§ 416.1337 Exceptions to the continuation of previously established payment level.

(a) Multiple payments exception. (1) Where it is determined that a recipient is receiving two or more regular monthly payments in one month, the Social Security Administration shall determine the correct payment amount and, as soon as practicable thereafter, send the recipient an advance written notice of intent to make subsequent payment in that amount. Payment for the following month shall be made in the correct amount, except as provided in paragraph (a)(3) of this section.

(2) The advance notice shall explain:
   (i) That multiple payments were made in the one or more months identified in the notice;
   (ii) The correct amount of monthly benefits that the recipient is eligible to receive; and
   (iii) The recipient’s appeal rights.

(3) If an appeal is filed within 10 days after receipt of the written notice of intent to suspend, reduce, or terminate payments shall be presumed to be 5 days after the date on the face of such notice, unless there is a reasonable showing to the contrary.

(c) Waiver of right to continued payment. Notwithstanding any other provisions of this section, the recipient, in order to avoid the possibility of an overpayment of benefits, may waive continuation of payment at the previously established level unless good cause is established under the criteria specified in §416.1411 of this part for failure to appeal within 10 days after receipt of the notice. For purposes of this paragraph, the date of receipt of the notice of intent to suspend, reduce, or terminate payments shall be presumed to be 5 days after the date on the face of such notice, unless there is a reasonable showing to the contrary.

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Social Security Administration § 416.1338

is receiving an erroneous monthly payment which exceeds the dollar limitation applicable to the recipient’s payment category, as set forth in paragraph (b)(4) of this section, the Social Security Administration shall determine the correct payment amount and, as soon as practicable thereafter, send the recipient an advance written notice of intent to make subsequent payment in that amount. Payment for the following month shall be made in the correct amount, except as provided in paragraph (b)(3) of this section.

(2) The advance notice shall explain:

(i) That an erroneous monthly payment which exceeds the dollar limitation applicable to the recipient’s payment category was made in the one or more months identified in the notice;

(ii) The correct amount of monthly benefits that the recipient is eligible to receive; and

(iii) The recipient’s appeal rights.

(3) If an appeal is filed within 10 days after receipt of the written notice of the intent (see §416.1474 for criteria as to good cause for failure to file a timely appeal), the amount of payment to be continued, pending decision on appeal, shall be determined as follows:

(i) Recipient in payment status. Where the recipient is in payment status, the payment shall be in the amount the recipient received in the month immediately preceding the month the dollar limitation was first exceeded (subject to intervening events which would have increased the benefit for the month in which the incorrect payment was made, in which case the higher amount shall be paid).

(ii) Recipient in nonpayment status. If the recipient’s benefits were suspended in the month immediately preceding the month the dollar limitation was first exceeded, the payment shall be based on that amount which should have been paid in the month in which the incorrect payment was made. However, if the individual’s benefits had been correctly suspended as provided in §§416.1320 through 416.1330 or §416.1339 and they should have remained suspended but a benefit that exceeded the dollar limitation was paid, no further payment shall be made to him or her at this time and notice of the planned action shall not contain any provision regarding continuation of payment pending appeal.

For purposes of this paragraph, the date of receipt of the notice of planned action shall be presumed to be 5 days after the date on the face of such notice, unless there is a reasonable showing to the contrary.

(4) The payment categories and dollar limitations are as follows:

<table>
<thead>
<tr>
<th>PAYMENT CATEGORY AND DOLLAR LIMITATION</th>
</tr>
</thead>
<tbody>
<tr>
<td>(i) Federal supplemental security income benefit only—$200.</td>
</tr>
<tr>
<td>Recipients whose records indicate eligibility for Federal supplemental security income benefits for the month before the month the dollar limitation was first exceeded.</td>
</tr>
<tr>
<td>(ii) Federal supplemental security income benefit and optional supplementation, or optional supplementation only—$700</td>
</tr>
<tr>
<td>Recipients whose records indicate they were eligible for Federal supplemental security income benefits plus federally-administered optional supplementation, or eligible for federally-administered optional supplementation only, for the month before the month the dollar limitation was first exceeded.</td>
</tr>
<tr>
<td>(iii) Federal supplemental security income benefit and mandatory or other supplementation, or mandatory supplementation only—$2,000</td>
</tr>
<tr>
<td>Recipients whose records show eligibility for Federal supplemental security income benefits and federally-administered mandatory supplementation or essential person increment for the month before the month the dollar limitation was first exceeded. This category also includes those eligible for federally-administered mandatory supplementation only and those eligible for Federal supplemental security income benefits plus an essential person increment and federally-administered optional supplementation.</td>
</tr>
</tbody>
</table>


§416.1338 If you are participating in an appropriate program of vocational rehabilitation services, employment services, or other support services.

(a) When may your benefits based on disability or blindness be continued? Your benefits based on disability or blindness may be continued after your impairment is no longer disabling; you are no longer blind as determined under §416.986(a)(1), (a)(2) or (b), or