

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

HEARING at AUCKLAND on 12 May 2015

APPEARANCES

No appearance by or on behalf of the appellant
Arvinder Singh for the Chief Executive of the Ministry of Social Development

DECISION

[1] The appellant lodged an appeal with the Authority in relation to this matter on 17 June 2014. The appeal related to a decision of the Chief Executive upheld by a Benefits Review Committee to establish and recover overpayments of Accommodation Supplement, Special Benefit and Disability Allowance (Supplementary Benefits) paid in respect of the period 24 November 2003 to 14 March 2004, when the appellant received a backdated payment of entitlement to Accident Compensation (ACC) payments for this period.

[2] The amount of the supplementary payments involved was \$1,191.75 in respect of the appellant and \$844.30 in respect of his wife. The Ministry subsequently advised the Authority that a decision had been made to not recover the overpayments of Supplementary Benefits paid in respect of the period in which he received the backdated payment of ACC. The appellant was advised of this and was invited to withdraw his appeal. In fact, the total amount which the Ministry decided not to recover was \$3,028.43 which was more than the amount owed for the supplementary payments. This was an error by the Ministry but it has confirmed that it will not recover the additional amount. The additional amount has been deducted from other debt owed by the appellant and his wife to the Ministry.

[3] On the basis that the Ministry considered that the subject matter of the appellant's appeal had been resolved, the appellant was invited to withdraw his appeal. The appellant declined to do so on the basis that he wanted a refund of the \$10.50 a week (total \$3,900) that he said he and his wife have been repaying in respect of this debt.

[4] The appellant also raised the issue of a decision of the Ministry to decline assistance of \$917 for endorsement of a P Certificate in respect of his driving licence. The Ministry have pointed out that this was not a matter raised in the original appeal

and is not therefore a matter in respect of which the Authority has jurisdiction at the present time.

[5] The Ministry state in written submissions that the repayments of \$10.50 per week were to repay other debt owed by the appellant to the Ministry. As at 17 December 2014, the appellant and his wife still owe \$3,663.78 and \$3,313.72 respectively. Debt statements have been provided by the Ministry. No refund is due to them.

[6] As the appellant was not apparently willing to withdraw his appeal, a notice of hearing was sent to the appellant on 16 February 2015 and he was advised of a hearing in Auckland on 9 March 2015. The appellant sought an adjournment of that hearing which was granted, and the appellant was advised that it was unlikely that any further application for an adjournment would be granted.

[7] A further notice of hearing was sent to the appellant on 17 April 2015 for a hearing on 12 May at 2.00 pm. The appellant again sought an adjournment on the grounds of ill health. He was advised to provide the Authority with a medical certificate which conformed with Medical Council guidelines. No medical certificate has been provided and the appellant did not appear at the hearing.

Summary of Findings

[8] To the extent that the Ministry have decided not to pursue the recovery of the Supplementary Benefits paid in the period 24 November 2003 to 14 March 2004, the appeal is allowed.

[9] The Authority does not have jurisdiction to consider the matter of the assistance for the driving licence, as that was not the matter in respect of which the appeal was lodged.

[10] The Authority is satisfied that amounts of \$10.50 per week deducted from the benefit paid to the appellant and his wife are in repayment of other debt owed by the appellant and his wife to the Ministry and no refund is due to them. To that extent the appeal is dismissed.

DATED at WELLINGTON this 29th day of May 2015

Ms M Wallace
Chairperson

Mr K Williams
Member