

UNITED STATES DISTRICT COURT  
DISTRICT OF NEW HAMPSHIRE

Tambria E. Corbett,  
Plaintiff

v.

Case No. 25-cv-111-SM-AJ  
Opinion No. 2026 DNH 009

Frank Bisignano, Commissioner,  
Social Security Administration,  
Defendant

**O R D E R**

The Social Security Administration concluded that plaintiff, Tambria Corbett, improperly accepted Title II disability benefit payments for more than two years after she returned to work and earned income in excess of the "substantial gainful activity" threshold. In total, the SSA determined that Corbett had accepted over \$52,000 in Disability Insurance Benefits to which it claims she was not entitled. In response, Corbett sought a waiver for those overpayments, saying she was "without fault" in causing them. That request was administratively denied, both initially and on reconsideration. She then requested a hearing before an Administrative Law Judge, who concluded that Corbett was "at fault" for the overpayments and, therefore, not entitled to a waiver of overpayment recovery.

Corbett appealed that decision to the Appeals Council, which denied her request for review, making the ALJ's determination the final decision of the Commissioner. Pursuant to 42 U.S.C. § 405(g), Corbett now moves to reverse or vacate the Commissioner's decision finding that she was at fault for the overpayment of benefits and, therefore, obligated to repay them. The government objects.

Determining whether Corbett was "without fault" in causing the overpayment of benefits turns on whether she reasonably could have been expected to understand that, when she returned to work in December of 2018, she was not entitled to a "Trial Work Period" because she had already used her only Trial Work Period more nearly 25 years earlier, during an unsuccessful effort to re-enter the workforce in the early 1990's. Because the ALJ neither addressed nor determined the reasonableness of Corbett's asserted misunderstanding (or whether that misunderstanding was caused, in whole or in part, by misinformation she received from an SSA official), this matter must necessarily be remanded for further consideration.

## Legal Background

### A. Standard of Review.

Under the provisions of 42 U.S.C. § 405(g), the court is empowered "to enter, upon the pleadings and transcript of the record, a judgment affirming, modifying, or reversing the decision of the Commissioner of Social Security, with or without remanding the cause for a rehearing." Factual findings and credibility determinations made by the Commissioner are conclusive if supported by substantial evidence. See 42 U.S.C. § 405(g). See also Irlanda Ortiz v. Secretary of Health & Human Services, 955 F.2d 765, 769 (1st Cir. 1991). Substantial evidence is "such relevant evidence as a reasonable mind might accept as adequate to support a conclusion." Consolidated Edison Co. v. NLRB, 305 U.S. 197, 229 (1938). Importantly, then, it is something less than a preponderance of the evidence. So, the possibility of drawing two inconsistent conclusions from the evidence does not prevent an administrative agency's finding from being supported by substantial evidence. See Consolo v. Federal Maritime Comm'n., 383 U.S. 607, 620 (1966). See also Richardson v. Perales, 402 U.S. 389, 401 (1971).

### B. Disability Payments and Trial Work Periods.

An individual is disabled and entitled to Disability Insurance Benefits if he or she is unable "to engage in any

substantial gainful activity by reason of any medically determinable physical or mental impairment which can be expected to result in death or which has lasted or can be expected to last for a continuous period of not less than 12 months." 42 U.S.C. § 423(d)(1)(A). "Substantial Gainful Activity" means work activity that involves performing "significant and productive physical or mental duties" and the activity is one that is typically "done (or intended) for pay or profit." 20 C.F.R. § 404.1510. See also 20 C.F.R. § 404.1572. A person will be deemed to have engaged in substantial gainful activity if their monthly income exceeds an established threshold. See 20 C.F.R. § 404.1574(b). See also Social Security Programs Operations Manual System ("POMS"), Tables of SGA Earnings Guidelines and Effective Dates Based on Year of Work Activity, DI 10501.015.

But, to encourage individuals who are receiving disability payments to return to work, the pertinent regulations permit such individuals to engage in a Trial Work Period ("TWP") See generally 20 C.F.R. § 404.1592. During the Trial Work Period, a beneficiary receives both their full disability benefits and any earned income - that is, the beneficiary is able to test her ability to return to work, without losing social security benefits or her "disabled" status. 20 C.F.R. § 404.1592(a).

The Trial Work Period ends when the beneficiary has earned income above a set limit in nine separate "service months" (which need not be continuous) over a five-year period. 20 C.F.R. § 404.1592. See also POMS, The Trial Work Period, DI 13010.035, § D(2)(a). The monthly income limits that define service months (which are significantly lower than those that define "substantial gainful activity") are set out in 20 C.F.R. § 404.1592. So, if a beneficiary earns above a certain amount in a particular month during a Trial Work Period, that month counts as one of the nine available "service months."

After the Trial Work Period ends, a beneficiary enters a three-year extended period of eligibility ("EPE"). The EPE is a re-entitlement period under Title II for a beneficiary who has completed nine months of trial work but continues to have a disabling impairment. POMS, Extended Period of Eligibility, DI 13010.210, §§ A & B. During the three-year EPE, beneficiaries remain eligible for benefit payments so long as they continue to meet the definition of disability and their monthly earnings remain below the "substantial gainful activity" level. Id. In other words, during the EPE, a beneficiary may earn some income without losing entitlement to disability benefits. But, the beneficiary will not receive disability benefits for any month

in which earnings exceed the SGA limit. After three years, however, those rules change and if a beneficiary should earn monthly income in excess of the SGA limit, not only will he or she not receive disability benefits that month, but the beneficiary will also immediately be deemed no longer disabled within the meaning of the statute and regulations. See generally POMS, Extended Period of Eligibility, DI 13010.210. In short, "The first 36 months after the [Trial Work Period] is the re-entitlement period. . . . The EPE may last indefinitely beyond the re-entitlement period if a beneficiary with a disabling impairment never engages in SGA. In such case, the EPE continues until the beneficiary either engages in SGA or we find that the beneficiary is no longer disabled." Id., § G, "When the EPE Begins and Ends."

Beneficiaries of Title II disability insurance payments are entitled to one Trial Work Period (and the ensuing Extended Period of Eligibility) during a period of benefits entitlement. 20 C.F.R. § 404.1592(c). See also POMS, The Trial Work Period, DI 13010.035, § H. To be eligible for a second Trial Work Period, a person's benefits must be terminated and then reinstated after a second finding of disability - that is, the claimant must be deemed eligible for a new period of disability

benefits, either through a new application for benefits or through an "Expedited Reinstatement" of benefits ("EXR").

Because an Expedited Reinstatement of Benefits is tangentially related to Corbett's claim, it is probably worth noting the following. A beneficiary whose benefits have been terminated "may become eligible for an expedited reinstatement of benefits ("EXR") if, within 60 months of termination, their medical condition prevents them from performing substantial gainful activity. EXR establishes a new period of disability with a new month of entitlement." POMS, Expedited Reinstatement Overview, DI 13050.001, § A (emphasis supplied). Because an Expedited Reinstatement of Benefits is based upon a new period of disability, it allows the beneficiary to engage in second Trial Work Period. Id. at § B(2).

As discussed more fully below, in this case Corbett's disability payments stopped for approximately 19 months in the early 1990's (during the Extended Period of Eligibility associated with her first attempt to re-enter the workforce) and then resumed when she stopped working. Based upon that cessation and subsequent restoration of benefits, Corbett says she reasonably believed that her benefits had been "terminated" and then "reinstated" in 1994. Consequently, says Corbett, she

believed she was allowed a second trial work period when she attempted to re-enter the workforce roughly 24 years later and, therefore, was permitted to earn some income without putting her disability benefits in jeopardy.

C. Recovery (and Waiver) of Benefit Overpayments.

When the SSA makes an overpayment of benefits to a person, the Act requires the Commissioner to seek repayment. 42 U.S.C. § 404(a). However, recovery of the overpayment is waived when the beneficiary is (1) "without fault" for the overpayment and (2) the recovery of such amount from the beneficiary "would defeat the purpose of [Subchapter II of the Act] or would be against equity and good conscience." 42 U.S.C. § 404(b)(1). When determining whether a person is without fault, the SSA considers "all pertinent circumstances" of the individual, including their age, intelligence, mental limitations, and educational background. 20 C.F.R. § 404.507. A claimant will be found to have been "at fault" for the overpayment if it resulted from:

- (a) An incorrect statement made by the individual which he knew or should have known to be incorrect; or
- (b) Failure to furnish information which he knew or should have known to be material; or

- (c) With respect to the overpaid individual only, acceptance of a payment which he either knew or could have been expected to know was incorrect.

Id. (emphasis supplied). The highlighted provision - knowing acceptance of an incorrect payment - is the one upon which the ALJ seems to have relied in this case.

One basis for a waiver of the obligation to repay an overpayment exists when a beneficiary relied on "erroneous information from an official source within the Social Security Administration . . . with respect to the interpretation of a pertinent provision of the Social Security Act or regulations pertaining thereto." 20 C.F.R. § 404.510a. Under such circumstances, the beneficiary shall be deemed to be "without fault" for the overpayment of benefits. Id. See also POMS, Misinformation from an Official Source - Waiver, GN 02250.061, § B(2).

While the government bears the burden of establishing that a claimant has been overpaid, the claimant bears the burden of showing that she was "without fault" for the overpayment and otherwise entitled to a waiver. See, e.g., Nadeua v. Barnhart, 2006 DNH 006, 2006 WL 156999 at \*5 (D.N.H. Jan. 19. 2006). But see 20 C.F.R. § 404.506(b)(2) ("Notwithstanding any other

provision of this subpart, we will presume that an individual who requests waiver of a qualifying overpayment is without fault in causing the overpayment (see § 404.507) unless we determine that the qualifying overpayment made to a beneficiary or a representative payee was the result of fraud or similar fault.”) (emphasis supplied).<sup>1</sup>

### **Claimant's History**

Corbett began receiving Disability Insurance Benefits more than 30 years ago, in March of 1991, after being found disabled by reason of fibrous dysplasia of the skull - a non-cancerous, abnormal growth of fibrous tissue in place of normal bone. Nine months later, in December of 1991, she returned to work and began a Trial Work Period. From December of 1991, through December of 1992, Corbett earned nearly \$2,700 per month - substantially in excess of the TWP earnings limit of \$200 per month. Nevertheless, she continued to receive her full

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<sup>1</sup> A “qualifying overpayment” is one “that accrued during the pandemic period (see § 404.501(a) [defining that period as “beginning on March 1, 2020, and ending on September 30, 2020”] because of the actions that we took in response to the COVID-19 national public health emergency, including the suspension of certain of our manual workloads that would have processed actions identifying and stopping certain overpayments.” 20 C.F.R. § 404.506(b)(1). Here, some of the claimed overpayments to Corbett fell within that “pandemic” period, but neither the parties nor the ALJ addressed any potential application of § 404.506(b)(2) to this case.

disability payments throughout the nine-month Trial Work Period (which ended in August of 1992) and the three-month grace period that followed (which ended in November of 1992).

In late 1992, Corbett then began a three-year Extended Period of Eligibility while she continued to work. During that period, she earned approximately \$2,400 per month through December of 1993, followed by about \$1,500 per month until June of 1994. Corbett's income during each of those months was substantially higher than the SGA monthly threshold at the time. Consequently, she did not receive any disability benefit payments during that period (that is the period to which she points as having involved the "termination" of her benefits).

In July of 1994, Corbett stopped working, her benefit payments resumed, and the SSA continued to acknowledge that she was "disabled," as the term is used in the Act. All agree that up to that point, and for the next two decades, Corbett properly received Title II disability benefits, in the correct amount, each month.

In December of 2018, more than twenty-four years after her first effort to return to work, Corbett again attempted to re-enter the workforce. The following month - in January of 2019 -

she began earning income in excess of the SGA monthly limit. Because she had already used her only Trial Work Period (at least as the SSA sees things), those earnings of roughly \$1,500 per month triggered an automatic finding that she was no longer disabled and, therefore, no longer entitled to benefit payments. But, because it appears that Corbett was not communicating with the SSA, benefit payments continued and the SSA did not discover the error for nearly three years. In September of 2021, the SSA identified the overpayments and determined that Corbett improperly received and retained benefits during the 30-month period between April of 2019 through September of 2021. It calculated that the total overpayment of disability benefits to Corbett was \$52,031.20.

But, says Corbett, before returning to work in December of 2018, she contacted the SSA and asked about another nine-month return to work as a "Trial Work Period." And, according to Corbett, the SSA representative with whom she spoke told her she could do that, effectively allowing/authorizing the second Trial Work Period.

I did call and asked if I could do a nine-month trial work period and they just told me I could, so I did do that knowing that it would only be for nine months. So I did that and then I cut my hours back down after the nine months and I thought everything was fine,

till I got a letter. Just thought everything was okay.

Admin. Rec. at 27-28. In response, the government says it has been unable to find any record of Corbett having spoken to anyone at the SSA about returning to work in December of 2018, obtaining permission to do so, or securing a second Trial Work Period. Moreover, it points out that Corbett acknowledges that she never received written confirmation from the SSA that she could return to work as part of a second Trial Work Period.

Admin. Rec. at 28-29. That lack of written documentation is, perhaps, relevant depending on how scrupulous the SSA is in keeping such records and how thorough it was in searching for them, but it is certainly not dispositive. For obvious reasons related to the complexity of the regulations and the capacity of lay people to understand them, beneficiaries are entitled to rely upon both written and oral advice (even if incorrect) that they receive from official sources at the SSA. See POMS, Misinformation from an Official Source - Waiver, GN 02250.061, § B(1) ("An individual is misinformed when they receive information from an official source that subsequently proved to be incorrect. Misinformation can be given both orally and in writing.").

On November 2, 2021, shortly after receiving a notice from the SSA informing her of the overpayment of benefits and notifying her of her obligation to repay roughly \$52,000, Corbett applied for an Expedited Reinstatement of Benefits. That application was denied on January 26, 2022, because the Social Security Administration found that the Corbett's health had improved and she was able to work (as borne out by her recent earnings record). That denial of the reinstatement of Corbett's benefits is not presently at issue.

On November 14, 2021, Corbett requested a waiver of the overpayment. Admin. Rec. at 181-94. That request was administratively denied, both initially and on review. She then requested a hearing before an Administrative Law Judge, who conducted a de novo hearing to resolve a single issue: whether Corbett was "without fault" for the overpayments and otherwise entitled to a waiver of the obligation to reimburse the government for those overpayments.

### **The ALJ's Findings**

After taking testimony from Corbett and reviewing the record, the ALJ concluded that Corbett had, indeed, received benefit overpayments from April of 2019 through September of 2021. Admin. Rec. at 14. Next, he rejected Corbett's claim

that she was entitled to a new Trial Work Period when she returned to work in December of 2018. Id. at 14-15. Finally, the ALJ concluded that, "Given the claimant's past history involving a trial work period and working over substantial gainful activity amounts [more than 24 years earlier], she knew or should have known that her return to work in 2019 could affect her entitlement to disability benefits." Id. at 15 (emphasis supplied). Based upon those findings and conclusions, the ALJ held that Corbett was "at fault in causing the overpayment," id. at 14, and, therefore, not entitled to a waiver of recovery of the overpaid disability benefits.

Parenthetically, the court notes that the ALJ's ultimate conclusion (highlighted above) - that Corbett "knew or should have known that her return to work in 2019 could affect her entitlement to disability benefits" - deviates from the "fault" language in section 404.507(c) and imposes a less demanding legal standard than the applicable regulation. The question is not whether Corbett knew or should have known that a return to work "could affect" her disability payments - she plainly did. Rather, § 404.507(c) demands an assessment of whether Corbett knew or should have known that she had improperly retained an incorrect benefit payment. That question remains unresolved in this record.

## **Discussion**

Corbett acknowledges that she used a Trial Work Period in August of 1992. Then, while she was working and within the ensuing Extended Period of Eligibility, her disability benefits stopped. But, in July of 1994, when she was unable to continue working, her disability benefits payments were restored. That cessation and subsequent resumption of disability benefits payments more than 30 years ago, says Corbett, constituted a "new period of eligibility" - or, at a minimum, she says it was not unreasonable for her to hold that belief. And, says Corbett, that "new period of eligibility" entitled her to a new or second Trial Work Period. More specifically, Corbett says it was not unreasonable for her to believe that when her benefits were stopped for 19 months in December of 1992, but then restored in July of 1994, that was pursuant to the SSA's decision to "reinstate" benefits that had been "terminated," rather than simply a "resumption" of her prior benefits under the provisions governing Extended Period of Eligibility. As Corbett's counsel explained,

In finding the Plaintiff at fault for the alleged overpayment, the ALJ found that the Plaintiff should have been aware of the difference between whether her benefits were resumed in July of 1994 under an Extended Period of Eligibility ("EPE") or an Expedited Reinstatement ("EXR"). One would have entitled the

Plaintiff to a new trial work period and the other would not, and this is something that the ALJ presumed she should have been aware of when she attempted a second return to work attempt over twenty-four years later.

In making this determination, the ALJ placed an expectation of familiarity with SSA administrative rules arcana on the Plaintiff that is beyond that of many regularly practicing attorneys in this area of law.

Claimant's Legal Memorandum (document no. 7-1) at 3-4.<sup>2</sup>

That nuanced (at least to a lay person) distinction between benefits that were merely "resumed" under a previous finding of disability and those that were "reinstated" following their "termination" is critical because if Corbett's benefits had been "reinstated" in the latter manner, she would have been entitled to a second Trial Work Period. Determining the difference between those two scenarios is, undoubtedly, confusing and complicated.

Indeed, the Social Security Administration's own "Program Operations Manual Systems" adds to the confusion in this area by stating that the Extended Period of Eligibility "permits re-

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<sup>2</sup> As noted above, a beneficiary whose benefits have been "terminated," but subsequently "reinstated" under an EXR is entitled to a new or second Trial Work Period. See POMS, Expedited Reinstatement Overview, DI 13050.001.

instatement of benefits when the beneficiary's benefits have ceased due to SGA and their earnings falls below the SGA levels." POMS, Extended Period of Eligibility (EPE), DI 13010.210 (emphasis supplied). That imprecise and confusing language - particularly the use of the word "reinstate" in the context of an Extended Period of Eligibility - is exactly what gives rise to Corbett's asserted misunderstanding.<sup>3</sup>

Corbett has plausibly alleged that she reasonably and honestly believed that 30 years ago, when her benefits were stopped for 19 months during an Extended Period of Eligibility while she tried to re-enter the workforce (December, 1992, through June, 1994), that constituted a "cessation" or "termination" of her benefits, which were then "reinstated" when she stopped working. That, she claims to have reasonably believed, entitled her to a second Trial Work Period which was then confirmed by an SSA agent when Corbett telephoned a local SSA office for guidance. See, e.g., POMS, Expedited Reinstatement Overview, DI 13050.001, § B(2) (noting that "a

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<sup>3</sup> Compare POMS, Extended Period of Eligibility (EPE), DI 13010.210 ("The EPE permits reinstatement of benefits when the beneficiary's benefits have ceased due to SGA, and their earnings fall below the SGA levels.") with POMS, Expedited Reinstatement Overview, DI 13050.001, §§ B(2) & C ("Claimants previously entitled to disability insurance benefits (DIB) whose monthly benefits terminated due to their own SGA" are eligible for "reinstatement" of benefits under an EXR.).

beneficiary or recipient reinstated under an EXR . . . gets a new trial work period (TWP) and an extended period of eligibility (EPE).”).

For a typical beneficiary, not exceedingly well-versed in the SSA’s regulations and POMS, it might well be reasonable for them to misunderstand the legal distinction between benefits that have merely “ceased” during an Extended Period of Eligibility but subsequently “reinstated,” (no eligibility for a new Trial Work Period), and those that were “terminated” but later “reinstated” under, say, an EXR (with full eligibility for a second Trial Work period). Id. Moreover, says claimant, her belief that she was entitled to a second trial work period was reinforced when, according to her testimony, she contacted the SSA and was told that she could, indeed, return to work under a new Trial Work Period. See Admin. Rec. at 27-28.

The ALJ plainly understood the nature of Corbett’s argument:

**ALJ:** So your assertion is that when the benefits were reinstated [in 1994] that’s a new entitlement period, and therefore she would have been entitled to a new trial work period later on?

**ATTY:** Correct.

Transcript of Hearing, Admin. Rec. at 26. The ALJ concluded, however, that Corbett was not entitled to a second Trial Work Period and, therefore was properly deemed to be no longer disabled when, upon her return to work in December of 2018, she soon began earning more than the substantial gainful activity limit.

The claimant's trial work period argument does not have merit. The claimant is not entitled to a second trial work period. The regulations clearly limit the number of trial work periods to which an individual is entitled. Specifically, an individual may have only one trial work period during a period of entitlement to cash benefits (§ 404.1592(c)).

The individual is generally entitled to a trial work period if the individual was entitled to disability insurance benefits (404.1592(d)(1)). This is echoed in POMS 13010.60. A trial work period is available only once during a period of Title II disability. However, should the individual be found disabled again either through a new application or through an expedited reinstatement, then the individual would qualify for a new trial work period.

Admin. Rec. at 14.

To be sure, the ALJ's conclusion is a correct statement of the governing law: beneficiaries of disability payments are only entitled to a single Trial Work Period during a specific period of benefits entitlement. 20 C.F.R. § 404.1592(c). What the ALJ did not address, however, is whether Corbett's belief that she was allowed or authorized to use a second Trial Work Period was

reasonable, given the complexity of the applicable rules and regulations, the 24-year gap in her work activity, her claimed effort to confirm her eligibility for a second Trial Work Period, and her ability to accurately parse the applicable regulations and published agency guidelines. Nor did the ALJ make a finding as to whether a representative of the SSA told Corbett that she could return to work under a new Trial Work Period. Such findings are a necessary predicate to determining whether Corbett was "at fault" for the overpayment of benefits based upon the "acceptance of a payment which [she] either knew or could have been expected to know was incorrect." 20 C.F.R. § 404.507(c) ("Fault") (emphasis supplied). See generally POMS, Fault Determinations for Commonly Occurring Overpayment Situations, GN 02250.021, § B(3), "Undocumented Allegations of Reporting" ("Before making the fault determination, you must consider the allegation [that the claimant made a report to the SSA or sent it information].").

If Corbett relied upon "erroneous information from an official source with the Social Security Administration" about the availability of a second Trial Work Period, she would be entitled to a finding that she was "without fault" for the overpayment of benefits. See 20 C.F.R. § 404.510a. See also POMS, Misinformation from an Official Source - Waiver, GN

02250.061, § B(2) ("Find the individual not at fault in causing the overpayment if you determine that an overpayment, which resulted from the individual's action or lack thereof, was caused by misinformation from an official source. Approve the waiver under the 'against equity or good conscience' provision.").

Moreover, even if the ALJ were to conclude that substantial evidence supports the government's contention that Corbett did not receive such erroneous advice, a question still remains as to whether Corbett's asserted belief that she was entitled to a second Trial Work Period was reasonable or whether she "knew or could have been expected to know" that belief was incorrect and, therefore, that her retention of disability benefits beginning in April of 2019 was improper. See 20 C.F.R. § 404.507 ("Fault"). See also POMS, Fault Determinations for Commonly Occurring Overpayment Situations, GN 02250.021, § B(4), "Misunderstanding Our Policies on Entitlement or Eligibility" ("We may find an individual not at fault for an overpayment if they misunderstood our policies on Title II entitlement or if they misunderstood information given to them.").

Finally, the court notes that the extended period of time that passed between Corbett's first Trial Work Period and her

second effort to re-enter the workforce - roughly 24 years - is a relevant factor in determining whether she reasonably could have believed that she could return to work in December of 2018 under the terms of another Trial Work Period and, ultimately, whether she was "at fault" for the claimed overpayments. See generally Id. at § B(2) (noting that the amount of time that has passed since the claimant's last experience with a particular SSA rule or regulation is relevant "because the individual might not remember" the proper application of that rule).

### **Conclusion**

The law, regulations, and POMS provisions governing Trial Work Periods, Extended Periods of Eligibility, reinstatement of benefits, the various limits imposed on earned income, and the circumstances under which a beneficiary is entitled to a second Trial Work Period are complex, if not convoluted. Corbett does not appear to have been legally trained, nor was she represented by counsel during the period of time at issue. She plausibly and supportably alleges that she mistakenly, but reasonably and in good faith, believed that she was allowed a new Trial Work Period when, after her benefits were terminated for roughly 19 months in the early 1990's but then reinstated for more than 24 years, she attempted to re-enter the workforce in December of 2018 - after all, the Trial Work Period exists for the very

purpose of encouraging such return-to-work efforts by beneficiaries of disability benefits. Moreover, Corbett claims to have contacted the SSA to confirm that belief and says she was told that she could use a second Trial Work Period to again test her ability to return to work.

The ALJ's written decision does not resolve critical issues related to Corbett's "reasonable belief" claim. Additionally, as noted above, the conclusion that Corbett was "at fault" for the claimed benefit overpayments because "she knew or should have known that her return to work in 2019 could affect her entitlement to disability benefits," Admin. Rec. at 15 (emphasis supplied), does not align with the applicable standard for determining when a claimant is or is not "at fault." See 20 C.F.R. § 404.507(c) (a claimant shall be deemed "at fault" if he accepts a payment "which he either knew or could have been expected to know was incorrect.") (emphasis supplied). Remand is, therefore, necessary.

Finally, the court notes that even if the ALJ were to determine on remand that Corbett's understanding of the situation was reasonable and her return to work in December of 2018 is treated as if it were subject to the terms of a Trial Work Period and ensuing Extended Period of Eligibility, it still

appears that during that “presumed” EPE Corbett may have earned more than the SGA limit in several months, yet still received disability benefit payments. The court leaves it to the ALJ to determine a proper resolution of that circumstances, should it be determined that Corbett was “without fault” within the meaning of the applicable regulations and otherwise entitled to a waiver of repayment of at least some of the \$52,000 sought by the government. See generally 42 U.S.C. § 404(b)(1). See also 20 C.F.R. §§ 404.508 (“Defeat the Purpose of Title II”) and 404.509 (“Against Equity and Good Conscience”).

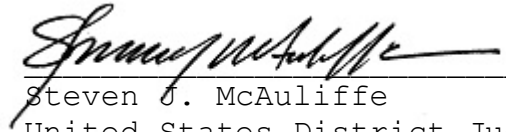
Alternatively, of course, the government and Corbett may be able to reach a fair and just settlement of the present dispute that resolves the government’s claims to all parties’ satisfaction.

For the foregoing reasons, claimant’s Motion for an Order Reversing the Decision of the Commissioner (**document no. 7**) is granted to the extent she seeks a remand for further proceedings. The Commissioner’s Motion for an Order Affirming the Decision of the Commissioner (**document no. 8**) is denied.

Pursuant to sentence four of 42 U.S.C. § 405(g), the decision of the ALJ dated September 18, 2024 is vacated and this

matter is hereby remanded for further proceedings consistent with this order. The Clerk of Court shall enter judgment in accordance with this order and close the case.

**SO ORDERED.**

  
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Steven J. McAuliffe  
United States District Judge

January 23, 2026

cc: Counsel of Record