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Social Security Administration clarifies eligibility rules for needs-based federal programs.

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Story Includes Video:

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The son of Holocaust survivors living in his deceased parents' Washington Heights apartment had his monthly Supplemental Security Income (SSI) payment reinstated last month after a new federal directive excludes inherited Nazi reparation payments in determining SSI eligibility.

The directive, published by the Social Security Administration Dec. 16 as an "emergency message," is designed to clarify who can benefit from the Victim of Nazi Persecution Act of 1994. That law provides that any payments made to victims of Nazi persecution must be disregarded in determining eligibility for and the amount of benefits provided under any needs-based federal program. Those programs include SSI, Medicaid and Food Stamps. But until this directive, it was unclear whether the law applied to those who inherited the payments.

"The statute's lack of clarity on this issue had been recently used by the Social Security Administration to deny the continuing beneficial treatment of inherited restitution benefits to a child of Holocaust survivors," according to attorney Michael Lissner of Manhattan, whose practice focuses on representing Holocaust survivors and is himself a child of survivors.

The man, whom Lissner did not identify, had been receiving \$264 a month until the government learned he had inherited \$35,000 his mother had received in Nazi reparations.

Lissner said he and his law partner, his wife, Barbara Urbach Lissner, sued to reverse that determination. The administrative law judge who heard the case, Jerome Hornblasse, ruled in their favor. But while the matter was on appeal, they along with other lawyers dealing with Holocaust-related matters, including Sam Dubbin of Miami, met with top Social Security administrators and convinced them that the judge was correct.

Lissner stressed that the directive applies only to needy heirs of Holocaust victims who have inherited identifiable Nazi reparations. Those reparations are no longer to be included as either available income or resources in determining eligibility for federally funded needs based

programs. Lissner said he did not know how many people this directive would affect.

In a statement, Dubbin said it was “noteworthy that the government was willing to correct an erroneous position that had been in place for over 20 years.”

Elihu Kover, vice president of Nazi-victim services at Selfhelp Community Services, noted that there are 60,000 Holocaust survivors in the city and that half are poor or near poor. But he said he has no way of knowing the financial condition of their children or others who might inherit the Nazi reparations.

He said the government’s new directive is “recognition that these funds were given not as a payment but rather as a moral payment. If it is passed on to a survivor’s children [or others], it is saying that this money it is sacrosanct and that the U.S. wants to treat it in a special way.”

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