

[2020] NZSSAA 12

Reference No. SSAA 117/19

IN THE MATTER of the Social Security Act 2018

AND

IN THE MATTER of an appeal by **XXXX** of Auckland against a decision of the Chief Executive that has been confirmed or varied by a Benefits Review Committee

BEFORE THE SOCIAL SECURITY APPEAL AUTHORITY

S Pezaro - Deputy Chair

C Joe - Member

Hearing at Auckland on 22 July 2020

Appearances

No appearance for the appellant

N Jaura as agent for the Ministry of Social Development

DECISION

Reasons

- [1] XXXX (the appellant) appeals the decision of the Ministry of Social Development to recover a debt of \$2,067.43 from the appellant's superannuation at \$40 per fortnight from 19 March 2019. This decision was upheld by a Benefits Review Committee on 6 December 2019. Since this debt was established, XXXX has made payments reducing the debt to \$1987.42.
- [2] A telephone conference was convened on 14 May 2020 attended by the parties and directions issued after that conference identified the issues for determination and set a timetable for the appellant to file further submissions and the Ministry to respond. The parties complied with this timetable and a notice confirming the hearing date was issued on 24 June 2020.
- [3] On 17 July 2020 the appellant contacted the case manager and said he could not attend the hearing as he had an appointment. The case manager conveyed the Authority's direction that

the hearing would proceed as scheduled unless medical evidence was provided to demonstrate that the appellant was unable to attend the hearing on 22 July 2020. He took no further steps and did not appear at the hearing in person or by telephone which had been arranged at this request.

[4] Pursuant to CI 10C(2) of Schedule 8 of the Social Security Act 2018 the Authority may strike out an appeal if a party who is required to attend is not present. We are satisfied that the appellant was served adequate notice of the hearing and was aware that the hearing would proceed as scheduled.

[5] For these reasons, this appeal is struck out.

[6] The Ministry of Social Development is entitled to recover the sum of \$1987.42 from the appellant.

Observation

[7] The Ministry of Social Development recorded in its report, and Ms Jaura confirmed at the hearing, that it is willing to consider negotiating the rate of repayment of the debt or temporary deferral if repayment causes hardship to the appellant. However, in order to make this decision, the Ministry requires further information from the appellant about his financial situation. Despite requests for him to supply this information to the Ministry, he has not done so. If he wishes his circumstances to be considered when the Ministry sets the rate of recovery, he should contact the Ministry of Social Development to arrange to provide the relevant information.

Dated at Wellington this 23rd day of July 2020

S Pezaro
Deputy Chair

C Joe
Member