

§ 404.401 Deduction, reduction, and nonpayment of monthly benefits or lump-sum death payments.

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(c) *Adjustments.* We may adjust your benefits to correct errors in payments under title II of the Act. We may also adjust your benefits if you received more than the correct amount due under titles VIII or XVI of the Act. For the title II rules on adjustment to your benefits, see subpart F of this part. For the rules on adjusting your benefits to recover title VIII overpayments, see § 408.930 of this chapter. For the rules on adjusting your benefits to recover title XVI overpayments, see § 416.572 of this chapter.

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PART 408—SPECIAL BENEFITS FOR CERTAIN WORLD WAR II VETERANS

3. The authority citation for subpart A continues to read as follows:

Authority: Secs. 702(a)(5) and 801–813 of the Social Security Act (42 U.S.C. 902(a)(5) and 1001–1013).

4. Section 408.101 is amended by adding new paragraphs (f) through (l) to read as follows:

§ 408.101 What is this subpart about?

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(f) Subpart F is reserved for future use.

(g) Subpart G contains the provisions on your requirement to report certain events to us.

(h) Subpart H contains the provisions on suspension and termination of title VIII entitlement.

(i) Subpart I contains the provisions on underpayments and overpayments.

(j) Subpart J contains the provisions on determinations and the administrative review process.

(k) Subpart K contains the provisions on claimant representation.

(l) Subpart L contains the provisions on Federal administration of State recognition payments.

5. Subparts F, G, H, I, J, K, and L are added to part 408 to read as follows:

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Subpart F—[Reserved]

Subpart G—Reporting Requirements

Sec.

- 408.701 What is this subpart about?
- 408.704 Who must make reports?
- 408.708 What events must you report to us?
- 408.710 What must your report include?
- 408.712 How should you make your report?
- 408.714 When are reports due?

Subpart H—Suspensions and Terminations

- 408.801 What is this subpart about?
- 408.802 When will we suspend your SVB payments?

408.803 What happens to your SVB payments if you fail to comply with our request for information?

408.806 What happens to your SVB payments if you are no longer residing outside the United States?

408.808 What happens to your SVB payments if you begin receiving additional benefit income?

408.809 What happens to your SVB payments if you are removed or deported from the United States?

408.810 What happens to your SVB payments if you are fleeing from the United States to avoid criminal prosecution, or custody or confinement after conviction, for certain crimes, or if you violate a condition of probation or parole?

408.812 What happens to your SVB payments if you are not a citizen or national of the United States and you begin residing in a country to which the Treasury Department restricts payments?

408.814 Can you request termination of your SVB entitlement?

408.816 When does SVB entitlement end due to death?

408.818 When does SVB entitlement end if your benefits have been in suspense for 12 consecutive months?

408.820 Will we send you a notice of intended action affecting your SVB payment status?

Subpart I—Underpayments and Overpayments

General Rules

- 408.900 What is this subpart about?
- 408.901 What is an underpayment?
- 408.902 What is an overpayment?
- 408.903 How do we determine the amount of an underpayment or overpayment?
- 408.904 How will you receive an underpayment?
- 408.905 Will you receive an underpayment if an overpayment already exists on your record?

Waiver of Recovery of SVB Overpayments

- 408.910 When will we waive recovery of an SVB overpayment?
- 408.911 What happens when we waive recovery of an SVB overpayment?
- 408.912 When are you without fault regarding an overpayment?
- 408.913 When would overpayment recovery defeat the purpose of the title VIII program?
- 408.914 When would overpayment recovery be against equity and good conscience?

Notices

- 408.918 What notices will you receive if you are overpaid or underpaid?

Refund of Overpayments

- 408.920 When will we seek refund of an SVB overpayment?

Adjustment of SVB

- 408.922 When will we adjust your SVB payments to recover an SVB overpayment?

408.923 Is there a limit on the amount we will withhold from your SVB payments to recover an overpayment?

Adjustment of Title II Benefits

- 408.930 When will we adjust your title II benefits to recover an SVB overpayment?
- 408.931 How much will we withhold from your title II benefits to recover an SVB overpayment?
- 408.932 Will you receive a notice of our intention to adjust your title II benefits to recover an SVB overpayment?
- 408.933 When will we begin adjusting your title II benefits to recover an SVB overpayment?

Tax Refund Offset

- 408.940 When will we refer an SVB overpayment to the Department of the Treasury for tax refund offset?
- 408.941 Will we notify you before we refer an SVB overpayment for tax refund offset?
- 408.942 Will you have a chance to present evidence showing that the overpayment is not past due or is not legally enforceable?
- 408.943 What happens after we make our determination on your request for review or your request for waiver?
- 408.944 How can you review our records related to an SVB overpayment?
- 408.945 When will we suspend tax refund offset?
- 408.946 What happens if your tax refund is insufficient to cover the amount of your SVB overpayment?

Compromise Settlements

- 408.950 Will we accept a compromise settlement of an overpayment debt or suspend or terminate collection of an overpayment?

Subpart J—Determinations and the Administrative Review Process

Introduction, Definitions, and Initial Determinations

- 408.1000 What is this subpart about?
- 408.1001 Definitions.
- 408.1002 What is an initial determination?
- 408.1003 Which administrative actions are initial determinations?
- 408.1004 Which administrative actions are not initial determinations?
- 408.1005 Will we mail you a notice of the initial determination?
- 408.1006 What is the effect of an initial determination?

Reconsideration

- 408.1007 What is reconsideration?
- 408.1009 How do you request reconsideration?
- 408.1011 How do we determine whether you had good cause for missing the deadline to request review?
- 408.1013 What are the methods for reconsideration?
- 408.1014 What procedures apply if you request reconsideration of an initial determination on your application for SVB?
- 408.1015 What procedures apply if you request a reconsideration of an initial