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File a complaint with the social court

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Modul	Sachverhalt
Leistungsschlüssel	99046032058000
Leistungsbezeichnung I	File a complaint with the social court
Leistungsbezeichnung II	File a complaint with the social court
Typisierung	10 - Verwaltungsinterne Leistung
Quellredaktion	Sachsen
Freigabestatus Katalog	unbestimmter Freigabestatus
Freigabestatus Bibliothek	unbestimmter Freigabestatus
Begriffe im Kontext	
Leistungstyp	
Leistungsgruppierung	
Verrichtungskennung	
SDG-Informationsbereich	
Lagen Portalverbund	
Einheitlicher Ansprechpartner	

Modul

Sachverhalt

Fachlich freigegeben am

Fachlich freigegeben durch

Handlungsgrundlage

- § 78 Sozialgerichtsgesetz (SGG) – Vorverfahren
- § 65 a SGG – Übermittlung elektronischer Dokumente
- §§ 87 bis 122 SGG – Verfahren im ersten Rechtszug
- §§ 143 ff. SGG – Berufungsverfahren
- Signaturgesetz (SigG)
- Elektronischer-Rechtsverkehr-Verordnung (ERVV)

Teaser

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Volltext

Disputes between citizens and social benefit providers are heard and decided before the social courts. This includes disputes over public law disputes, for example in matters of

- social insurance
- employment promotion
- basic security for job-seekers
- social compensation law
- social assistance
- the law on the severely disabled
- the Expenditure Compensation Act
- the Soldiers' Pensions Act and the Civilian Service Act
- the Victims Compensation Act, and
- the Federal Parental Allowance and Parental Leave Act

In matters of statutory health insurance and social and private long-term care insurance, the social courts also rule on disputes under private law.

The social courts have a three-tier structure. The courts of first instance are the social courts in Chemnitz, Dresden and Leipzig. As a second instance, there are regional social courts in each federal state (in Saxony with its seat in Chemnitz), which decide on appeals against judgements and on appeals against other decisions of the social courts. At the federal level, the Federal Social Court has been established with its seat

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in Kassel.

There is no obligation to be represented in proceedings before the social courts and the Land social court.

Tip: Further information on the social courts can be found on the "Justice in Saxony" website of the Saxon State Ministry of Justice (see "Further information").

Contact

a lawyer of your choice

→ Rechtsanwalt-Suche Rechtsanwaltskammer Sachsen

Erforderliche Unterlagen

one copy each of the original decision and the appeal decision

Voraussetzungen

In most cases, you can only file a lawsuit after you have appealed against a decision and it has been rejected.

Kosten

- Procedural fee: none

However, you may have to advance certain costs, for example for an expert opinion by a doctor of your choice, and - if you lose the case - you will have to pay them yourself.

Verfahrensablauf

Filing the claim

You can file a claim with the social court in the following ways:

- If you are represented by a lawyer, he or she will draft the statement of claim and submit it in writing to the Social Court.
- You can also file the complaint yourself in writing. Legal jargon is not necessary.
- You can put your complaint on record orally at the legal application office. The clerk will help you formulate the statement of claim and then forward your claim.
- You may also file the action by submitting an

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electronic document if the document is provided with a qualified electronic signature or if it is signed by the person responsible and submitted by a secure means of transmission. The secure means of transmission shall be determined by section 65a of the Social Court Act and by statutory order of the Federal Government. You must pay attention to the special requirements of the Electronic Legal Transactions Ordinance.

Your complaint should contain the following information:

- Your name, address and date of birth
- Address of the social court
- the exact name and address of the defendant authority (this is the authority that issued the original decision)
- The date and reference number of the original decision and the appeal decision
- The reasons why you consider the original decision to be incorrect
- a specific request, i.e. the goal you want to achieve with your complaint
- any evidence (e.g. certificates, witnesses)
- Your signature, indicating the place and time of your action

The exact designation of the plaintiff, the defendant and the subject of the claim is legally mandatory.

Investigations by the court

After receiving the statement of claim, the social court sends it to the defendant authority and starts to investigate the facts of the case ex officio. For example, expert opinions and information are obtained, the plaintiff, the authority or witnesses are questioned. If information is required from your attending physicians, you must release them from their duty of confidentiality.

You can also initiate investigations yourself or suggest witnesses. You also have the right to consult a doctor you trust for an expert opinion.

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Hearing and pronouncement of judgement

After the investigations have been completed, the court summons the parties to a hearing before the chamber, which is composed of one professional judge and two honorary judges. The court can also schedule a so-called hearing beforehand, in which the case is discussed with all parties and individual questions can be clarified.

During the hearing it is still possible to withdraw the complaint or to reach an amicable agreement. If no agreement is reached, the chamber issues a judgement. The reasons for the judgement are given orally. Later, it is served on all parties with a detailed written statement of reasons and instructions on how to appeal.

Note: Under certain circumstances, a judgement can also be issued without an oral hearing.

Bearbeitungsdauer

Frist

Filing of an action: • within one month after notification of the opposition decision • if no opposition procedure is required: within one month after notification of the original decision

weiterführende Informationen

Hinweise

You can appeal against judgements of the social court to the Land Social Court.

If the subject of the appeal is a payment in cash, services or in kind, the value of which does not exceed EUR 750.00 and which does not concern recurring or ongoing benefits for more than one year, the appeal is only admissible insofar as the Social Court or the Land Social Court has allowed the appeal.

The appeal must be received by the Regional Social Court within one month after service of the judgment. The appeal may also be lodged with the social court whose judgement is being appealed against within the time limit.

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Rechtsbehelf	
Kurztext	
Ansprechpunkt	
Zuständige Stelle	
Formulare	
Ursprungsportal	