



## **Social Security**

Older Americans can usually get income through the federal Social Security program. Retired workers, disabled workers, and some family members of workers may be able to get Social Security benefits.

The program is funded by Social Security taxes that are paid by workers and their employers. While working and paying Social Security taxes, you earn “credits.” You have to earn a certain number of credits before you can get Social Security. Generally, you need to be at least 62 and have worked and paid Social Security taxes for at least 10 years before you can get Social Security. Disabled workers might be able to get Social Security Disability Insurance benefits earlier.

Your benefit amount will be based on many things, including: the number of years you worked, how much money you made, and how old you are. Call your local Area Agency on Aging at 1-877-353-3771 to find out if you can get Social Security.

### **Social Security Programs**

The Social Security Program is made up of three parts:

#### **Social Security Retirement**

If you worked throughout your lifetime and you are at least 62, you may be eligible for Social Security Retirement. Even if you did not work, you may still be able to get these benefits through your spouse or former spouse.

There are two kinds of retirement: “early retirement” or “full retirement.” The kind of retirement you choose to take is based on how old you are when you apply and what year you were born. If you take early retirement and keep working, you have to follow very strict rules about how much money you can earn.

For more information about working while taking early retirement, [visit the Social Security Administration \(SSA\) website on the topic by clicking here.](#)

To find out what retirement age applies to you, [visit the SSA Retirement Age Calculator by clicking here.](#)

#### **Social Security Disability Income**

If you have a disability and are not able to work a paying job, you might be able to get Social Security Disability Insurance (SSDI) benefits.

To collect SSDI benefits you have to prove your disability by showing all of the following:

- You have a “medically certified physical or mental disability” that,
- prevents you from engaging in “substantial gainful employment” and,
- that disability is expected to last for at least 12 months or result in death.

You also have to have earned a certain number of credits within a specific period of time. The credit requirement is based on your year of birth. To find out if you can get SSDI, [visit the SSA website on the topic by clicking here.](#)

If you are disabled and think you are eligible for SSDI, contact your local SSA office [or apply online by clicking here.](#) If you have any questions or if you want help with the application, call your local Area Agency on Aging at 1-877-373-3771.

If you can't get SSDI, you might be able to get Supplemental Security Income. For more information about this program, see the section called "Supplemental Security Income" in this chapter.

### Social Security Benefits for Family

If you are able to get Social Security Retirement or Disability benefits, your family members might be able to get their own benefits based on your eligibility. Such family members include your spouse, your surviving spouse, your former spouse, and your minor or disabled children.

To learn more about Social Security benefits for your family members, [visit the SSA website on the topic by clicking here.](#) Or call your local Area Agency on Aging at 1-877-353-3771.

### Notice of Overpayment

The Social Security Administration (SSA) keeps track of your benefits payments to make sure you get the right amount. If you get a "Notice of Overpayment," it means that the SSA thinks that you got more than you should have, and it wants that money back. **Do NOT ignore this notice.**

If you don't think you have been overpaid, or if you think you should not have to pay the money back, you have the right to appeal. For more information about SSA appeals, see the next section of this chapter.

Call the Legal Services for Maine Elders Helpline at 1-800-750-5353 as soon as you get a Notice of Overpayment; you can speak to an attorney for free.

Do not wait to take action. If you miss the appeal deadline, the overpayment becomes final and then you have very few options. If you do nothing, the SSA has many ways in which it can get the money back from you. This includes withholding your entire monthly payment until your debt is repaid.

Even if you agree with the SSA's decision but you can't afford to repay the money, you should talk to an attorney about your options. You might be able to work out a repayment plan, or get a waiver of the overpayment. If you request a waiver of the overpayment, you will need to prove two things:

1. That you were not at fault for causing the overpayment; and,
2. That you cannot afford to repay the money.

To prove these two things, you will need to give the SSA detailed information about your finances. (People who receive Supplemental Security Income do not have to provide this information.)

Anyone can request a waiver of the overpayment, and you can make this request any time

after you get a Notice of Overpayment. There is no time limit within which you have to do this. If you would like help requesting a waiver or asking for a repayment plan, call the Legal Services for Maine Elders Helpline at 1-800-750-5353 to speak to an attorney for free.

## Social Security Denials and Appeals

If you applied for Social Security and were denied, or if the Social Security Administration (SSA) made a decision about your benefits and you don't agree with its decision, you have the right to appeal.

You don't have to have an attorney, but you might want to talk to one about the process. The appeal outcome could have a big impact on your finances. If you are a Maine resident who is 60 or older, call the Legal Services for Maine Elders Helpline at 1-800-750-5353 to talk to an attorney for free.

The first step in the appeal process is to file a written "Request for Reconsideration" within 60 days of receiving the initial decision letter. If you don't make this deadline, the decision becomes final and you may lose your right to appeal.

In some cases, you can continue to receive your Social Security benefits throughout the appeals process. If you want this to happen, you need to contact the SSA within 10 days of the date you got the decision letter that is the subject of the appeal. Keep in mind that if you lose your appeal, you may have to pay back some of that money too.

## Resources

### **Legal Services for Maine Elders**

If you are a Maine resident who is 60 or older and you have received a Notice of Overpayment or want help with an appeal, call the Legal Services for Maine Elders Helpline at 1-800-750-5353 to talk to an attorney for free.

### **Maine Disability Rights Center**

If you are under 60, the Maine Disability Rights Center might be able to help you apply for Social Security Disability benefits, or help you with an appeal if it relates to your disability. Call the Disability Rights Center at 1-800-452-1948

### **Area Agency on Aging**

To find out what benefit programs you are eligible for, or for help applying to a benefit program, call your local Area Agency on Aging at 1-877-353-3771.

### **Pine Tree Legal Assistance**

For information on how to cope with Social Security Overpayments, [visit the PTLA website by clicking here.](#)

### **Social Security Administration: Boston Region**

[To find the closest Social Security Administration \(SSA\) office, click here.](#)

### **Social Security Administration: Retirement**

#### **Retirement Pamphlet**

The SSA website has a comprehensive pamphlet on Social Security Retirement Benefits.

[Read the pamphlet by clicking here.](#)

## **What You Need to Know When You Get Retirement or Survivors Benefits**

Read this SSA publication by clicking here.

### **Retirement Planner**

The SSA website has a great tool to help you plan for your retirement.

Get the tool by clicking here.

## **Social Security Administration: Disability**

### **Disability Planner**

The SSA website has some great tools to help you figure out how to apply for benefits if you have become disabled. Get the tool by clicking here.

### **What You Need to Know When You Get Disability Benefits**

Read this SSA publication by clicking here.

## **Social Security Administration: Appeals**

For more information about the appeals process, visit the SSA's website by clicking here, or contact your local SSA office. A pamphlet about the appeals process produced by the SSA is available online by clicking here.

## **When Your Social Security Benefits are Taken to Pay Back Money to the Federal Government**

Click here for an online pamphlet from the National Consumer Law Center.

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