

DATE: \_\_\_\_\_

TO:  Social Security Administration

Medicaid Office

RE: NAME \_\_\_\_\_

SSN \_\_\_\_\_ Medicaid No. \_\_\_\_\_

PHONE \_\_\_\_\_

Address \_\_\_\_\_

**RE: Report of Receipt of German Restitution – Exempt Income and Resource**

Dear Social Security Claims Representative or Medicaid Office:

I am writing to report that I received a payment from Germany known as the “Ghetto Pension” or the *German Pension for Work in Ghettos* or “ZBRG.” This pension is a type of restitution paid by the German government to victims of Nazi persecution. It is not counted as income or as a resource for SSI benefits under the Victims of Nazi Persecution Act of 1994.

The Social Security Administration recently amended its procedures in the “POMS” Manual to clarify that the Ghetto Pension is not counted as income or as an asset for SSI. These procedures include very clear instructions on identifying and documenting German ZBRG “Ghetto Pension” payments – this procedure at SI 00830.711 posted at <http://policy.ssa.gov/poms.nsf/lnx/0500830711> (copy attached) explains exactly what to look for in the notice. As you can see in the notice from Germany that I enclose, even though it is written in German, it contains language that the POMS says means it is a Ghetto Pension.

The rules are also explained in:

<http://policy.ssa.gov/poms.nsf/lnx/0500830710> (general explanation)

<http://policy.ssa.gov/poms.nsf/lnx/0501130611> (resource exclusion)

Since I am age 65+, Medicaid rules for determining income and resources may not be stricter than those used in SSI – therefore the POMS manual applies to Medicaid. See 42 U.S.C. § 1396a(a)(10)(C)(i)(III); 42 C.F.R. §§ 435.831(b), 435.845, 436.601.

Because this is exempt income and, if saved, an exempt resource, you should not take any action to reduce or stop my SSI or Medicaid, or to recover an SSI overpayment. The Ghetto Pension is not counted as “income” so should not give me or increase any “spend-down” I may have.

Thank you for your cooperation.

**Enclosures:**

- Copy of German documentation of Ghetto Pension
- Bank statement, bankbook or other financial record showing I deposited this payment.
- POMS SI 00830.711 -- COPY ATTACHED

# Social Security

The Official Website of the U.S. Social Security Administration

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## Program Operations Manual System (POMS)

Effective Dates: 10/22/2014 - Present

TN 122 (10-14)

### SI 00830.711 German Social Insurance Payments Under the ZRBG (“Ghetto Pension” Law) for SSI Income

#### A. Introduction to German social insurance payments

Under the German Law for the Payment of Pensions for Periods of Employment in a Ghetto, commonly known by the German acronym “ZRBG” or as the German “Ghetto Pension” Law, victims of Nazi persecution may receive credit toward a pension under the German social insurance system if they performed non-forced work during their confinement in a ghetto during World War II.

To receive credit toward a “Ghetto Pension” under the ZRBG, an individual must meet the following conditions:

- status as a victim of Nazi persecution;
- forced residence in a ghetto in a territory that was occupied by the German Reich or incorporated into it; and
- work performed for remuneration while living in the ghetto.

The German Statutory Pension Insurance agency, the *Deutsche Rentenversicherung*, processes pension applications for “Ghetto Pensions” under the ZRBG. In addition to a monthly old-age pension, applicants may receive a lump-sum payment representing retroactive benefits that are deemed to have accrued prior to the commencement of the pension payments.

#### B. Policy for income treatment of German social insurance payments under the ZRBG (Ghetto Pension)

##### 1. Income treatment

Exclude from income German social insurance payments based, in whole or in part, on credits granted under the ZRBG. Count as income German social insurance payments that are not based, at least in part, on credits granted under the ZRBG.

**IMPORTANT:** Before counting as income or a resource any German social insurance payments, always consider whether a different exclusion may apply. For more information on how to exclude payments to victims of Nazi persecution, see SI 00830.710.

##### 2. Interest income

Exclude from income any interest earned on a retained German “Ghetto Pension.” For more information on how to exclude interest income, see SI 00830.500.

##### 3. Reopening prior determinations

Reopen and revise prior determinations affected by these instructions, subject to the rules of administrative finality, see SI 04070.010.

## C. Description of award notices under the ZRBG (Ghetto Pension)

### The German statutory pension insurance agency, the *Deutsche Rentenversicherung* (German acronym, “DRV”), issues the ZRBG “Ghetto Pension” award notices

Prior to October 2005, the notices were issued by the *Landesversicherungsanstalt* (“LVA”) or the *Bundesversicherungsanstalt für Angestellte* (“BfA”).

The award notice is called a “*Rentenbescheid*” (“Pension Notice”), or simply “*Bescheid*” (“Notice”), and is written in German. If the notice relates to a ZRBG “Ghetto Pension”, the following language **may** appear:

Die

vom [date] bis zum [date]

zurückgelegten Zeiten einer Beschäftigung in einem Ghetto wurden nach dem Gesetz zur Zahlbarmachung von Renten aus Beschäftigungen in einem Ghetto und zur Änderung des Sechsten Buches Sozialgesetzbuch als “Ghetto-Beitragszeiten” anerkannt. Für diese Zeiten gelten Beiträge als gezahlt.

#### TRANSLATION:

The period(s)

from [date] through [date]

of employment in a ghetto was (were) recognized as “ghetto contribution periods” pursuant to the Law for the Payment of Pensions for Periods of Employment in a Ghetto and the amendment of the Sixth Book of the Social Code. For these periods, contributions are deemed paid.

Although this language can be anywhere in the notice, it usually appears within the first several pages, in a section entitled, “*Berücksichtigung von Zeiten*” (“Credited Periods”).

## D. Procedure for income treatment of German social insurance payments under the ZRBG (Ghetto Pension Law)

Use the following chart to determine whether to count as income German social insurance payments under the ZRBG (“Ghetto Pension” Law).

STEP	ACTION
1	Does the individual have an award notice from a German pension insurance agency? If <b>yes</b> , go to <b>step 2</b> . If <b>no</b> , go to <b>step 4</b> .
2	Does the notice include the German language from SI 00830.711C in this section? If <b>yes</b> , retain a copy of the notice electronically per GN 00301.286. Go to <b>step 3</b> . If <b>no</b> , retain a copy of the notice electronically per GN 00301.286. Go to <b>step 4</b> .
3	Do <b>not</b> count the payment as income: <ul style="list-style-type: none"> <li>• Code “ZRBG” in the Case Characteristics (CG) field of the SSR; see sections SM 01301.785 and SM 01005.525 for instructions on how to complete CG field.</li> <li>• <b>STOP</b>.</li> </ul>
4	Does the individual have a notice or letter from a German pension insurance agency confirming that the payments are based, in whole or in part, on: <ul style="list-style-type: none"> <li>• the German Law for the Payment of Pensions for Periods of Employment in a Ghetto; or</li> <li>• work performed in a ghetto by a victim of Nazi persecution?</li> </ul> If <b>yes</b> , retain a copy of the notice or letter electronically per GN 00301.286. Go back to <b>step</b>

STEP	ACTION
	<p><b>3.</b> If <b>no</b>, go to <b>step 5</b>.</p>
5	<p>Does the individual allege that the payment is based, in whole or in part, on work performed in a German-controlled ghetto during World War II?</p> <p>If <b>yes</b>, document the allegation on a locked Report of Contact (DROC). Go back to <b>step 3</b>.</p> <p>If <b>no</b>, document the allegation on a locked DROC. Go to <b>step 6</b>.</p>
6	<p>Count the payment as unearned income.</p> <p>Follow verification requirements in SI 00830.005 and SI 00830.105. If verification is not readily available, obtain the individual's statement either signed or recorded on a locked DROC as to the amount, source, and frequency of the payment. See GN 00301.285 through GN 00301.289.</p> <p><b>STOP.</b></p>

## E. References

- SI 00830.005 General Rules for Developing Unearned Income
- SI 00830.105 Payments in Foreign Currency
- SI 00830.500 Dividends and Interest
- SI 00830.710 Payments to Victims of Nazi Persecution
- SI 01130.610 Payments to Victims of Nazi Persecution
- SI 01130.611 German Social Insurance Payments Under ZRBG ("Ghetto Pension" Law)
- SI 01130.700 Identifying Excluded Funds That Have Been Commingled With Nonexcluded Funds
- SI 04070.010 Title XVI Administrative Finality – General Reopening Policies
- SM 01005.525 Case Related Data
- SM 01301.785 Case Related Data (CG)
- SM 01305.200 Unearned Income and Exclusions (UM)
- SI 04070.010 Title XVI Administrative Finality - General Reopening Policies

To Link to this section - Use this URL:

<http://policy.ssa.gov/poms.nsf/lnx/0500830711>

SI 00830.711 - German Social Insurance Payments Under the ZRBG ("Ghetto Pension" Law) for SSI

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