



Bet Tzedek's Advocacy Protects Impoverished Holocaust Survivors' Government Benefits

Today there are between 110,000 and 130,000 Holocaust survivors living in the United States. Tragically, up to 30% of all U.S. survivors live at or below the federal poverty level. Many survivors rely on Supplemental Security Income (SSI), Medicaid, and other government benefits to meet their basic needs, but these crucial benefits can be threatened when survivors' Holocaust compensation payments are mistakenly included in eligibility determinations, in violation of federal law.

Bet Tzedek Legal Services, a Los Angeles-based legal aid firm that advocates for Holocaust survivors, has persuaded the Social Security Administration (SSA) to protect the federal benefits of poor and elderly Holocaust survivors who receive pensions from Germany related to their imprisonment in Nazi-controlled ghettos. At Bet Tzedek's urging, SSA has modified its policy and procedures manual to clarify that under federal law, German "ghetto pensions" cannot be counted against survivors' eligibility for SSI benefits.

Public Benefits and ZRBG "Ghetto Pensions"

Thousands of low-income Holocaust survivors receive pensions from Germany for work that they performed in Nazi-controlled ghettos during World War II, under a law known by the German acronym "ZRBG." Like other Holocaust compensation payments, the ghetto pension payments should be excluded from eligibility calculations related to SSI or any other federally-funded programs based on financial need under the 1994 *Victims of Nazi Persecution Act*. Nonetheless, survivors' SSI benefits have been reduced or terminated on account of their receipt of a ghetto pension, often resulting in the erroneous collection of SSI overpayments.

Bet Tzedek determined that a lack of familiarity with the ghetto pension program, coupled with an inability to understand the German pension approval notices, had led workers at Social Security and other agencies to characterize the ghetto pension as an ordinary foreign pension. As a result, ghetto pension payments were often included in income and resource calculations, leading to erroneous reductions in survivors' government benefits.

New Instructions for Social Security Staff

Last spring, Bet Tzedek recommended changes in SSA's operating instructions for its staff. As a result of Bet Tzedek's advocacy, instructions were added to SSA's Program Operations Manual System (POMS) clarifying that ghetto pension payments may not be counted as either income or resources for purposes of SSI eligibility, and existing instructions related to the treatment of Holocaust compensation payments were updated. The new instructions include ghetto pension benefits from ordinary German retirement pensions.

The policy update comes at a crucial time for needy ghetto survivors. Under an amendment to the ZRBG program that took effect on August 1, most "ghetto pension" recipients are now entitled to new, lump-sum payments that can range from a few hundred to tens of thousands of dollars.

The new and updated instructions can be viewed on-line at:

- [SI 00830.711](http://policy.ssa.gov/poms.nsf/lnx/0500830711) – Treatment of ZRBG "Ghetto Pension" payments for SSI income - <http://policy.ssa.gov/poms.nsf/lnx/0500830711>
- [SI 01130.611](http://policy.ssa.gov/poms.nsf/lnx/0501130611) – Treatment of ZRBG "Ghetto Pension" payments for SSI resources - <http://policy.ssa.gov/poms.nsf/lnx/0501130611>

- [SI 00830.710](http://policy.ssa.gov/poms.nsf/lnx/0500830710) – Payments to Victims of Nazi Persecution for SSI income - <http://policy.ssa.gov/poms.nsf/lnx/0500830710>
- [SI 01130.610](http://policy.ssa.gov/poms.nsf/lnx/0501130610) – Payments to Victims of Nazi Persecution for SSI resources - <http://policy.ssa.gov/poms.nsf/lnx/0501130610>

Although the new instructions relate specifically to the SSI program, the procedures set forth by SSA must be followed by Medicaid programs in every state. To learn more about protecting Holocaust survivors' benefits under Medicaid, SSI, and other government benefits programs, please consult the New York Legal Assistance Group's Fact Sheet on Restitution and Federal Benefits at: <http://www.wnylc.com/health/download/506/>.

New Confirmation Letter for Ghetto Pension Recipients

In a further effort to protect survivors' federal benefits, Bet Tzedek collaborated with the German social insurance agency, the *Deutsche Rentenversicherung*, to develop a confirmation letter verifying a survivor's receipt of payments based upon his or her status as a victim of Nazi persecution. The confirmation letter will help Holocaust survivors avoid needless reductions in their government benefits on account of their receipt of a German ghetto pension, and provide helpful evidence when survivors are forced to appeal an adverse decision regarding their SSI benefits.

To obtain the confirmation letter, survivors or their advocates must contact the *Deutsche Rentenversicherung* and request a ***“ZRBG - Bestätigung für die lokalen Social Security Offices und andere US-Behörden / ZRBG - Confirmation for the District/Local Offices of the Social Security Administration and other U.S. authorities.”*** For best results, requests should be addressed to the particular German pension office that is responsible for the survivor's pension. The address can usually be found on any correspondence received from the *Deutsche Rentenversicherung*.

About Bet Tzedek

Founded in 1974, Bet Tzedek pursues equal justice for all by providing high-quality, free legal services to low-income, disabled and elderly people of all racial and religious backgrounds. One of the nation's premier public interest law firms, Bet Tzedek uses direct legal service, impact litigation, community outreach and legislative advocacy in the areas of consumer rights, employment rights, elder justice/caregiver law, Holocaust reparations, housing, human trafficking, public benefits and real estate to serve more than 20,000 people every year.

Due to its history of advocacy for Holocaust survivors, Bet Tzedek was uniquely positioned to partner with SSA and the *Deutsche Rentenversicherung* on these initiatives. Bet Tzedek litigated the landmark 1984 case of *Grunfeder v. Heckler*, in which the Ninth Circuit Court of Appeals ruled that reparations payments to survivors of the Holocaust do not constitute countable income in determining eligibility for SSI benefits. In the decades since, Bet Tzedek has continued to seek justice for Holocaust survivors, believing that no survivor should live in poverty or without the necessities of life.

Social services professionals seeking additional information may contact Bet Tzedek's Holocaust Services Program at (323) 549-5883.