



## Testimony

Before the Subcommittee on Social Security, Committee on Ways and Means, House of Representatives

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# DISABILITY INSURANCE

## SSA Faces Ongoing Challenges with Overpayments

Statement of Elizabeth Curda, Director,  
Education, Workforce, and Income Security

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October 18, 2023

Chairman Ferguson, Ranking Member Larson, and Members of the Subcommittee:

I am pleased to be here today to discuss our work on Social Security Administration's (SSA) efforts to prevent and detect overpayments in the Disability Insurance (DI) program.<sup>1</sup> DI serves as a critical safety net by providing benefits to individuals who can no longer work because of physical or mental impairments. In fiscal year 2022, about 8.95 million DI beneficiaries received approximately \$146 billion in benefits.

DI overpayments have been a longstanding challenge for SSA. Overpayments occur when SSA pays benefits in excess of what is due or continues to pay beneficiaries who are no longer eligible. DI overpayments can result when beneficiary work and earnings activity—which can affect DI eligibility—is not properly reported to or processed by SSA. Overpayments can pose a financial hardship for beneficiaries responsible for repaying the debt. Overpayments may also result in the loss of taxpayer dollars, either because beneficiaries do not repay their debts or because they are eligible to have their overpayment debts waived by SSA. In light of these issues, past GAO work has highlighted the importance of preventing and detecting overpayments to DI beneficiaries.<sup>2</sup>

This testimony describes: (1) the impact of overpayments on DI beneficiaries and taxpayers, and (2) SSA's challenges with preventing, detecting, and recovering improper payments, and related GAO

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<sup>1</sup>Overpayments are a subset of improper payments, which are defined by law as any payment that should not have been made or that was made in an incorrect amount (including overpayments and underpayments) under statutory, contractual, administrative, or other legally applicable requirements. 31 U.S.C. § 3351(4).

<sup>2</sup>GAO, *Disability Insurance: SSA Can Improve Efforts to Detect, Prevent, and Recover Overpayments*, [GAO-11-724](#) (Washington, D.C.: July 27, 2011). GAO, *Disability Insurance: SSA Could Do More to Prevent Overpayments or Incorrect Waivers to Beneficiaries*, [GAO-16-34](#) (Washington, D.C.: Oct. 29, 2015).

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recommendations. My testimony is based primarily on reports we issued from 2015 to 2023.<sup>3</sup>

We used multiple methodologies to conduct the work for our prior reports. We analyzed SSA data; reviewed relevant federal laws, regulations, and guidance; reviewed key agency documents; conducted a literature review of peer-reviewed articles; and interviewed SSA officials.<sup>4</sup> Our analysis of SSA's Ticket to Work and Self-Sufficiency Program (Ticket)—a voluntary program established to assist individuals with disabilities to obtain and retain employment, and reduce their dependency on benefits—compares outcomes for Ticket participants to a statistically matched group of similar nonparticipants.<sup>5</sup>

We performed the work on which this statement is based in accordance with generally accepted government auditing standards. Those standards require that we plan and perform the audit to obtain sufficient, appropriate evidence to provide a reasonable basis for our findings and conclusions based on our audit objectives. We believe that the evidence obtained provides a reasonable basis for our findings and conclusions based on our audit objectives.

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<sup>3</sup>This testimony is also based on updates to actions SSA has taken to address past GAO recommendations. Prior GAO reports are cited throughout and include GAO, *Disability Insurance: Actions Needed to Help Prevent Potential Overpayments to Individuals Receiving Concurrent Federal Workers' Compensation*, [GAO-15-531](#) (Washington, D.C.: July 8, 2015), GAO, *Disability Insurance: SSA Needs to Better Track Efforts and Evaluate Options to Recover Debt and Deter Potential Fraud*, [GAO-16-331](#) (Washington, D.C.: Apr. 13, 2016), GAO, *Payment Integrity: Selected Agencies Should Improve Efforts to Evaluate Effectiveness of Corrective Actions to Reduce Improper Payments*, [GAO-20-336](#) (Washington, D.C.: Apr. 1, 2020), GAO, *Social Security Disability: Ticket to Work Helped Some Participants, but Overpayments Increased Program Costs*, [GAO-22-104031](#) (Washington, D.C.: Oct. 28, 2021), and GAO, *Priority Open Recommendations: Social Security Administration*, [GAO-23-106466](#) (Washington, D.C.: May 9, 2023).

<sup>4</sup>More information on the scope and methodology of our work is contained within each of the published reports.

<sup>5</sup>To conduct this analysis, we used data from SSA's Disability Analysis File from 2002 to 2018 matched with earnings data from SSA's Master Earnings File. We assessed the data we received by, for example, reviewing relevant documentation and interviewing knowledgeable officials. We determined that the data were sufficiently reliable for the purposes of our reporting objectives.

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## Background

### SSA Benefit Programs

SSA's DI program provides benefits to individuals with disabilities. Individuals are generally considered to have a disability if (1) they cannot perform work that they did before and cannot adjust to other work because of their medical condition(s), and (2) their disability has lasted or is expected to last at least 1 year or is expected to result in death. To be eligible for DI, an individual must generally be unable to engage in substantial gainful activity (SGA). The SGA monthly earnings limit in 2023 is \$1,470 (\$2,460 for blind individuals). Further, individuals must have worked and paid into the program for a minimum period of time to qualify for DI benefits.<sup>6</sup>

SSA also provides financial assistance to eligible individuals through two other major benefit programs:

- Old-Age and Survivors Insurance (OASI)—provides retirement benefits to eligible older individuals and their families and to survivors of deceased workers.
- Supplemental Security Income (SSI)—provides benefits for aged, blind, or disabled individuals with limited income and resources.

In fiscal year 2022, SSA paid \$1.075 trillion in OASI benefits to around 57 million individuals. Also in fiscal year 2022, SSA paid over \$58 billion in SSI benefits to a monthly average of 7.6 million individuals.

### DI Overpayments

DI overpayments occur when beneficiaries are paid more than they should be for a given period of time. Per program rules, SSA requires that beneficiaries promptly report their work activity—including starting a job or a change in wages—as failure to do so may result in an overpayment. Overpayments may also result if SSA miscalculates benefits, or as the result of individuals knowingly misleading the agency or committing fraud.

SSA will seek repayment of most overpaid benefits after pursuing various procedural steps. Specifically, when SSA detects an overpayment, it

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<sup>6</sup>Individuals must have earned sufficient quarters of coverage (also referred to as “work credits”) in order to qualify for DI benefits, which they do by working and paying Social Security taxes. Individuals may earn up to four work credits per year, and the amount of earnings needed for a credit generally changes each year. In 2023, \$1,640 in earnings was needed for each credit. The number of work credits needed to qualify for DI benefits depends on the age of the claimant. Generally, individuals 31 and older need 40 work credits to qualify, 20 of which must have been earned in the 10 years prior to becoming disabled. Younger individuals may qualify with fewer credits.

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requests a full immediate repayment, unless the overpayment can be withheld from the beneficiary's next monthly benefit. SSA also notifies the overpaid person that they may request reconsideration, a waiver, or both. A beneficiary requests reconsideration when he or she disputes that an overpayment occurred or the amount of the overpayment. The beneficiary requests a waiver when asserting that he or she is neither responsible for the overpayment nor capable of repaying it. SSA may grant a waiver request if it finds that the beneficiary was not at fault for the overpayment and that recovering the overpayment would defeat the purpose of the program or be against good conscience and equity.<sup>7</sup> A waiver permanently terminates collection of a debt.

If SSA denies a reconsideration, a waiver, or both, the agency will request full repayment. SSA will attempt to withhold benefits from the beneficiary to immediately recoup the full amount. If the individual is not receiving SSA benefits at the time or is unable to immediately pay the full amount owed, the agency generally requests a repayment plan. This may take the form of voluntary remittances or withholding from monthly SSA benefits. These withholdings may be taken from DI or other SSA benefits being received, such as SSI benefits.<sup>8</sup> SSA policy is to obtain repayment within 36 months, but it may approve longer repayment periods after reviewing an individual's income, expenses, and assets. SSA regulations require a minimum monthly DI benefit withholding of \$10, an amount that has not changed since 1960 according to SSA.<sup>9</sup>

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## Overpayments Can Impose Burdens on DI Beneficiaries and Taxpayers

GAO and past research have consistently found that the majority of DI beneficiaries who have earnings sufficient to affect their benefits will receive an overpayment. The financial burden of these overpayments can amount to thousands of dollars, which beneficiaries may have to repay. In 2015, we reported that more than one-half of all DI overpayments were paid to beneficiaries earning above program limits.<sup>10</sup> Further, a 2019 study conducted by Mathematica and SSA estimated that 71 percent of DI beneficiaries with earnings sufficient to affect their benefits receive

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<sup>7</sup>See 42 U.S.C. § 404(b), 20 C.F.R. § 404.506.

<sup>8</sup>See, e.g., 31 U.S.C. § 3716(c) and 42 U.S.C. § 1320b-17.

<sup>9</sup>See 20 C.F.R. § 404.502(c).

<sup>10</sup>We previously determined that more than one-half of the amount of overpayments during fiscal years 2005 through 2014 were as a result of individuals earning above SGA. [GAO-16-34](#).

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overpayments, which often accumulate to thousands of dollars.<sup>11</sup> The study found that overpayments lasted for a median of 9 months and accrued a median amount of \$9,282.

In 2018, SSA's Office of the Inspector General (OIG) reported that, 77 of 97 (79 percent) sampled beneficiaries who earned above SGA were overpaid. Additionally, among overpaid individuals in the sample who reported their earnings in a timely manner, SSA took an average of 155 days (approximately 5 months) to process reported earnings and assess the effect on benefits. In some cases, it took the agency 6–10 months. The OIG concluded that this led to overpayments that could have been avoided.<sup>12</sup>

In our 2021 study of Ticket, we estimated that participants were twice as likely to receive overpayments than similar DI or SSI beneficiaries who were not participating in Ticket.<sup>13</sup> This is because Ticket participants—who include DI beneficiaries—are more likely to earn above the SGA limit than nonparticipants. Based on our analysis of SSA data, among Ticket participants who began the program from 2002 through 2010 and worked enough to temporarily or permanently leave the rolls over a 5-year period after starting the program, we estimated that approximately 96 percent received an overpayment of disability benefits.

According to experts and SSA officials we interviewed, the fear of an overpayment is a disincentive to participating in Ticket and an ongoing issue for participants. Officials from an employment program serving Ticket participants stated that they spend a lot of time dealing with

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<sup>11</sup>Denise Hoffman, Benjamin Fischer, John T. Jones, Andrew McGuirk, and Miriam Loewenberg, "Work-Related Overpayments to Social Security Disability Insurance Beneficiaries: Prevalence and Descriptive Statistics," *Social Security Bulletin*, vol. 79, no. 2 (2019): 65.

<sup>12</sup>SSA Office of the Inspector General, *Incorrect Payments to Disabled Beneficiaries Who Return to Work*, Audit Report No. A-07-17-50131 (May 2018).

<sup>13</sup>SSA's Ticket to Work and Self-Sufficiency Program (Ticket) is a voluntary program established to assist individuals with disabilities to obtain and retain employment and reduce their dependency on benefits. Our estimates of overpayments were derived from historical SSA benefit data that were not designed to track overpayments to beneficiaries. Nonetheless, they are the best available data on the population of Ticket participants, and provide a reasonable indicator of the extent to which overpayments occur among them. For the purposes of this analysis, we defined an overpayment as a circumstance in which an individual received a benefit payment when they were not entitled to receive benefits. We did not assess whether individuals were entitled to a benefit or how much they were entitled to; rather, we relied on SSA data regarding benefits paid and benefits due.

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overpayments and that, despite their experience in helping Ticket participants prevent and resolve overpayments, there are still challenges. They stated that overpayments can go on for months after individuals have reported their income.

We recommended that SSA identify the root causes of overpayments to Ticket participants, specifically, and then take appropriate actions to address them. In response, SSA conducted a large empirical study comparing the sources of overpayments between Ticket participants and non-participants. They did not find the underlying circumstances facing Ticket participants to be significantly different from non-participants and concluded that actions to specifically address overpayments to Ticket participants were not warranted. They found that the root causes of overpayments resulting from work were failure of beneficiaries to report work, failure of SSA to take timely actions to process work reports, and the complexity of policies governing work activity and SGA.

In addition to the burden on beneficiaries, overpayments impose a toll on taxpayers. According to SSA's OIG, overpayments attributed to disabled beneficiaries engaging in SGA have been a leading cause of improper payments in the OASI and DI programs, amounting to \$755 million in taxpayer funds at risk in 2021.<sup>14</sup> Furthermore, overpayments cost SSA in administrative expenses to recover overpayments, and some overpayments are not recovered at all. In each fiscal year from 2018 to 2022, SSA collected an average of 18.5 percent of debts owed to it annually across its programs.<sup>15</sup> To recover these debts, SSA spent an estimated 6 to 7 cents per dollar recovered.

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## SSA Faces Ongoing Challenges Reducing Overpayments

SSA has faced challenges preventing, detecting, and recovering overpayments in the past, and has recognized the importance of these issues. For example, in its annual performance report for fiscal years 2022–2024, SSA highlighted promoting timely wage reporting as a focus area—an effort that could prevent overpayments.<sup>16</sup>

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<sup>14</sup>SSA Office of the Inspector General, *Compliance with the Payment Integrity Information Act of 2019 in Fiscal Year 2022*, Audit Report No. A-15-22-51183 (May 2023).

<sup>15</sup>The average of debt collected is based on SSA's annual gross receivables balance, which is mainly related to recoveries of overpayments.

<sup>16</sup>Social Security Administration, *Fiscal Years 2022-2024 Annual Performance Plan and Report*. (Mar. 2023).

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We have made a number of recommendations related to improving SSA's efforts to prevent, detect, and recover overpayments. While SSA has made progress towards implementing several of these recommendations, others remain not implemented. Of the 31 GAO recommendations to SSA that are currently open, five pertain to overpayments. In a May 2023 letter to the Acting SSA Commissioner, the Comptroller General highlighted two of the five as priority recommendations to address.<sup>17</sup> To see all five open recommendations on overpayments, see appendix I.

As included in our 2023 priority recommendation letter, SSA implemented our April 2020 recommendation to establish a process to measure the effectiveness of corrective actions for improper payments for the SSI, OASI, and DI programs. The new process includes establishing measurements and benchmarks and analyzing data to better evaluate the effectiveness of corrective actions. Measuring the effectiveness of corrective actions increases the certainty they are indeed reducing improper payments.<sup>18</sup>

We also highlighted two longstanding priority recommendations pertaining to overpayments that remain unimplemented. These recommendations focus on preventing potential overpayments to individuals receiving concurrent federal workers' compensation benefits and pursuing additional recovery options for overpayments. Specifically, in 2015, we recommended that SSA strengthen internal controls designed to prevent DI overpayments due to the concurrent receipt of Federal Employees' Compensation Act (FECA) benefits.<sup>19</sup> In response, SSA is working towards an agreement with the Department of Labor to use FECA benefit data to improve efficiencies in its ability to offset or reduce DI benefits when an individual is concurrently receiving FECA benefits. To fully implement this priority recommendation, SSA needs to complete these plans, which could help improve the financial status of the DI program and ensure that SSA does not continue overpaying beneficiaries who may have difficulty repaying debt incurred by overpayments.

To improve the recovery of DI payments, in 2016, we recommended that SSA adjust the minimum withholding rate to 10 percent of monthly DI benefits to allow quicker recovery of debt. This change would increase

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<sup>17</sup>[GAO-23-106466](#).

<sup>18</sup>[GAO-20-336](#).

<sup>19</sup>[GAO-15-531](#).



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scheduled collections and reduce the time it will take to fully recover overpayments and result in tens of millions of dollars in overpayment debt recovered over a 5-year period. Although SSA agreed with this recommendation, as of February 2023, SSA stated that it had stopped pursuing this change through regulation to address other regulatory priorities related to the COVID-19 pandemic.

Congress also plays a key role in addressing any underlying issues related to preventing overpayments. For example, Congress has taken steps to implement our matter for congressional action for reducing improper payments to deceased individuals. Specifically, to enhance identity verification through data sharing, we previously suggested that Congress consider amending the Social Security Act to share the Social Security Administration's (SSA) full death data with Treasury's Do Not Pay System.<sup>20</sup>

In December 2020, Congress passed—and the President signed into law—the Consolidated Appropriations Act, 2021. The act requires SSA, to the extent feasible, to share its full death data with Treasury's Do Not Pay system for a 3-year period.<sup>21</sup> In 2022, we suggested that Congress amend the Social Security Act to accelerate and make permanent the requirement for the Social Security Administration to share its full death data with the Department of the Treasury's Do Not Pay system.<sup>22</sup> Sharing these data on an ongoing basis will allow agencies to enhance their efforts to identify and prevent improper payments to deceased individuals.

In conclusion, overpayments negatively affect DI beneficiaries and taxpayers in several ways. Overpayments may place undue financial hardship on conscientious DI beneficiaries who reported work but nevertheless were overpaid and may have to repay the debt. Overpayments may be especially burdensome if the recipients were not aware that they were overpaid and spent the money. In addition, the potential for an overpayment may create a disincentive for beneficiaries to

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<sup>20</sup>GAO, *Improper Payments: Strategy and Additional Actions Needed to Help Ensure Agencies Use the Do Not Pay Working System as Intended*, [GAO-17-15](#) (Washington, D.C.: Oct. 14, 2016), and *COVID-19: Opportunities to Improve Federal Response and Recovery Efforts*, [GAO-20-625](#) (Washington, D.C.: June 25, 2020).

<sup>21</sup>Pub. L. No. 116-260, § 801, 134 Stat. 1182, 3201-03, amending 42 U.S.C. § 405(r). This provision will take effect 3 years after enactment and will be effective for a 3-year period.

<sup>22</sup>GAO, *Emergency Relief Funds: Significant Improvements Are Needed to Ensure Transparency and Accountability for COVID-19 and Beyond*, [GAO-22-105715](#) (Washington, D.C.: Mar. 17, 2022).

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further pursue work. Furthermore, overpayments place a financial burden on the agency through the cost of recovering debts, and to the taxpayer through overpayments that are waived and never recovered.

While SSA has made efforts in recent years to prevent and detect overpayments resulting from work, more remains to be done. Implementing our priority recommendations is an important step for reducing overpayments.

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Chairman Ferguson, Ranking Member Larson, and Members of the Subcommittee, this concludes my prepared statement. I would be happy to answer any questions you may have at this time.

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## GAO Contacts and Staff Acknowledgments

For questions about this statement, please contact Elizabeth Curda, Director, Education, Workforce, and Income Security, at (202) 512-7215 or [curdae@gao.gov](mailto:curdae@gao.gov). Contact points for our Offices of Congressional Relations and Public Affairs may be found on the last page of this statement. GAO staff who made key contributions to this statement include Erin M. Godtland (Assistant Director), David Reed (Analyst-in-Charge), Seto Bagdoyan, William Beichner, Daniel Concepcion, William Boutboul, Alex Galuten, Joel Green, Carl Nadler, Jessica K. Rider, Joe Silvestri, Joy Solmonson, Anjali Tekchandani and Walter Vance.

Other staff who made contributions to the reports cited in the testimony are identified in the source products.

# Appendix I: Open Recommendations to the Social Security Administration on Disability Insurance Overpayments

There are five open recommendations to the Social Security Administration to address Disability Insurance overpayments (see table 1).

**Table 1: GAO Open Recommendations to the Social Security Administration on Disability Insurance Overpayments**

GAO Report	Open Recommendation
<p><i>Disability Insurance: Actions Needed to Help Prevent Potential Overpayments to Individuals Receiving Concurrent Federal Workers' Compensation</i>, <a href="#">GAO-15-531</a> (Washington, D.C.: July 8, 2015)</p>	<p>To improve SSA's ability to detect, prevent, and recover potential DI benefit overpayments due to the concurrent receipt of FECA benefits, the Commissioner of Social Security should strengthen internal controls designed to prevent DI overpayments due to the concurrent receipt of FECA benefits by implementing the alternative that provides the greatest net benefits.</p>
<p><i>Disability Insurance: SSA Could Do More to Prevent Overpayments or Incorrect Waivers to Beneficiaries</i>, <a href="#">GAO-16-34</a> (Washington, D.C.: Oct. 29, 2015).</p>	<p>To enhance beneficiary understanding of work reporting requirements, SSA should: (a) Clarify work reporting requirements provided to beneficiaries. (b) Explore options for increasing the frequency of reporting reminders to DI beneficiaries, similar to those currently available to SSI recipients.</p>
<p><i>Disability Insurance: SSA Needs to Better Track Efforts and Evaluate Options to Recover Debt and Deter Potential Fraud</i>, <a href="#">GAO-16-331</a> (Washington, D.C.: Apr. 13, 2016)</p>	<p>To ensure effective and appropriate recovery of DI overpayments and administration of penalties and sanctions, the Acting Commissioner of the Social Security Administration should clarify its policy for assessing the reasonableness of expenses used in determining beneficiaries' repayment amounts to help ensure that withholding plans are consistently established across the agency and accurately reflect individuals' ability to pay.</p>
<p><i>Disability Insurance: SSA Needs to Better Track Efforts and Evaluate Options to Recover Debt and Deter Potential Fraud</i>, <a href="#">GAO-16-331</a> (Washington, D.C.: Apr. 13, 2016)</p>	<p>To ensure effective and appropriate recovery of DI overpayments and administration of penalties and sanctions, the Acting Commissioner of the Social Security Administration should adjust the minimum withholding rate to 10 percent of monthly DI benefits to allow quicker recovery of debt.</p>
<p><i>Social Security Disability: Ticket to Work Helped Some Participants, but Overpayments Increased Program Costs</i>, <a href="#">GAO-22-104031</a> (Washington, D.C.: Oct. 28, 2021)</p>	<p>The Commissioner of Social Security should identify the root causes of overpayments to Ticket to Work participants specifically then take appropriate actions to address them.</p>

Source: GAO. | GAO-24-107113

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