

Program Operations Manual System (POMS)

Effective Dates: 05/09/1996 - Present

TN 11 (08-91)

GN 02250.065 Earnings Greater Than Anticipated — Waiver

A. Policy

A person is without fault if he did not know that earnings were in excess of the allowable limit or that the excess must be reported if it was caused by:

- A retroactive increase in pay (including backpay awards or retroactive pay increases);
- A pay rate higher than expected;
- An employer's failure to restrict the amount of earnings as agreed, and the person's inability to keep accurate records.

"Inability to keep accurate records" means an inability due to impaired mental ability or lack of education. Without fault does not depend on the showing that the person is unable to keep an intricate set of books. Further, these circumstances do not include situations where the method of figuring earnings used by the employer is confusing to the beneficiary.

NOTE: An agreement cannot be said to exist when an agreement is impossible; e.g., the person is a salesman whose pay depends on volume of sales.

- the occurrence of five Saturdays (or similar workdays) in a month. A person is without fault when his/her weekly rate totals less than the annual limit but, in some calendar months of more than 4 weeks, exceeds the monthly limit.

B. Procedure

Verify all earnings allegations with the employer.

To Link to this section - Use this URL:

<http://policy.ssa.gov/poms.nsf/lnx/0202250065>

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