

## **Sanctions**

### **Reduction and discontinuation of Arbeitslosengeld II / Sozialgeld**

The law provides for different consequences (sanctions) in the event of improper conduct. The benefits may be reduced or completely discontinued accordingly. As a result of improper behaviour despite notification of the legal consequences or having knowledge of them, your standard need will be reduced by 30 % as a first step.

### **Repeated breaches of obligations**

In the event of repeated breaches of obligations despite being informed of the legal consequences or being aware of them, your standard need will be reduced by 60 % for the first repeated case, and for any further breach of your obligations will be discontinued. Should you subsequently declare yourself willing to abide by your obligations, it is possible to limit the penalty for further repeated breaches of your obligations to 60 % of the standard need. Repeated breaches of your obligations are no longer considered to exist, if a year has elapsed since the beginning of the previous sanction period.

#### **Example:**

*30 percent reduction from 01.03.2011 to 31.05.2011. Another breach of obligations on 03.08.2011. As a result, the entitlement to Arbeitslosengeld II will be reduced from 01.09.2011 to 30.11.2011 by 60 percent of the standard need. In the event of a reduction by more than 30 percent of the standard need, supplementary non-cash benefits may be provided in a suitable amount (e.g. food vouchers), if underage children are living in the Bedarfsgemeinschaft.*

### **Sanctions in case of violating reporting obligations**

You are required to report to your Jobcenter personally on being requested to do so. Should you not do this, despite having been notified as to the legal consequences or being aware of them, your Arbeitslosengeld II benefits will be reduced by 10 percent of your standard need. The same will apply if you do not report for a medical or psychological appointment made for you by the Jobcenter.

#### **Example:**

*Because of breaching your obligation to report, 10 percent reduction from 01.03.2011 to 31.05.2011. Another request to report personally on 10.07.2011 was not obeyed. As a result, your entitlement is again reduced by 10 percent of the standard need from 01.08.2011 to 31.10.2011.*

## **Length of sanctions**

The benefits will be reduced each time for three months (or completely discontinued), even if your behaviour that caused a breach of obligations does not last as long. If another breach of obligations occurs during this period, a new three-monthly period will begin.

## **No consequences for important reasons**

If there was a so-called important reason for your breach of obligations, then no sanctions shall ensue. An important reason shall only exist, if consideration of your own individual interests outweighs the public interest. In view of the clear regulations concerning reasonableness, it is only possible to recognise important reasons for refusing work in exceptional cases (refer to Section 3.6). In addition, you must have also undertaken a reasonable attempt to eliminate or avoid the reason, or demonstrate that such an attempt would have been unsuccessful.

### **Example:**

*An important reason for giving up or refusing a reasonable work would be, if:*

- *performing the work would jeopardize the bringing up of a child under three-years-old,*
- *Caring for a relative would not be compatible with doing the work, and there is no other way that the caring for the relative could be ensured,*
- *You are unable to perform certain kinds of work for physical, mental or psychological reasons.*

## **More severe consequences for beneficiaries under 25 years of age**

If you are between 15 and 25 years of age, then any breaches of obligations (with the exception of missing an appointment to re-port personally to the Jobcenter) will result in your cash payment benefits being discontinued for a period of three months. In this period you will not have any entitlement to supplementary assistance for your livelihood. Only accommodation and heating costs will be assumed by the Jobcenter, and these will be regularly paid directly to your landlord.

Besides this, however, supplementary non-cash benefits or benefits with a monetary value (e.g. food vouchers) will still be possible. In the event of repeated breaches of your obligations, the accommodation and heating costs will also be discontinued for a period of three months. If, however, you subsequently declare yourself willing to comply with your obligations, the Jobcenter can continue paying your accommodation costs. It is possible for the period of sanctions to be shortened to six weeks, by taking into account all the circumstances of the individual case.

### **Sozialgeld sanctions**

If you are a beneficiary of Sozialgeld, then as a result of your improper conduct, sanctions will be applied if you:

- do not comply with a request from the Jobcenter to report personally, or if required , to appear for a medical or psycho-logical examination – despite having been notified of the legal consequences or being aware of them,
- after completing your 18th year of life, have deliberately reduced your income or assets to obtain an entitlement to Sozialgeld benefits (or an increase in entitlement to such),
- do not change your uneconomic behaviour despite being notified of (or being aware of) the legal consequences.