

Examination for higher benefits of the Contergan Foundation

The Contergan Foundation Act (Conterganstiftungsgesetz, ConStifG) in conjunction with the Administrative Procedure Act (Verwaltungsverfahrensgesetzes, VwVfG) gives you the opportunity to apply for an increase in benefits from the Contergan Foundation.

You can submit this so-called revision request,

- as soon as it becomes known that there is damage that has not been identified previously (for example, subsequent changes in the factual or legal situation) or
- the recognition of damage as thalidomide induced damage is possible due to new findings (e.g. new evidence).

It is only possible to recognise malformations that were already present at the time of birth. **Consequential damage**, i.e. subsequent deterioration in health due to the malformations, **cannot be taken into account** because these are not direct malformations caused by thalidomide.

Application process

You can submit the revision application informally to the office of the Board of Directors of the Contergan Foundation. List the recently discovered damage and attach relevant documents (e.g. medical reports or x-rays) to the application. State the reference number (STC number) or alternatively your date of birth and sign the application.

The foundation does not cover any costs that you may incur in obtaining meaningful documentation from your doctor.

Acceptability

After receiving your application, the office will check whether it is admissible. This is only the case if you are not responsible for the fact that the previous procedure did not take into account the reason for the reopening, in particular due to the failure to lodge an appeal against the approval decision.

In addition, you must submit the application within three months. The period begins on the day on which you became aware of the reason for the resumption.

Application process

The Medical Commission will then examine and decide on the basis of your documents whether there is another case of damage and assesses the damage according to the Contergan damage guidelines (Contergan-Schadensrichtlinien, RiLi). On this basis, the board of the Contergan Foundation determines the benefits.

After the procedure has been completed, we will inform you of the result in writing on behalf of the board. If it is determined during the revision process that a damage has not yet been taken into account, a new calculation will be made retroactively to the time the application was first submitted.

Trust protection

As a result of the legal changes in the Fifth and Sixth Amendment Act to the ContStifG, trust in the continued existence of your statutory benefit claims was recognized as particularly worthy of protection. This means:

- Your benefit claims may no longer be withdrawn. Your benefits may only be withdrawn if you have provided intentionally incorrect or intentionally incomplete information when submitting your application.
- When determining your benefits, any previous incorrect calculations of damage points that were deemed too high will be taken into account.

Legal Sources

- § 12 ContStifG - Persons entitled to benefits
- § 13 ContStifG - Type and extent of services
- § 16 ContStifG - Course of the procedure
- § 51 VwVfG - Resumption of the procedure
- Annex 2 of the RiLi - Medical points table

Who advises you?

The staff at the financial department are happy to provide you with needs-based advice on this topic.

The German version is legally binding.