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HOLOCAUST COMPENSATION PAYMENTS EFFECT ON ELIGIBILITY FOR MEDICAID, SSI & OTHER U.S. FEDERAL BENEFITS

A law passed in Congress in 1994 called the *Victims of Nazi Persecution Act of 1994* creates a special right for survivors of the Holocaust. When they apply for federally funded benefits or services that are based on financial need, the payments they have received based on their status as a victim of Nazi persecution are not counted in determining their financial eligibility for these federally funded benefits. This is an exception to the usual rule that counts *all* income and assets when determining eligibility for programs based on need. Part A of this brochure explains these rules. Part B explains how to find out how much restitution you have received over the years, in order to show how much of your savings do not count in determining your financial need.

PART A. THE RULES ABOUT DISREGARDING RESTITUTION PAYMENTS

What does the law actually say?

“Payments made to individuals because of their status as victims of Nazi persecution shall be disregarded in determining eligibility for and the amount of benefits or services to be provided under any Federal or federally assisted program which provides benefits or services based, in whole or in part, on need.”

Victims of Nazi Persecution Act of 1994. Public Law 103-286 (108 Stat. 1450) appears as a note after 42 U.S.C. § 1437a. Though statute is codified in the federal public housing law, it applies to all federally funded benefits.

The information presented herein is intended for information purposes only and solely as a general guide. The information is not intended as legal advice. It is a summary of specific issues and does not represent a definitive or complete statement of the programs and policies of the agencies mentioned. The information may not address the special needs, interests and circumstances of individual recipients. Individual situations differ and recipients are urged to seek individual advice. Individuals seeking specific information on a program are urged to contact the relevant program or to consult their social service agency or help center representative. To the best of our knowledge the information is correct as of the date of this document and this information may change subsequent to the said date. Some of the views expressed here are a matter of interpretation and may not be binding on any administrative or judicial entity. Changes in the law or its interpretation could impact the validity of the information herein. The Claims Conference and Selfhelp Community Services Inc. are not responsible for the impact on any recipient of the use of the information contained herein.

courts as requiring exemption of Holocaust reparations from being counted as income for SSI many years before Public Law 103-286 was enacted. *Grunfeder v. Heckler*, 748 F.2d 503 (9th Cir. 1984).

What are the “federally funded” programs that do not count restitution payments when they determine financial eligibility?

The exemption applies to any benefits or services provided by a program for which eligibility is based, in whole or part, on financial need, IF:

- The program is operated by the federal government, or
- The program is operated by local governments or private organizations, but receives funding from the federal government

These programs include, but are not limited to the following:

- Medical Assistance Programs (known as Medicaid, Medi-Cal)
- Supplemental Security Income (SSI)
- Food Stamps
- Federally subsidized Housing programs -- public housing, Section 8, Section 202
- Home Energy Assistance Program (HEAP)
- Weatherization Referral and Packaging Program (WRAP)(provides low-income elderly with free home energy services designed to lower their energy bills)
- Access-a-Ride – or other para-transit programs for persons with disabilities
- Emergency Assistance for Adults (EAA) (grants to SSI recipients to prevent eviction and utility shut-offs)
- Medicare Savings Programs (QMB, SLIMB, QI-1)(pays Medicare Part B premium and sometimes other Medicare co-insurance)
- Meals on Wheels
- Veteran’s pensions based on need
- Temporary Assistance for Needy Families (TANF)(cash assistance for adults taking care of children or grandchildren, if adult not eligible for SSI)

What about programs funded only by my state, with no federal money? Are my reparations exempt for these programs?

The federal law applies only to federally-funded programs. Your state legislature may have enacted its own law that excludes reparations. You will need to check with your state agencies or with an organization that assists Nazi victims to find out which of your state’s programs do not count reparations.

In New York:, the following programs expressly exempt “... payments made to individuals because of their status as victims of Nazi persecution, as defined in P.L. 103-286...” or the federal *Victims of Nazi Persecution Act of 1994*, discussed above.

1. Senior Citizens & Disability Rent Increase Exemptions (SCRIE and DRIE) -- N. Y. Real Property Tax Law § 467-b(1)(c);
2. Real Property Tax Circuit Breaker Credit -- NYS Tax Law § 606(e)(1)(C);
3. EPIC (prescription drugs for people 65+) -- N. Y. Elder Law § 241(3)
4. Any program provided under the authority of the Social Services Law. SSL § 1, 131-n. Apart from programs exempt under federal law described above, this includes, for example:
 - a. Safety net assistance (formerly known as “Home Relief”) and Safety Net Medicaid
 - b. Homeless housing and assistance

c. Family Health Plus

Which payments are exempt (i.e., are not counted)?

Payments made to individuals because of their status as victims of Nazi persecution are exempt (are not counted). A victim of Nazi persecution may be a person who lived in, or fled from, a country that was under Nazi rule, Nazi occupation or the direct influence or control of the Nazis. As long as being a Nazi victim is *one* of the reasons for the payment to this individual, the payment qualifies for this exemption.

Payments that are exempt generally include payments listed at this link:

http://forms.claimscon.org/comp_guide/comp_guide.php

If you do not have access to the internet and wish to know if the payments you have received or continue to receive are exempt, please contact your local Social Service Agency, Help Center Representative or the Claims Conference Department of Services, 1359 Broadway, Room 2000, New York, N.Y. 10018; Tel. 646-536-9100; Email: info@claimscon.org.

Some reparation payments require special proof that they qualify for the exemption, in other words, that they should not be counted. For example, under the Supplemental Security Income (SSI) program, only certain Austrian Social Insurance Payments are exempt. Payments which were based, in whole or in part, on wage credits granted under Paragraphs 500-506 of the Austrian General Social Insurance Act are exempt. These paragraphs grant credits to individuals who suffered a loss (i.e., were imprisoned, unemployed, or forced to flee Austria) during the period of March 1933 to May 1945 for political, religious, or ethnic reasons. Not all Austrian social insurance payments are based on Paragraphs 500-506. You can tell if your Austrian pension is exempt by looking at the original award notice.

Some notices contain information about wage credits granted under Paragraphs 500-506 of the Austrian General Social Insurance Act. The notices are written in German, and anywhere in the notice, the following language **may** appear:

DIE BEGÜNSTIGUNGSVORSCHRIFTEN FUER GESCHAEDIGTE AUS POLITISCHEN ODER RELIGIOESEN GRUENDEN ODER AUS GRUENDEN DER ABSTAMMUNG WURDEN ANGEWENDET (§500FF ASVG);

TRANSLATION: “The regulations which give preferential treatment for persons who suffered because of political or religious reasons or reasons of origin were applied (§500ff ASVG) *see* <http://policy.ssa.gov/poms.nsf/lnx/0500830715>

If you don't have your original award notice, you can obtain a copy by writing to:

Pensionsversicherungsanstalt, Friedrich-Hillegeist-Str 1, A-1021 Vienna, Austria, Tel.: 43-503-03; Fax: 43-503-03-288-50; Email: pva@pva.sozvers.at; Website: www.sozvers.at. For general information on Austrian Social Security online: <http://www.sozvers.at>

Must the payment be received from a European government or the Claims Conference to be exempt?

No. The federal law does not specify that the grant must be given by a European government or by the Claims Conference. Therefore, a grant from a non-profit organization that is based on an individual's status as a Nazi victim is exempt. For example, The Blue Card, Inc. at <http://bluecard.org/> is a non-profit private organization that gives grants to needy survivors. These payments are exempt when given to an individual

because of his or her status as a victim of Nazi persecution. Similarly, payment by a private corporation as a result of a lawsuit brought for compensation for property stolen during the Nazi occupation would be exempt.

What does it mean that restitution payments are “exempt” from being counted for my eligibility for a federally funded program?

Most programs that are based on financial need look at two different factors -- “income” and “resources” that are discussed in detail below. If the applicant is married, the income and resources of the spouse are generally counted as well. Programs vary about whether they count income and resources of other persons in the same household, such as children or extended family.

1. **“Income”** is usually defined as any payment received by the individual, and sometimes by his or her spouse or family. Income may be a payment that is recurring (such as Social Security), or a one-time payment (such as a lawsuit settlement). The payment may be from earnings from work, or “unearned” income such as a pension, Social Security, or interest from a bank account. All programs based on financial need set a limit on the amount of income you (and usually your spouse) may receive to be eligible for the program.

A payment from any of the restitution programs or lawsuits would normally be considered “income” in the month you receive it. Because of the special exemption, however, restitution payments received by you or your spouse are *not* counted as “income” in the month you receive it.

EXAMPLE: In your state, the limit on monthly income a single person may have to be eligible for Medicaid is \$650 each month. Your Social Security is \$650 each month. You also receive a BEG payment (“*Wiedergutmachung*”) from the German government each month of \$300. You are eligible for Medicaid because the BEG payment is “exempt” or disregarded from your countable income. Your Social Security is counted but is within the allowed monthly limit of \$650. You are eligible, assuming your resources or assets are within the permitted limits. See next section.

2. **“Resources”** are property you own, including cash, savings, stocks, bonds, IRAs, pensions, your home or other real property, etc. If you do not spend all of your income received in one month, the unspent amount becomes a “resource” in the following month, added to savings that you already had.

Every federally assisted program based on need sets different limits on the types and amount of resources or assets you may have and still be eligible for the program. Every federal program has different rules for determining which of these assets are counted, and which are excluded. However, they all have one thing in common - they all exempt assets that are composed of restitution payments you have received in the past.

EXAMPLE: You have received BEG (“*Wiedergutmachung*”) checks from the German government for thirty years, and the total amount of all these checks has been \$100,000. (To find out how much you have received over the years, see below). You have a savings account with a total balance of \$100,000. Since this is the same amount that you have received in restitution, this entire account is exempt and disregarded from your countable assets. Your other assets consist solely of a separate bank account with \$3000. If your state’s Medicaid program has an asset limit of \$3000, you should be eligible for Medicaid even with the \$100,000 account.

My saved restitution payments have earned interest or dividends -- is the interest and dividends also disregarded?

The answer depends on whether we are discussing interest accrued in the past, *before* you ever applied for Medicaid or SSI, or whether the interest is earned currently, *after* you have applied for Medicaid or SSI. We will discuss these issues separately.

IMPORTANT -- If the Medicaid recipient is institutionalized in a nursing home, as opposed to living in the community (which includes assisted living), the interest *does* count as income. The following pertains only to people applying for or receiving Medicaid in the community, including for home care or assisted living.

1. Interest earned *before* you applied for Medicaid or SSI

Let's say you have saved your restitution payments in an account that has earned interest, and you have never withdrawn any money from the account. You now want to apply for Medicaid, SSI or another federally funded program. If the total balance of the restitution account, with interest, is below the total amount in restitution you received over the years, the entire account is exempt or disregarded.

EXAMPLE 1 You received \$100,000 in restitution since the 1960's, but did not save it all. Your restitution account now with interest has a balance of \$80,000. Even though some of this account is from interest, the total account is exempt. You do not have to withdraw any interest accrued.

EXAMPLE 2 You received \$100,000 in restitution and saved it all, so that now, with interest, the restitution account has \$150,000. You must withdraw \$50,000 from the account, so that the amount remaining in the restitution account is the total actual amount of restitution payments you received - \$100,000. In other words, you will have to withdraw all interest earned on the account over the years. To learn how to determine the amount of restitution you received over the years, see Part B below.

CAUTION: *In the second example above, when you withdraw interest on your reparations payments, or separate your reparations from your other savings, you may find that you have a considerable amount of savings that are NOT exempt. For example, you may have received \$100,000 in reparations over the years, but your savings are \$150,000. You will not be eligible for most federal programs based on need if you have substantial non-exempt savings. Each program has different rules about whether you are allowed to transfer the excess resources to a family member, friend, or trust in order to qualify for the program. These rules are complicated. You should consult an elder law attorney or other professional with expertise in the program you are interested in to learn these rules and how they apply to you.*

2. Is new interest earned counted as income or a resource?

Federal programs vary as to whether or not they count as "income" the interest earned on saved reparation payments. In July 2004, a significant change occurred for the SSI program, which also affects Medicaid. Prior to July 1, 2004, interest earned on unspent payments to victims of Nazi persecution was *not* excluded as income for SSI. For SSI benefits payable *on or after* July 1, 2004, interest earned on unspent payments to victims of Nazi persecution is *excluded* from income.¹ Medicaid rules may not be more restrictive than SSI

¹ See Social Security Administration Program Operations Manual System (POMS) section SI 00830.710 at <http://policy.ssa.gov/poms.nsf/lnx/0500830710> and SI 00830.500C. These rules implement section 430 of the

rules.² Therefore, these new SSI rules help Medicaid recipients too. Since July 1, 2004, interest on reparations accounts may no longer be counted as income by any Medicaid programs in the U.S.

CAUTION: Though interest earned on saved reparations does not count as “income” for SSI and Medicaid, if the interest is saved beyond the month it is earned, then it counts as a “resource.” (See explanation of the difference between “income” and “resources” above at pp. 3-4).

EXAMPLE: You have saved \$60,000 in restitution payments. That amount is now in a savings account earning 2.0 percent interest, or \$1200 per year or \$100 per month.

- **INCOME:** Beginning July 1, 2004, the \$100 earned each month does not count as income. For an SSI recipient, this means that your monthly SSI check will not be reduced because you receive this income. For a Medicaid recipient, this means that the \$100/month will not be counted as income, so will not increase your “excess income” or monthly spend-down amount.
- **RESOURCES:** Let’s assume that you let the \$100 earned each month stay in the restitution account after the month in which it is received. The balance of the account increases gradually, even without adding more restitution. While the original \$60,000 of reparations does not count as a “resource,” the added interest now becomes a “resource” and is countable toward the resource limit of your federal program. For SSI, for example, the resource limit for a single person is \$2000. If you receive SSI, and if you have a separate regular savings account, the amount in your regular savings account PLUS the amount of interest earned on your restitution may not exceed \$2000. (In the New York Medicaid program, the resource limit for a single individual in 2008 is \$13,050).
- *Do you have to withdraw the interest earned each month from the restitution account, so it does not become a “resource”?* Under SSI rules, you should not be required to withdraw the interest or keep it separately from the reparations. This assertion is based on a provision in the Social Security Manual (called the POMS) that says, “Identifiability does not require that excluded funds be kept physically apart from other funds (e.g., in a separate bank account).” SSA POMS SI 01130.700. See link at n 1 below. However, the interest you save after the month it is earned becomes part of your *countable non-exempt* savings. You should keep track of the interest and make sure that the amount of total interest earned, when added to your other countable savings accounts, does not exceed the resource limit for your program. You may need to withdraw and spend some of the interest on the reparations from time to time, to keep your total *countable* savings under the allowable limits for the program.

Do I have to keep the restitution in a separate account in order to have it disregarded?

The rules for each federal program may be different, but most require that the restitution payments be “identifiable” from your other assets. The regulations for SSI, for example, state:

Social Security Protection Act of 2004, Public Law 108-203 [H.R. 743], signed Mar. 02, 2004, amending 42 U.S.C. § 1382a(b)(21) - (23).

² The methodologies for assessing income and resources of the medically needy for Medicaid must be no more restrictive than those used in the most closely related cash assistance program, which in this case is SSI. 42 U.S.C. § 1396a(a)(10)(C)(i)(III); 42 C.F.R. §§ 435.831(b), 435.845, 435.601.

“In order for . . . [restitution payments] to be excluded from resources, such funds must be segregated and not commingled with other countable resources so that the excludable funds are identifiable.”³

The SSI rules generally apply to Medicaid. *See* n 2 above. The exact meaning of the rule quoted above is open to interpretation. One view is that a separate restitution account is not required, as long as you can identify the portion of your account that was deposited from restitution payments.⁴ However, another view is that a separate account is necessary. Therefore, it is recommended that you keep restitution payments in a separate account (or accounts) in which you do not deposit funds from any other source. Your restitution payments may be in any type of account, such as a savings account, CD, stocks, or bonds. You may have more than one restitution account, such as both a savings account and a CD. What matters is that these accounts do not contain funds from other sources of income -- Social Security, work earnings, etc. Also, keep in mind that interest generated by the account is not exempt. *See* above

What if I have always combined my savings from restitution payments in the same bank account, CD, or stocks along with my other savings, and did not keep it in a separate account?

It is alright if your savings from restitution were combined with your other savings in the past. However, if you now want to apply for a federally assisted benefit, you must *now* put your savings from restitution payments into a separate account or accounts. Of course you can never know which dollars in your savings account were from restitution, and which you saved from your job or business. This does not matter. In a recent administrative hearing decision, the New York State Department of Health held that the Medicaid recipient’s restitution accounts were exempt, even if funds deposited in those accounts had been commingled with other sources.⁵ The hearing decision cites SSA POMS SI 01130.700, quoted above, in support of its holding. The critical factor was the total amount historically received – not the actual source of each dollar. If the amount you received in restitution over the past years is now put into a separate “restitution” account or accounts – a CD, bank account, etc., it should be considered exempt. *See* below for how to figure out that total amount.

Do I need to set up a “Restitution Trust” to hold my restitution payments?

No. As long as your restitution payments are in identifiable accounts, separate from your other savings and income, you do not have to put your restitution savings into a trust fund in order to ensure that they are exempt from being counted for eligibility for Medicaid, SSI and other federal benefits based on need. Trust funds, including restitution trusts, are estate planning tools that may have other benefits for you. You might decide to set up a trust for reasons other than qualifying for federal benefits, such as estate planning. You should consult an experienced elder law attorney about whether a trust may be beneficial for you. Consult the National Academy of Elder Law Attorneys (National Academy of Elder Law Attorneys, Inc., 1604 North Country Club Rd, Tucson, Arizona 85716 - 520/881-4005 fax 520/325-7925; www.naela.org) for referrals. However, you do not have to set up a trust to qualify for Medicaid or other federally assisted programs, without being required to spend your saved reparations payments.

³ 20 CFR §416.1236(a)(18) and (b) at http://www.ssa.gov/OP_Home/cfr20/416/416-1236.htm.

⁴ Support for this view is in the Social Security POMS Manual section SI 01130.700 which states, “Identifiability does not require that excluded funds be kept physically apart from other funds (e.g., in a separate bank account).” <http://policy.ssa.gov/poms.nsf/lnx/0501130700>

⁵ Fair hearing Number 4433606Z, In Re Eric G, dated Sept. 19, 2007 (amended decision); Decision is posted in Online Resource Center Fair Hearing database at www.wnylc.net. Registration is required, but is free.

Can Medicaid take restitution funds left in my Estate after I die?

Generally, local Medicaid agencies must make claims against the Estates of Medicaid recipients after they die for the cost of Medicaid services that were provided after the age of 55. However, the State Medicaid Manual published by the federal Center for Medicare and Medicaid Services (CMS) states, "Government reparation payments to special populations are exempt from estate recovery." Sec. 3810.A.8.

<http://www.cms.hhs.gov/manuals/pub45pdf/sm3800.pdf> (page 3-9-6). In 2002, New York State clarified that the government will not pursue any recovery of government reparations payments from the estates of Medicaid recipients after they die. NYS Dep't of Health, "Medicaid Liens and Recoveries," Administrative Directive No. 02 OMM/ADM-3 p. 10,

http://www.health.state.ny.us/health_care/medicaid/publications/docs/adm/02adm-3.pdf.

In states other than New York, the federal manual should bar any Estate recovery from reparations.

Mr. S, a survivor, died having received Holocaust reparations for many years. His widow, who is not a Nazi victim, applies for Medicaid. Are his reparations that have been placed in a reparations account exempt for *her* Medicaid eligibility?

We know of no court or hearing decision, or any policy directive, that expressly answers this question. Our view is that the reparations should be exempt with respect to the widow's eligibility. The language of the federal law is: "Payments made to individuals because of their status as victims of Nazi persecution shall be disregarded in determining eligibility for and the amount of benefits ..." in a federal program. See p. 1. In the example, the payments were made to Mr. S as an individual based on his status as a Nazi victim. The law plainly states that these reparations "shall be disregarded in determining eligibility..." It does not say whose eligibility – it does not limit it to the eligibility of the Nazi victim. If Congress had wanted to limit it in that way, it certainly could have easily drafted that limitation.



New York State hosts a website launched by The Empire Justice Center, The Legal Aid Society and Selfhelp Community Services, Inc. of New York that includes information on the protection of Nazi Victim payments from taxation and means-tested spend-downs under United States Federal laws. The website is designed for health advocates, caregivers and consumers of New York State, but the Holocaust compensation/restitution discussion applies to all U.S. states. For the site, go to <http://nyhealthaccess.org> or <http://wnylc.com/health>. For the information on Nazi Victim payments, go to <http://wnylc.com/health/entry/65>.

PART B HOW TO FIND OUT HOW MUCH RESTITUTION YOU HAVE RECEIVED OVER THE YEARS

There are two steps to determining how much you have received in restitution payments.

1. OBTAIN PAYMENT HISTORY FROM SOURCE OF PAYMENTS.

You will need to write to the government agency in Europe that has issued your payments, and request a payment history. Include your name, address, date of birth, and case reference number. This number should be on correspondence you receive each year about your payment – such as the certificate of life, etc.

It can be difficult to know where to write. The following examples are merely some of the main sources. *If you are unsure where to write, contact the agency (or bank) that is issuing your payments.*

A. BEG (“Wiedergutmachung”)

The BEG payments are issued by various banks in Germany. If you receive your payments directly, the check stub should state the name and address of the bank. If your payments are directly deposited in your own bank account, you may need to ask your bank for the name and address of the European bank that issues your checks. It is best to contact the emitting governmental compensation office. For a list of the main German government BEG offices see Appendix A of this document.

B. GERMAN SOCIAL SECURITY “GHETTO PENSION”

Write to the address on the payment stubs or correspondence you receive. If you are not sure, write to any one of the following offices.

Postal Address:

DRV-Bund/Deutsche Rentenversicherung Bund
10704 Berlin

General Contact Information:

For ZRBG Ghetto Pension questions: +49/(0)30-20247780)

Telephone calls answered in English, Polish and Russian

Switchboard: +49/(0)30/ 865-0

Fax: +49/(0)30/ 865 27240

E-Mail: drv@drv-bund.de

Major Regional Offices:

DRV Rheinland

Tel. 08000-100048013 (Domestic Calls)

Tel. + 49 (0)211-937-0 (From abroad) (Competent authority especially for persons residing in Belgium, Chile and Israel)

DRV Nord

Tel. + 49 (0)40-5300-0 Competent authority especially for persons residing in Denmark, Estonia, Finland, Great Britain, Canada, Latvia, Lithuania, Norway, Sweden and the USA

C. GERMAN "GHETTO FUND" (One-time payment of Euro 2000)

Contact the following address for a written confirmation of payment received through this program.

Bundesamt für zentrale Dienste und offene Vermögensfragen - BADV
(Federal Office for Central Services and Unresolved Property Issues)
53221 Bonn. Full details can be obtained at the phone number +49 (0) 22899 7030 1324.
There is also a dedicated hotline number, but please note this helpline is not toll-free for international callers: 01-888 7030 1324
E-mail: ghettoarbeit@badv.bund.de

D. Netherlands WUV Payments

Write to:

Consulate General of the Netherlands
Attn: WUV Department
3460 Wilshire Blvd. Suite 509
Los Angeles, CA 90010-2270
(213) 480-1471 (9:00 - 12:30 Pacific Time)

E. Claims Conference Article 2 Fund; Hardship Fund, Program for Former Slave and Forced Laborers; etc.

To obtain the history of payments you received from funds administered by the Claims Conference, contact the Claims Conference Department of Services, 1359 Broadway, Room 2000, New York, N.Y. 10018; Tel: 646-536-9100; E-mail: info@claimscon.org

2. CONVERT FROM DEUTSCHMARKS OR OTHER EUROPEAN CURRENCY TO DOLLARS

The statement you will receive from Austria or Germany (or other governments or agencies) will generally not list a total dollar amount you have received. Instead, it will list a series of time periods, such as:

01/01/1985 to 01/06/1985. This is January 1, 1985 to June 1, 1985.

(Note that the European date format is in a different order than the format used in the U.S. It lists the *day* first, then the month and year.) The statement will say the amount of DM (deutschmarks, in the case of German payments) or, for recent years, the amount of Euros you received in each month during the specified time period.

The next step is to convert this amount to dollars. You can obtain conversion rates on the Internet at sites such as www.oanda.com. The conversion rates change daily. For this reason, even though the amount of DM may have remained the same for the whole year and throughout many years, the amount of each monthly payment changes when converted to dollars.

Here is an example for someone who received monthly payments of 1,192.00 DM from January through June in 1985. The dollar equivalent ranged from \$355.10 to \$388.12 during that period.

Payment Date	Conversion rate	DM	Dollars
1/1/1985	0.3172	1,192.00	\$ 378.10
2/1/1985	0.3157	1,192.00	\$ 376.31
3/1/1985	0.2979	1,192.00	\$ 355.10
4/1/1985	0.3223	1,192.00	\$ 384.18
5/1/1985	0.3185	1,192.00	\$ 379.65
6/1/1985	0.3256	1,192.00	\$ 388.12
TOTAL			\$ 1,526.71

An online conversion rate table (from Deutschmarks and Euros to Dollars) going back to 1952 is available on the Claims Conference’s website at http://www.claimscon.org/worksheet/reparation_worksheet.xls. The worksheet will execute the conversion from Deutschmarks or Euros to dollars for you. After entering the DM or Euro amounts in the appropriate boxes, simply tab to the “dollar” box and the dollar amount will automatically appear.

When you have converted all the Deutschmarks, Euros or other European currency, add up the amounts from all time periods. The total amount is the amount that is exempt or disregarded for eligibility for Medicaid, SSI, and other federal benefits. In the example above, for the period from January 1, 1985 - June 1, 1985, the total amount received was \$1526.71. If this was all the compensation payments you received, this is the amount that is exempt or disregarded. Before you apply for Medicaid or another federal benefit:

1. Establish a separate account with the total amount of restitution received (in the above example, the total is \$1526.71). You may not need to open a new account – if you have a savings account now, you can withdraw an amount from that account to bring the total balance down to the total amount of restitution received (in the above example, this is \$1526.71). You may now designate this account as your “restitution account.” Deposit the money you withdrew from this account into another account for your other savings.

CAUTION: *When you withdraw interest on your reparations payments, or separate your reparations from your savings from other sources, you may find that you have a considerable amount of savings that are NOT exempt. For example, you may have received \$100,000 in reparations over the years, but your savings are \$150,000. You will not be eligible for most federal programs based on need if you have substantial non-exempt savings. Each program has different rules about whether you are allowed to transfer the excess resources to a family member, friend, or trust in order to qualify for the program. These rules are complicated. You should consult an elder law attorney or other professional with expertise in the program you are interested in to learn these rules and how they apply to you.*

2. If your restitution payments are now directly deposited into a different account, you may want to request that they now be deposited directly into your “restitution account.” Don’t forget you may have more than one restitution account. You might have a checking account, in which your restitution is directly deposited, and from which you write checks, and a separate

restitution account for savings. Don't forget you may have to withdraw interest earned on saved restitution payments - see above.

3. When you apply for Medicaid, SSI, or any other federal benefit, you need to submit documentation showing that these funds are exempt. This includes:
 - a. The payment history that you obtained from Germany, the Claims Conference, or elsewhere,
 - b. A document showing how you converted the European currency to dollars and how you arrived at the total amount (such as the spreadsheet you can download on this site), and
 - c. A copy of the restitution account bankbook or statements.

APPENDIX A

MAIN "BEG" OFFICES OF THE GERMAN GOVERNMENT

Refer to correspondence and/or checks that you have received from the BEG offices to determine which of the offices below handles your payments. Alternatively, your local German Consulate should be able to assist you further.

Amt fuer Wiedergutmachung

Heckingstr. 31
54439 Saarburg/Germany
Tel: +49-6581-921-0
Fax: +49-6581-921-150
E-mail: poststelle@afw.rlp.de
www.afw-saarburg.de (English website)

Oberfinanzdirektion Munchen

Landesentschaedigungsamt
Prinz-Ludwig-Str. 5
80333 Muenchen/Germany
Tel: +49-89-219001
Fax: +49-89-2190-1068

Ministerium fuer Soziales, Gesundheit Familie, Jugend und Senioren des Landes Schleswig-Holstein

-Entschaedigungsbehorde
Postfach 1121
24100 Kiel/Germany
Tel: +49-431-988-0
Fax: +49-431-988-5674

Freie und Hansesstadt Hamburg Behoerde fuer Soziales und Familie

-Amt fuer Wiedergutmachung
Adolf-Schoenfelder-Str 5
22083 Hamburg/Germany
Tel: +49-40-42863-7225
Fax: +49-40-42796-1305

Bezirksregierung Duesseldorf

Abt Wiedergutmachung-
Dezernat 10, Cecilenallee 2
40477 Duesseldorf/Germany
Tel: +49-211-475-3080
Fax: +49-211-475-3979
E-mail: bzk@brd.nrw.de

The Federal Finance Office (West) can provide information on all questions relating to compensation for Nazi persecution.

Bundesfinanzdirektion West

Arbeitsbereich RF 42 C
Zentrale Auskunftsstelle zur Wiedergutmachung
Nationalsozialistischen Unrechts
Woerthstrasse 1-3
50668 Cologne, Germany
Tel: +49-221-2225-50

Landesamt fuer Soziales, Gesundheit und Verbraucherschutz- Wiedergutmachung

Postfach 103252
66032 Saarbruecken/Germany
Tel: +49-681-99780
Fax: +49-681-9978-2299

Landesamt fuer Besoldung und Versorgung

Baden-Wuerttemberg
-Wiedergutmachungsstelle-
70730 Fellbach/Germany
Tel: +49-711-3426-0
Fax: +49-711-3426-2002
E-mail: Poststelle@lbv.bwl.de

Niedersaechsisches Landesamt fuer Bezuege und Versorgung

Dezernat 12 - Wiedergutmachung
30149 Hannover/Germany
Tel: +49-511-925-0
Fax: +49-511-925-2633
E-mail: Poststelle@nlbv.niedersachsen.de

Regierungspraesidium Darmstadt -Entschaedigungsbehorde

Postfach 4809
65038 Wiesbaden/Germany
Tel: +49-611-3220-73
Fax: +49-611-3220-55

- Senator fuer Arbeit, Frauen, Gesundheit, Jugend und Soziales

-Landesamt fuer Wiedergutmachung
Doventorscontrescarpe 172 Block D
28195 Bremen/Germany
Tel: +49-421-361-5235
Fax: +49-421-361-5161

Landesverwaltungsamt Berlin

Abt. 1 - Entschaedigungsbehoerde-
Fehrbelliner Platz 1
10702 Berlin/ Germany
Tel: +49-30-9012-0
Fax: +49-30-9012-4001

HOLOCAUST COMPENSATION PAYMENTS EFFECT ON ELIGIBILITY FOR MEDICAID, SSI & OTHER U.S. FEDERAL BENEFITS

This pamphlet was prepared by Selfhelp Community Services, Inc. in New York and is being distributed by the Conference on Jewish Material Claims Against Germany, Inc. (Claims Conference) as a service to the Holocaust Survivor Community in the United States.

Since 1936, Selfhelp Community Services has pursued its mission of providing a wide range of home and community based services to Survivors of Nazi persecution. Today, Selfhelp cares for a greater number of Holocaust survivors than any organization of its kind in North America.



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