

99158006017001

# Rente wegen Todes von der Landwirtschaftlichen Alterskasse Bewilligung Witwenrente und Witwerrente

Heruntergeladen am 06.06.2025

<https://fimportal.de/xzufi-services/102786266/B100019>

Modul	Sachverhalt
Leistungsschlüssel	99158006017001
Leistungsbezeichnung I	Rente wegen Todes von der Landwirtschaftlichen Alterskasse Bewilligung Witwenrente und Witwerrente
Leistungsbezeichnung II	Apply for a widow's or widower's pension from the Agricultural Pension Fund
Typisierung	1 - Bund: Regelung und Vollzug
Quellredaktion	Bund
Freigabestatus Katalog	fachlich freigegeben (gold)
Freigabestatus Bibliothek	unbestimmter Freigabestatus
Begriffe im Kontext	
Leistungstyp	Leistungsobjekt mit Verrichtung
Leistungsgruppierung	

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Verrichtungskennung	Bewilligung (17)
SDG-Informationsbereich	Rechte und Pflichten im Bereich der sozialen Sicherheit in der Union, auch im Zusammenhang mit Renten
Lagen Portalverbund	Rente (1180200), Todesfall (1190100)
Einheitlicher Ansprechpartner	Nein
Fachlich freigegeben am	11.04.2022
Fachlich freigegeben durch	Federal Ministry of Labor and Social Affairs (BMAS)
Handlungsgrundlage	<a href="https://www.gesetze-im-internet.de/alg/_14.html">https://www.gesetze-im-internet.de/alg/_14.html</a>
Teaser	As a survivor or surviving dependant, you can receive a widow's or widower's pension from the Agricultural Old Age Insurance Fund (LAK).
Volltext	<p>You will receive a widow's or widower's pension on application if</p> <ul style="list-style-type: none"> <li>• you have not remarried.</li> <li>• your deceased partner has completed the minimum insurance period (waiting period) of 5 years.</li> <li>• and you either               <ul style="list-style-type: none"> <li>• are raising a child who is under 18 years of age or</li> <li>• are incapacitated for work or</li> <li>• have reached the age limit applicable to you.</li> </ul> </li> </ul> <p>The applicable age limits for a widow's or widower's pension:</p> <ul style="list-style-type: none"> <li>• For deaths from 2012 to 2028, the previous age limit of 45 will be gradually increased. The minimum age of 47 will only apply to deaths from 2029.</li> </ul> <p>The regulations apply equally to surviving spouses and registered civil partners.</p> <p>Amount and duration:</p>

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- A widow's or widower's pension is paid from the insurance account of the deceased. The amount of your respective widow's or widower's pension depends on this insurance account.
- In the first 3 calendar months after death, your widow's or widower's pension is as high as the pension of the deceased (so-called death quarter).
- You will receive 55 percent of the pension that the deceased was receiving or would have received at the time of death.
- Due to deductions, the pension paid to you may be lower. It depends on how old your partner became. Under certain conditions, you may receive a child supplement.
- If you have other income that exceeds a certain tax-free amount, this will be partially offset against your widow's or widower's pension. The amount of the tax-free amount is calculated individually. Exception: In the first 3 calendar months (death quarter) after death, your own income will not be offset.

### Widow's or widower's pension under old law:

The laws governing widow's or widower's pensions changed beginning in 2002. Depending on the date of death and your marriage or civil partnership, you may be eligible for a widow's or widower's pension under old law. The calculation may then differ:

- 60 percent of the deceased's or the deceased's pension will be taken as a basis instead of 55 percent.
- Fewer types of income are taken into account. There is no child supplement.

### Erforderliche Unterlagen

- valid identity card or passport
- Death certificate
- Marriage certificate
  - Information on your income
- If application is made by other persons:
  - Power of attorney or
  - Order of the court

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### Voraussetzungen

- You will receive a widow's or widower's pension from the Agricultural Pension Fund if the deceased person has completed the minimum insurance period (waiting period) of 5 years.
  - For the waiting period of 5 years, all compulsory contributions as well as voluntary contributions are taken into account which have been paid to the agricultural pension fund or which are deemed to have been paid. As a rule, contributions for periods before 01.01.1995 are only taken into account if they have been paid without interruption.
  - The waiting period of 5 years is fulfilled early if the insured person died as a result of an accident at work or an occupational disease (insured event) and was subject to compulsory insurance at that time.
  - If a pension equalization was carried out in favor of the deceased, the transferred entitlement is converted into waiting period months.

### Periods from other pension schemes

- Periods from other pension schemes, e.g. periods in the statutory pension insurance scheme, can also be counted towards the waiting period if the deceased paid contributions to the LAK for at least one month.
  - If the third-party periods overlap with those of the LAK, the third-party periods cannot be credited at the same time.
  - This also applies if the deceased was exempt from compulsory insurance to the old-age pension fund as an entrepreneur during the same period.
  - An exemption from compulsory insurance as an assisting family member, on the other hand, does not prevent third-party periods completed during this period from being taken into account.

The following periods from other pension schemes can be credited:

- Compulsory contribution periods in the statutory

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German pension insurance and equivalent periods in the social insurance of the former GDR,

- Periods of exemption from insurance in the statutory pension insurance, for example as a
  - civil servant
  - judge
  - professional or temporary soldier, and
  - as any other person covered by a civil service pension scheme,
- Periods of exemption from compulsory insurance in the statutory pension insurance, for example
  - employees and self-employed persons who belong to a professional pension scheme;
  - teachers and educators at private schools, if there is coverage similar to that of a civil servant,
  - certain foreign periods under supranational and intergovernmental law.

Other general requirements:

- You have not remarried.
- You had been married or a civil partner for at least one year at the time of death.
  - Exception: Sometimes it is sufficient if you were married for less than one year. This applies, for example, if your partner died in an accident.
  - If you remarry, your widow's or widower's pension will end.

You can receive the widow's or widower's pension if you reach

- reach the current age limit:
  - Age limit at death in 2021: 45 years and 10 months.
  - This age limit will gradually increase to 47 years by 2029.
- have reached the current age limit or
- are incapacitated for work or
- are raising their own child or a child of the deceased under the age of 18, or
- are caring for a disabled own child or child of the

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deceased, regardless of age.

You may be entitled to a widow's or widower's pension under the old law if

- your partner died before 01.01.2002, or
- you married before 01.01.2002 and
- your partner was born before 02.01.1962.

In these cases, you can receive the pension even if you were

- were married for less than 1 year.

If your marriage was divorced before 01.07.1977, under certain conditions you can also receive

- even if you have already divorced or
- in the case of a renewed marriage or civil partnership that has been dissolved again

receive a special widow's or widower's pension.

You can receive a so-called widow's or widower's pension after your penultimate spouse if you

- remarried or entered into a civil partnership after the death of your former partner and
- the new union has now been dissolved or terminated.

## Kosten

Abgabe: Es fallen keine Kosten an

## Verfahrensablauf

You can apply for a widow's or widower's pension in writing, in person, or online:

Written application:

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- Download the widow's or widower's pension application and enclosure form from the Social Insurance for Agriculture, Forestry and Horticulture (SVLFG) website. Fill it out completely and assemble the required documents.
- You can send your completed and signed application with the required documents by mail to your Landwirtschaftliche Alterskasse.
- Your agricultural retirement fund will review your application. You will receive a written decision by mail or in your electronic mailbox at SVLFG.

Note: A person you trust can also submit your pension application on your behalf. To do so, please submit a corresponding power of attorney to your agricultural pension fund. As long as the power of attorney is valid, your Landwirtschaftliche Alterskasse will only contact your authorized person.

Submitting your application in person during the consultation:

- Gather the documents you need to file your application and make an appointment at the Landwirtschaftliche Alterskasse or an SVLFG counseling center.
- During your consultation, your pension application will be recorded.
- Your Landwirtschaftliche Alterskasse will review your application. You will receive a written decision by mail or in your electronic mailbox at SVLFG.

Submitting your application online:

- Go to the SVLFG online portal and log in.
- Fill out the form and upload the necessary documents. Then submit your pension application online. You will receive the application as a PDF in the

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	<p>online mailbox.</p> <ul style="list-style-type: none"> <li>• Your agricultural pension fund will review your application. You will receive a written decision in your electronic mailbox at the SVLFG.</li> </ul>
Bearbeitungsdauer	<p>2 - 13 Woche(n)</p> <p>If you submit all the required application documents, the Agricultural Pension Fund will usually make a decision within 3 months.</p>
Frist	<p>Payment of the pension: If the deceased</p> <ul style="list-style-type: none"> <li>• already received a pension of his or her own, your widow's or widower's pension will begin no earlier than the month following the date of death.</li> <li>• has not yet received a pension of his or her own, your widow's or widower's pension will begin on the date of death.</li> </ul> <p>Application deadlines:</p> <ul style="list-style-type: none"> <li>• File the application no later than 12 calendar months after the date of death.</li> <li>• If you apply later, the pension will be paid retroactively for no more than 12 calendar months before the month in which the pension is applied for.</li> </ul>
weiterführende Informationen	<p><a href="https://www.svlfg.de/hinterbliebenenleistungen-lak">https://www.svlfg.de/hinterbliebenenleistungen-lak</a></p>
Hinweise	
Rechtsbehelf	<ul style="list-style-type: none"> <li>• An appeal against the survivor's pension decision can be lodged within one month (3 months abroad) of its notification.</li> <li>• If the appeal is unsuccessful, you can take legal action before the Social Court.</li> </ul>
Kurztext	<ul style="list-style-type: none"> <li>• Pension due to death from the Agricultural Old Age Fund Approval of widow's pension and widower's pension</li> <li>• Widow's pension or widower's pension from the Agricultural Old Age Fund</li> <li>• pension due to death of partner (marriage or registered partnership)</li> <li>• same rules for widows and widowers</li> <li>• pension from the deceased's insurance account</li> <li>• general requirements:             <ul style="list-style-type: none"> <li>• death of the spouse</li> <li>• not remarried</li> <li>• waiting period (5 years) fulfilled in the insurance</li> </ul> </li> </ul>



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account of the deceased or active pension receipt

- married for at least 1 year (exception for example: death by accident)
- current age limit reached:
  - in case of death in 2020: 45 years and 9 months
  - Age limit increases gradually to 47 years by 2029.
- Reduction in earning capacity
- Raising children
- Widow's or widower's pension: 55 percent of the pension that the deceased had received or would have received. Under the old law, 60 percent of the pension is to be taken as a basis.
  - Requirements:
    - in case of reduced earning capacity or
    - Raising an own child or child of the deceased under age 18, or
    - Care for a disabled own child or child of the deceased (irrespective of age).
  - "Death quarter": pension amount in the first 3 calendar months after death corresponds to the pension amount of the deceased, no income imputation
  - Reductions possible depending on age, sometimes supplements for children possible
  - own income is taken into account if individual tax-free amount is exceeded
  - Numerous special regulations and exceptions, including for widow's or widower's pensions under the old law before 2002
  - Application can be made in writing, in person or online
  - widow's or widower's pension is paid retroactively for up to 12 calendar months before the month of application
  - responsible: Social Insurance for Agriculture, Forestry and Horticulture (SVLFG)

## Ansprechpunkt

## Zuständige Stelle

## Formulare

Forms available: Yes  
 Written form required: Yes  
 Informal application possible: Yes  
 Personal appearance required: No

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	Online services available: Yes
Ursprungsportal	Rente wegen Todes von der Landwirtschaftlichen Alterskasse Bewilligung Witwenrente und Witwerrente, Rente wegen Todes von der Landwirtschaftlichen Alterskasse Bewilligung Witwenrente und Witwerrente