

IN THE MATTER of the Social Security Act
1964

AND

IN THE MATTER of an appeal by **XXXX** of
Napier against a decision
of a Benefits Review
Committee

BEFORE THE SOCIAL SECURITY APPEAL AUTHORITY

Mr G Pearson - Chairperson

Mr K Williams - Member

Mr C Joe - Member

Hearing at Wellington on 20 June 2017

Appearances

The appellant on behalf of herself

For Chief Executive of the Ministry of Social Development: Ms E Kirkman

DECISION

Background

[1] The central issue for the Authority in this appeal is the scope of the appeal. The Ministry approached the appeal on the basis that the only matter in issue is whether the Ministry was correct to reassess the appellant's New Zealand Superannuation entitlement for the period 24 February 2016 to 8 March 2016, and establish an overpayment of \$720.42.

[2] In fact, Ms XXXX does not dispute the overpayment of the superannuation; she has accepted and paid that amount.

[3] Ms XXXX's concern relates to a series of issues that arose during the period of time when she cared for her aged parents. She attended the hearing understanding the hearing would deal with that issue.

The scope of the appeal

[4] The documents lodged by the Ministry, relating to the scope of the review Ms XXXX requested and which led to this appeal, appear to unambiguously point to the superannuation overpayment as being the only matter in issue. There are two critical documents:

- a. The first is a letter from the Ministry to Ms XXXX dated 9 May 2016; it discusses the superannuation overpayment. There is no suggestion in that letter that it encompasses wider issues, in particular nothing links the issue with Ms XXXX's concerns relating to the period when she was caring for her parents.
- b. The second document is an email in which Ms XXXX requested the review that led to this appeal; it is dated 18 May 2016. It refers to the Ministry's letter of 9 May 2016. The material parts of that letter are:

“Please refer to your letter to me of 09 May 2016.

Your decision is to create a debt for me of \$720.42.

...

I request a REVIEW OF DECISION as outlined in your letter of 9 May 2016.”

[5] We are satisfied that unambiguously Ms XXXX's request was to review the superannuation issue, and the superannuation issue alone.

[6] At the hearing, we sought to understand whether there was any way in which Ms XXXX's concerns relating to the issues that arose previously could be linked with the superannuation issue.

[7] The closest material in time, which related to the other matters that concern Ms XXXX, dates back to 18 January 2016. On 18 January 2015, Ms XXXX wrote an email that included the following statement:

I write to advise you that I now WITHDRAW my request for a review of the \$2,800 debt given to me by Work and Income while I was the sole caregiver for my terminally ill XX year old father without any family support in Napier.

[8] Neither the Ministry nor Ms XXXX have been able to provide any correspondence or other material between 18 January 2016 and 18 May 2016 which indicate that Ms XXXX revived the earlier issue and linked it with the decision relating to the superannuation overpayment.

Discussion

[9] This appeal necessarily relates to a review of a decision made by the Chief Executive. This Authority does not have a general power to enquire into dealings between the Ministry and an appellant. We have no justification for going beyond the superannuation issue, and Ms XXXX concedes she does not dispute that decision.

[10] In these circumstances, we must dismiss the appeal.

Decision

[11] The appeal is dismissed.

Dated at Wellington this 30th day of June 2017

S Pezaro
Deputy Chair

K Williams
Member

C Joe JP
Member