

We inform you

Law of Disability (Schwerbehindertenrecht)

From Application Through to Determination

Who should apply for a determination?

Anyone who wishes to claim their rights as a severely disabled or equivalently disabled person, must demonstrate their severe disability.

In a case of long-term impaired health (over six weeks) an application should be made for a determination of a disability. The legal basis is the German Social Code Book IX (SGB IX).

Where should the application be made?

Applications for a determination under SGB IX must be made to the regional „Bavarian Family and Social Affairs Centre/[Zentrums Bayern Familie und Soziales]“.

The assessment and grading of the individual health problems are made according to the principles and criteria in the Medical Care Regulation/[Versorgungsmedizin-Verordnung]. The severity of the disability is expressed by the grade of the disability (GdB). The GdB is determined on a decimal scale from 20 to 100.

The medical care regulations provide guide values for numerous health problems, from which an overall grading of the disability can be formed where several disabilities are present. When doing so the individual grades may not be totalled together. The effect of the individual health problems as a whole, taking into account the individual health problems relative to each other, are decisive.

If a GdB of at least 50 is reached, there is a severe disability and a corresponding certificate is issued.

What benefits are awarded?

There are no direct cash benefits, but numerous so-called disadvantage settlements:

From a GdB of 50 for example, the authorised persons are entitled to:

- Special protection against dismissal
- Additional leave
- Old-age pension for severely disabled persons (under particular conditions)
- Tax advantages

Further disability compensations exist, among others, with the following labels:

- „G“ for severe disability
- „aG“ for exceptional mobility problems
- „g“ for carer
- „RF“ for television licence fee reduction
- „H“ for helpless
- „GI“ for deaf
- „BI“ for blind
- „TBI“ for deaf and blind

The Social Association VdK Bayern advises and represents its members in procedures for the determination of disability. In addition to legal advice, we undertake the drafting of an application for our members and also carry out any appeal or complaint procedures where necessary.