

99038002017000

Apply for insolvency money

Heruntergeladen am 06.06.2025

<https://fimportal.de/xzufi-services/6000032/L100009>

Modul	Sachverhalt
Leistungsschlüssel	99038002017000
Leistungsbezeichnung I	Apply for insolvency money
Leistungsbezeichnung II	Apply for insolvency money
Typisierung	1 - Bund: Regelung und Vollzug
Quellredaktion	Sachsen
Freigabestatus Katalog	unbestimmter Freigabestatus
Freigabestatus Bibliothek	unbestimmter Freigabestatus
Begriffe im Kontext	
Leistungstyp	
Leistungsgruppierung	
Verrichtungskennung	
SDG-Informationsbereich	
Lagen Portalverbund	
Einheitlicher Ansprechpartner	
Fachlich freigegeben am	

Modul
Sachverhalt
Fachlich freigegeben durch
Handlungsgrundlage

- §§ 165 bis 172 [Sozialgesetzbuch Drittes Buch (SGB III)](http://www.gesetze-im-internet.de/sgb_3/index.html) – Insolvenzgeld
 - § 175 SGB III – Zahlung von Pflichtbeiträgen bei Insolvenzereignis
 - § 314 SGB III – Insolvenzgeldbescheinigung
 - § 316 SGB III – Auskunftspflicht bei Leistung von Insolvenzgeld
 - § 320 Absatz 2 SGB III – Berechnungs-, Auszahlungs-, Aufzeichnungs- und Anzeigepflichten
 - § 324 Absatz 3 SGB III – Antrag vor Leistung
 - § 327 Absatz 3 SGB III – Grundsatz

Teaser

Is your employer insolvent and therefore no longer able to pay you your wages or salary? Under certain conditions, the Agentur für Arbeit will pay outstanding remuneration claims in the form of insolvency money in the event of insolvency.

Volltext

Is your employer insolvent and therefore no longer able to pay you your wages or salary? Under certain conditions, the Agentur für Arbeit will pay outstanding remuneration claims in the form of insolvency money in the event of insolvency.

****Please note!**** If you have not started a new job immediately afterwards, you should go straight to the employment agency responsible for your place of residence. There you can register as unemployed and apply for unemployment benefit. This applies regardless of whether your employment contract has been terminated, an application for insolvency has been filed or insolvency proceedings have already been opened.

Even if your employment relationship continues without work and without payment of wages, you can still receive unemployment benefit in this case.

Erforderliche Unterlagen

- Insolvency benefit can be applied for informally.
 - To process the application, however, it is necessary to complete the application form provided by the Bundesagentur für Arbeit. You can also obtain the application form and the insolvency benefit certificate

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from any Agentur für Arbeit.

You will also need

- an insolvency benefit certificate, if available.
- A payslip or equivalent certificate for the last three months.
- A copy of your employment contract.
- Your notice of termination, if available.

Voraussetzungen

The prerequisite for an entitlement to insolvency money is the existence of an insolvency event. This is the point in time at which

- insolvency proceedings are opened against the employer's assets or
- the application for the opening of insolvency proceedings is rejected for lack of assets or
- the business activity in Germany is completely terminated if an application for the opening of insolvency proceedings has not yet been filed by this time and insolvency proceedings cannot be considered for lack of assets.

Foreign insolvency events can also give rise to an entitlement to insolvency money.

****Note:**** Only employees who were employed in Germany are entitled to insolvency money. This also includes employees who were temporarily posted abroad under the continued application of German social security law. Home workers, employed students and school pupils, trainees and marginally employed persons are also entitled to insolvency benefit.

The existence of an employment relationship subject to social security contributions is not required.

Kosten

none

Verfahrensablauf

- Complete the application for insolvency benefit and

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the annex to the application for insolvency benefit carefully and hand in the application documents in person at the relevant employment agency if possible. This is usually the Agentur für Arbeit in whose district your (former) employer has its payroll centre.

- When you apply for insolvency benefit, your pay claims (wages not received) are transferred to the Agentur für Arbeit.
- They are pursued by it. The application for insolvency money can only be processed once a certificate of insolvency money issued by the insolvency administrator or the employer has been received. This is requested from the respective company by the Agentur für Arbeit.
- The benefits applied for will be transferred.
- The data certified for you will also be sent directly to the tax authorities in electronic form. The Agentur für Arbeit is legally obliged to do this. From the onset of unemployment or following the period for which you have received insolvency benefit, unemployment benefit will be paid if the other requirements are met and placement will be sought.

****Note:**** The receipt of insolvency money is tax-free. However, it is taken into account when determining the tax rate to which your other taxable income is subject (progression proviso).

Bearbeitungsdauer

Usually two months after the occurrence of the insolvency event.

Frist

- Cut-off period: two months after the insolvency event
 - If the application has been delayed by more than two months since the insolvency event, please explain the reasons for the delay in detail, stating in particular when and how you learnt of the insolvency event.
- **Note:**** If you have difficulties in determining the decision of the insolvency court or the date on which the company completely ceased its activities, you should apply for insolvency benefit as a precaution (orally or by telephone if necessary to meet the deadline). In this way, you will avoid missing the deadline.

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weiterführende Informationen

Hinweise

- The amount of the insolvency substitute benefits corresponds to the net pay lost in the insolvency substitute benefits period.
- The outstanding pay claims must be attributable to the insolvency benefit period.
- If you were granted unemployment benefit during the period for which you receive insolvency money, this will be offset against the insolvency money.
- Insolvency money is only paid for wages that are outstanding from the last three months before the insolvency event.

In addition to the insolvency money that the employee receives, the Agentur für Arbeit also pays the compulsory contributions to statutory health, pension and social long-term care insurance as well as the contributions to the employment promotion scheme for the insolvency money period at the request of the responsible collection agency (health insurance fund).

Rechtsbehelf

Kurztext

Ansprechpunkt

Zuständige Stelle

Formulare

Ursprungsportal