



DEPARTMENT OF THE ARMY
UNITED STATES ARMY, EUROPE, and SEVENTH ARMY
UNIT 29351
APO AE 09014-9351

REPLY TO
ATTENTION OF:

AEAGA-CL

09 DEC 2004

CPD Policy Memorandum LN-GE-EMP 5

SUBJECT: Change of the Employee's Date of Birth

1. References:

a. German Federal Labor Court Decision, Case File Number 7 AZR 329/019, dated 14 August 2002.

b. Article 46, Collective Tariff Agreement II, CTA II.

2. In accordance with reference 1b, the employment contract of a local national (LN) employee expires at the end of the month during which the employee completes age 65, which is the age employees are eligible for regular retirement benefits.

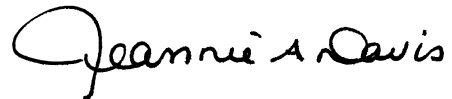
3. Based on a dispute decided in reference 1a regarding the correct date of birth of Turkish nationals who are employed in Germany, this is to advise that the crucial date of birth for receipt of retirement benefits and expiration of the employment contract according to reference 1b, is the date that was initially reported to the social insurance carrier by the employee. Whether or not the employee was actually born on that day or on an earlier date is immaterial. Even if the employee presents a Turkish court order that testifies that the initial date of birth is erroneous, the initial date of birth will not be changed.

4. The reason given in the judgment in reference 1a is that until the nineteen eighties, it was highly cumbersome for Turkish citizens in rural regions to register a newborn child. Moreover, for family reasons and to circumvent military draft service, children were frequently registered long after they were actually born. As a result, Turkish citizens who came to Germany as guest workers made efforts through Turkish regional courts to retroactively have their official date of birth changed in order to become eligible for retirement or other social benefits when they actually reached age 65. However, the social insurance carriers assumed abuse of the social system and initiated action to make it legally impossible to make such changes. Reference 1a confirms the position of the social insurance carriers and is binding for all Turkish employees in Germany.

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5. USAREUR/7A POC is Ms. Sigrid Preuss 375-2514, fax 375-2511, e-mail sigrid.preuss1@us.army.mil.

A handwritten signature in black ink that reads "Jeannie A. Davis". The signature is written in a cursive style with a large initial "J".

JEANNIE A. DAVIS
Director of Civilian Personnel
United States Army, Europe