

## Deductions from Invalidation Pensions – A Legal Provision but no Administrative Scandal

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On May 16, 2006 the 4th Senate of the Federal Social Court (“Bundessozialgericht – BSG”) decided about the legitimacy of deductions from invalidity pensions according to section 77 of the Social Code VI (“6. Buch des Sozialgesetzbuches - SGB VI”), see NJW 2007, page 2139. In a reply to a critical statement of Ruland (see NJW 2007, page 2086), the chairman of the 4th Senate of the Federal Social Court described the deductions as an “unwarranted administrative interference into the pension” (“unbefugte Verwaltungseingriffe in das Renteneigentum”) exerted by the pension insurance institutes, see Meyer, NJW 2007, page 3682. With recognition for the fact that the chairman of a Senate strives to justify his decision – the criticized ruling and the replica of Meyer exceed the limit of a justifiable opinion.

The following references to the legal situation circumstantiate that this must be accepted as true. Furthermore, they illustrate the “explosiveness” of the topic.

In this context, it should be mentioned that the 5th Senate of the Federal Social Court that succeeded the 4th Senate in its responsibility for pension law has meanwhile decided to abandon the legal practice of the 4th Senate (see judgement of January 29, 2008, file numbers B 5a/5 R 32/07 R, B 5a/5 R 88/07 R and B 5a/5 R 98/07 R) and asked the 13th Senate (which is responsible for pension law as well) whether it wants to adhere to the former jurisdiction of the 4th Senate.