

[2016] NZSSAA 001

Reference No. SSA 045/14

**IN THE MATTER**

of the Social Security Act 1964

**AND**

**IN THE MATTER**

of an appeal by **XXXX** of  
Melbourne 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 in respect of a decision of a Benefits Review Committee dated 15 January 2014. The decision reviewed by the Benefits Review Committee was a decision to establish an overpayment of New Zealand Superannuation paid in respect of the period 1 May 2013 to 23 October 2013 amounting to \$2,401.02.

[2] The overpayments had arisen as a result of changes to the rate of Disability Support Pension payable to the appellant in Australia and therefore the rate of New Zealand Superannuation payable.

[3] The appellant's appeal was dealt with on the papers. Although on 24 May 2015 the appellant indicated he did not wish to continue with the appeal the Authority directed that the appeal should proceed and that the Ministry should provide certain information requested by the Authority.

[4] On 23 July 2015 the Chief Executive advised that he had accepted that the overpayment may in part have occurred as a result of Ministry error and taking into

account all the circumstances a decision was made to write off the overpayment of \$2,401.02 which was the subject of the appeal.

[5] It was noted on behalf of the Chief Executive that as the appellant had already repaid \$945 towards the debt, this amount was to be credited against other debt which was not the subject of this appeal, leaving a balance owing of \$180.58 in respect of historic debt as at 23 July 2015.

[6] The appellant was invited to withdraw his appeal. He has declined to do so. The appellant has indicated that he wishes to appeal in relation to the balance of \$180.58. This debt is not part of the debt considered by the Benefits Review Committee. As this debt was not a matter dealt with by the Benefits Review Committee this Authority does not have jurisdiction to consider that particular debt. If the appellant wishes to pursue that matter he will need to request Work and Income to conduct an out of time review in relation to that particular debt.

[7] The matter to which this appeal related has been resolved. No further action is required by the Authority.

[8] The appeal as it relates to the debt in respect of the period 1 May 2013 to 22 October 2013 of \$2,401.02 is allowed.

**DATED** at WELLINGTON this 20<sup>th</sup> day of January 2016

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Ms M Wallace  
Chairperson

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Mr K Williams  
Member