

Information on Victims of the Occupation Period – Compensation to Surviving Dependants

The purpose of this leaflet is to provide information to spouses and other surviving dependants who have survived persons receiving a national award and/or a monthly benefit under the Act on Compensation for Victims of the Occupation Period.

As a surviving dependant you may take over the national award and receive a monthly benefit yourself. As a cohabiting partner you may also be able to receive a benefit and a national award.

This leaflet describes the requirements for receiving a national award and a monthly benefit.

Yours sincerely,

Labour Market Insurance
(Arbejdsmarkedets Erhvervssikring)

Reporting the death

The first thing to do is to report the death to Labour Market Insurance (Arbejdsmarkedets Erhvervssikring), who administers the Act on Compensation for Victims of the Occupation Period.

It is important for Labour Market Insurance to receive information of the death as soon as possible so that any monthly payments to the deceased may be stopped in time. If this does not happen, we will demand pay back of the benefits wrongly disbursed.

Funeral grant

There is entitlement to a funeral grant when the original recipient dies. There is **no** entitlement to a funeral grant when the surviving widow(er) or cohabiting partner dies.

The funeral grant is disbursed to the surviving dependant as soon as possible. The amount is paid into his/her NemKonto/Easy Account. If there is a cohabiting partner, the amount will be disbursed to the person to whom, according to the probate court (skifteretten), the estate has been referred.

If we are notified of the death so late that the next monthly benefit has already been paid into the account of the deceased, the amount will be deducted from the funeral grant and the remaining amount will be paid into the NemKonto/Easy Account of the surviving dependant. If the benefit exceeds the amount of the funeral grant, we ask for pay back of the balance into the bank account of Labour Market Insurance.

The funeral grant is adjusted on an annual basis. See our website for the current rate.

The course of the case

As soon as possible, after we receive notification of the death and the surviving dependant's date of birth or Danish CPR number, he or she is registered in our claims management system.

We inform our book-keeping department that the recipient has died. Our book-keeping department then stops the monthly payments. In this connection it is important to note that all monthly benefits are paid out in advance. If too much has been paid out, the benefit will have to be paid back.

At the same time the surviving dependant will receive our first letter, in which we ask for the survivor's consent that we may gather additional information for the processing of the case. We also ask for a copy of the marriage certificate, if any.

Once we have received consent, we request and obtain the death certificate. We need this information in order to assess whether the death was caused by other circumstances than those of the occupation period.

If the Danish National Archives (Rigsarkivet) has registered information which indicates a nationally disgraceful behaviour, we will inform the surviving dependant, after a concrete assessment, of whether there is entitlement to payment of benefits under the Act.

Compensation as a monthly benefit

Surviving **spouses** are entitled to a monthly benefit equivalent to 50 per cent of the annual earned income of the deceased if the deceased was entitled to a monthly benefit and if three requirements are met –

1. The widow(er) and the deceased were married and had been married for at least 5 years
2. The widow(er) did not exhibit “nationally disgraceful behaviour” during the occupation period, for instance collaboration with the occupying power
3. The cause of death can be referred to the circumstances of the occupation period

The monthly benefit is payable for life. But if the survivor remarries, the benefit may lapse. If the new marriage is terminated, the benefit may become payable again if the survivor contacts us.

Other survivors may be entitled to benefits under the Act. Here it is necessary for the survivor to send us more information, for instance documentation of his or her financial support/situation, and that there has been a cohabiting relationship for at least 5 years.

How the monthly benefit is calculated

In the Act, the monthly benefit is defined as a pension ("rente"). The monthly benefit is adjusted on 1st April each year and follows the income adjustment applicable to government employees.

See our website for the current maximum monthly benefit which is it is possible to pay out.

The monthly benefit is income adjusted in relation to the size of other earnings of the surviving widow(er) or cohabiting partner. The monthly benefit, added to the survivor's other income, is allowed to amount to a maximum equivalent to the double maximum benefit.

If the survivor's monthly benefit, added to the survivor's other earnings on an annual basis, exceeds a certain maximum, the monthly benefit will be index adjusted so that the total annual earnings do not exceed the maximum amount. See our website for the current rate for the maximum amount.

Labour Market Insurance must, by way of a form which we send out together with the recognition of the widow(er)'s claim, be notified of other earnings on which the calculation is based. The income form must be completed with information on expected future earnings and returned to us.

The first 2 years after the benefit is granted the benefit will be income adjusted on the basis of the earnings stated in the form.

After the first 2 years' payments, against the background of earnings information gathered for 2 years back, the compensation payments are forward adjusted on 1st April each year.

For instance, the benefit will be income adjusted from 1st April 2016 on the basis of earnings in the annual statement for 2014. If the other earnings in 2014, added to the compensation for 2016, are higher than the maximum amount for compensation and other earnings in 2016, then the monthly benefit will be reduced with effect from 1st April 2016.

National award

The national award is exempt from tax and is disbursed quarterly by Udbetaling Danmark. The national award is payable for life and does not lapse if the survivor remarries.

Under the Act, surviving widow(er)s and cohabiting partners will be able to take over the national award if three requirements are met –

1. The survivor and the deceased were married for at least 5 years, or the cohabiting partner lived with and was partly or fully supported by the deceased for at least 5 years
2. The survivor did not exhibit “nationally disgraceful behaviour” during the occupation period, for instance collaboration with the occupying power
3. The cause of death can be referred to the circumstances of the occupation period

If the deceased only received a national award, the award will be transferred to the survivor, provided the above conditions are met.

The surviving dependant may also apply for compensation in the form of a monthly benefit, even if the deceased did not receive such a benefit.

Power of attorney

If you want someone else to help you with the case, there is a choice between two types of power of attorney. One grants full access to act in connection with the whole case and another grants limited power of attorney with regard to a specific task.

It is possible to revoke the power of attorney any time.

Access to documents

It is possible under the Act to apply for access to documents. In principle you may opt to get full access to your own case with regard to information about yourself. Relatives or others need a valid power of attorney in order to be granted access to documents.

Statements – 4th May colleges

Children and grandchildren of a person who was originally recognised under the Act may obtain a statement from Labour Market Insurance for the purposes of applying for student accommodation in a 4th May college.

How to complain

It is always possible to complain of our decisions to the National Social Appeals Board (Ankestyrelsen). This must happen within 4 weeks from receipt of the decision letter. If you live in another European country than Denmark, the time limit for complaints is 6 weeks. If you live outside Europe, the time limit is 3 months.

General information

Unlawfully received compensation payments and national awards must be paid back. Persons who, during the German occupation of Denmark, behaved in a way that was nationally disgraceful, are excluded from any benefits under the Act. This includes surviving dependants.

More information

See our website www.aes.dk and read more about the various subjects relevant for this Act as well as the current rates.

Please feel free to contact us if you have any questions or need more information about possibilities, rights and obligations under the Act. Our address is Arbejdsmarkedets Erhvervssikring, Sankt Kjelds Plads 11, DK-2100 Copenhagen. Tel.: +45 72 20 60 00, email: aes@aes.dk. Our opening hours are Mondays 9-15 and Tuesdays to Fridays 9-12.