

**IN THE MATTER**

of the Social Security Act 1964

**AND**

**IN THE MATTER**

of an appeal by **XXXX** of **XXXX**  
against a decision of a Benefits  
Review Committee

**BEFORE THE SOCIAL SECURITY APPEAL AUTHORITY**

Ms M Wallace - Chairperson  
Mr K Williams - Member

**DECISION ON THE PAPERS**

[1] The appellant lodged an appeal with the Authority on 14 July 2014 in relation to a decision of the Chief Executive upheld by a Benefits Review Committee regarding the payment of Invalid's Benefit to the appellant following his departure from New Zealand.

[2] On 1 August 2014, the Ministry advised the appellant and the Authority that it had reconsidered its decision and had decided to pay the appellant his share of his wife's Invalid's Benefit for the first six weeks of his absence from New Zealand. This was the maximum that could be paid to the appellant. The Ministry had previously agreed to pay four weeks. The amount involved was \$429.58.

[3] The appellant has now asked for an award of costs. No amount is specified and no information as to any costs incurred has been provided.

[4] We note the following:

- (i) The appellant and his wife left New Zealand on 28 May 2013. They did not inform the Ministry of their departure. The discovery of their absence was the result of a data match.
- (ii) The appellant and his wife apparently have not returned to New Zealand.
- (iii) The Chief Executive has a discretion to pay an Invalid's Benefit for a period not exceeding six weeks while a beneficiary is absent from New Zealand. The entitlement is not automatic.
- (iv) Given the appellant's continuing absence from New Zealand, the decision to pay him for the full first six weeks of his absence was a generous one.
- (v) The Ministry advised the appellant of its decision to pay the additional two weeks less than a month after the appellant's notice of appeal was lodged with the Authority.

- (vi) There has been no hearing in relation to this matter.
- (vii) The appellant, who has communicated with the Authority by email, has not referred to any costs incurred in bringing his appeal.
- (viii) It is not normally the case that costs are awarded to a person acting on their own behalf.

[5] We are not satisfied that there is any basis on which an order for costs should be made against the Chief Executive pursuant to s 12O of the Act.

[6] The appellant's application for costs is dismissed.

**DATED** at WELLINGTON this 5<sup>th</sup> day of March 2015

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Ms M Wallace  
Chairperson

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Mr K Williams  
Member