

EM - Emergency Message **Effective Date:** 06/25/2021

Identification Number: **EM-20037 SEN REV 3**
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: December 29, 2021

Revisions:

Section A: Note added to clarify that the streamlined waiver applies to domestic and internationally located beneficiaries.

A. BACKGROUND

[EM-20010 SEN REV 7](#) instructs technicians to resume normal workload processing for most workloads effective August 31, 2020, 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 G) 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 instructions in EM-20010 SEN. 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 waivers of overpayments incurred during the pandemic period (March 2020 through September 2020), since pursuant to EM-20010 SEN, we deferred certain actions that could have resulted in a reduction, suspension, or termination of benefits or payments.

C. 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, follow the steps in the embedded document.



[Waiver process for Waiver.docx](#)

D. 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.

E. 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 examples.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.

F. 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:



[Split Waiver Decision Examples.docx](#)

G. 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 due to instructions in EM-20010 SEN;

- does not involve an exception to the without fault presumption or held processing (see G.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 or if the record contains any of the codes, annotations, or evidence listed in the NOTE in section G.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 overpayments:

- Overpayments 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 (PBD) offset.

If a technician determines the case was not held for the entire pandemic period, due to a change in processing instructions in EM-20010 SEN (e.g., WEP or GPO offsets, BWC or PDB updates), he or she should apply a streamlined waiver determination for the held portion

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 CFUI 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 Decisions Tree.docx](#)



[TII TXVI Streamlined Waiver Examples.docx](#)

H. DOCUMENTATION REQUIREMENTS

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

I. 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.

J. 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.
- Complete an SSA-635 *Waiver Determination* form only for months outside the pandemic period. See [GN 02250.410](#).
- Document the waiver determination for months that fall inside the pandemic period in DMS remarks as instructed in Section H.

Enter Title XVI waiver determinations in MSSICS using the UOWV screen. See [MS 00304.009](#).

Follow both Title II and Title XVI, follow the guidelines for waiver approval 2-PIN review for overpayments over \$2,000. For Title II, see [GN 02250.301](#). For Title XVI, see [SI 02220.005](#).

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

K. 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. For more information on the resumption of RECOOP billing, see [EM-20062: Resumption of the Recovery and Collection of Overpayment Process \(RECOOP\) System Billing](#).

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:

[EM-16011 SEN](#) Authorization to Access Financial Information for Title II and Title XVI Defeats the Purpose Waiver Determinations

[EM-20010 SEN REV 7](#) Disaster Procedures – Coronavirus Disease 2019 (COVID-19) Pandemic

[EM-20010 SEN REV 3](#) Disaster Procedures – Coronavirus Disease 2019 (COVID-19) Pandemic

[EM-20062](#) Resumption of the Recovery and Collection of Overpayment Process (RECOOP) system Billing

[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 04423.003](#) SSR Remarks (CRMK)

[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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