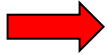


## **20 CFR 404.640(b)**

### Withdrawal of an application

(a) Request for withdrawal filed before a determination is made. An application may be withdrawn before we make a determination on it if—

- (1) A written request for withdrawal is filed at a place described in § 404.614 by the claimant or a person who may sign an application for the claimant under § 404.612; and
- (2) The claimant is alive at the time the request is filed.



(b) Request for withdrawal filed after a determination is made. An application may be withdrawn after we make a determination on it if—

- (1) The conditions in paragraph (a) of this section are met;
- (2) Any other person whose entitlement would be rendered erroneous because of the withdrawal consents in writing to it. Written consent for the person may be given by someone who could sign an application for him or her under § 404.612; and
- (3) All benefits already paid based on the application being withdrawn are repaid or we are satisfied that they will be repaid.
- (4) Old age benefits. An old age benefit application may be withdrawn if, in addition to the requirements of this section—
  - (i) The request for withdrawal is filed within 12 months of the first month of entitlement; and
  - (ii) The claimant has not previously withdrawn an application for old age benefits.

(c) Request for withdrawal filed after the claimant's death. An application may be withdrawn after the claimant's death, regardless of whether we have made a determination on it, if—

- (1) The claimant's application was for old-age benefits that would be reduced because of his or her age;
- (2) The claimant died before we certified his or her benefit entitlement to the Treasury Department for payment;

(3) A written request for withdrawal is filed at a place described in § 404.614 by or for the person eligible for widow's or widower's benefits based on the claimant's earnings; and

(4) The conditions in paragraphs (b) (2) and (3) of this section are met.

(d) Effect of withdrawal. If we approve a request to withdraw an application, the application will be considered as though it was never filed. If we disapprove a request for withdrawal, the application is treated as though the request was never filed.