 for any non-collect overpayment decision. FO management must review and concur with non-collect decisions where the original amount of the overpayment is greater than $2,000.00, per SI 02220.005C4

Paper SSA-632

FO technicians will review waiver requests and follow normal processing.

SSA-632 Verbal Request

If the FO CS receives a request from the CPL to contact a debtor to complete the SSA-632, the FO CS must continue regular waiver development, which includes the fault determination and gather evidence to support the waiver determination.

To complete an SSA-632-BK over the phone

1. Open Inform and select the SSA-632-BK form;

2. Complete the attestation script before and after the interview as shown in GN 02201.015 F3.

3. Read the questions with the requestor and input his or her responses into the fillable form;

4. On page 11 in the Remarks field, input the following language after reading the Penalty Clause to the individual (located on page 13): *Signature attested after reading the Penalty Clause.* Refer to GN 00201.015 F. and F3

5. On page 12, check the appropriate box regarding authorization for AFI and follow EM-16011 SEN

6. Save the completed form as a pdf file to FO Shared drive. Delete the file from the Shared drive as soon as business has been completed.

7. Upload the completed form into WorkTrack 2.0 using the “Upload a Batch” process. See the WorkTrack 2.0 User Guide for more information.

8. Mail a printed copy of the completed SSA-632 to the waiver requestor.

9. Follow normal business processes to profile and assign the waiver to a technician for completion.

For full waiver development, follow current policies and procedures in GN 02250.000 for Title II and SI 02260.000 for Title XVI.

NOTE: For Title XVI and per SI 02260.020, individuals are not required to answer any questions beyond #12F if they are not at fault and receiving SSI benefits within the tolerance for deemed to defeat the purpose. For Title II and per GN 02250.110, individuals are not required to answer any questions beyond #12F if they are not at fault and receiving needs based income for deemed to defeat the purpose.

Supplementary SSI Non-Collect Wavier Checklist

FO may refer to the Non- Collect checklist to assist with case development.

SSI OP Documentation.docx

L. CPL- FO Claims Specialist (CS) propose to deny waiver determinations

Due to limited in-office appointments, only complete telephone personal conferences when possible per GN 02270.009. See below for instructions when the initial waiver determination is propose to deny:
- After the initial proposal to deny waiver determination, process waivers according to GN 02270.005C. The independent decision-maker can approve the waiver without a folder review or personal conference if he or she can make a completely favorable determination after reviewing the waiver request and the initial determination. **NOTE**: This should be a rare occasion.
- Follow the steps for folder reviews and personal conferences as outlined in GN 02270.009 and GN 02270.013 or SI 02260.006. **NOTE**: Technicians can follow the process in AM-20027 SEN to use the Claims File User Interface (CFUI) to send folder documents to the waiver requestor via encrypted email.
- Complete the personal conference **only after** documentation from the waiver requestor is available.
- If you are unable to complete the personal conference process due to the field office closures, hold the waiver determination until after COVID-19 procedures have ended and an in-person folder review and personal conference can be held.

M. Annotate waiver request on XVI SharePoint
Use the XVI TOP Refund SharePoint site to document any subsequent debtor request concerning the overpayment, including a waiver request.

Direct all program-related and technical questions to your Regional Office (RO) support staff 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

GN 02250.350 Waiver Under the $1,000 Administrative Tolerance

MS 01106.009 Process Personal Conference (DRPC)

GN 02201.021 Field Office (FO) Actions Title II Overpayment Waiver Request

SI 02220.005 Documenting the Supplemental Security Income (SSI) Overpayment

SI 02260.001 Basic Requirements Concerning Supplemental Security Income (SSI) Overpayment Waiver

SI 02260.030 Impede Effective or Efficient Administration of Title XVI of the Act (Administrative Waiver)

SI 02260.020 Defeat the Purpose of Title XVI of the Act

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Link to this document:
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