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17/11/2000

REGINE WOSNITZA BERLIN

A 91-YEAR-OLD Holocaust-survivor has been told to return nearly £30,000 in compensation payments from the German state of Lower Saxony.

Polish-born Lea Stern, who survived Auschwitz, has been receiving DM 1,200 - about £400 - in monthly compensation.

She is ranked in the "80-per-cent damaged group," the highest classification on a scale based on injuries and psychological damage, and personal earnings and savings.

After the war, she moved to New York, where her husband looked after her financial affairs. Her troubles began when she moved to Israel after his death, in 1997.

Under German law, survivors must make an annual declaration indicating their level of income.

Mrs Stern failed to declare her US social security income - about \$600, or Â£400, each month.

Social security income is payable to every American citizen who is 65 or over, but the compensation office in Lower Saxony had never checked up until Mrs Stern moved to Israel.

It then re-examined her case, stopping payment to Mrs Stern, who now lives on her US social security income, and demanding the excess funds back in full.

Last week, Mrs Stern received a letter from the compensation office, warning her: "The debit of the illegally made payments will occur because of budgetary principles on the necessity for economic viability and thriftiness." It cited sections of the budget rules of Lower Saxony.

Each of the states in Germany has its own compensation procedure.

Lawyer Michael Wittl - who was contacted by a member of Mrs Stern's family - maintained that Lower Saxony "has the most restrictive interpretation of the law."

He accepts that Mrs Stern was wrong. "The claim would be understandable as such, because with the signature on the declarations she confirmed that the information she gave was correct - when, in fact, it was not," he said.

But he argued that, given the circumstances, the demand made on Mrs Stern by the German authorities was "untenable."

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