

Program Operations Manual System (POMS)

Effective Dates: 12/27/2023 - Present

TN 52 (12-23)

GN 02250.038 Return to or Increase in Work - Disability Case — Waiver

Policy

1. When Without Fault Can Be Found

Evidence must show that the beneficiary did not withhold any material information about work.

2. Allegation of Filing Work Report

Evidence must show that a report was made. See GN 02250.010 if there is no record of the alleged report. Without fault usually cannot be established for months before a report of work activity is made. Without fault can be found for months after a report is filed if the person could reasonably have believed that the reported work was taken into consideration (See GN 02250.042).

3. Trial Work Period Involved

When a disabled person reports a return to work, they are often notified that a trial work period (TWP) is due and that checks will continue for some time. If an overpayment is later determined for any of the TWP, they will usually be without fault for accepting checks in the TWP.

4. Work Increases to SGA

The disabled person may report a return to work that is not SGA. They are told that the work is not SGA and will not change their benefit. If the person continues to work at the same job and under the same conditions, they will usually be without fault in causing any overpayment if the overpayment results from a gradual increase in salary roughly equal to the rate of inflation.

To Link to this section - Use this URL:

<http://policy.ssa.gov/poms.nsf/lnx/0202250038>

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