

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

G Pearson (Chairperson)

M Dodd (Member)

Hearing: Auckland, 17 March 2023.

Decision: Monday, 20 March 2023

Representation: XXXX (in person, attending by AVL)

Mr J Neumegen, counsel and Mr M Hu, appeals officer, for the Chief Executive.

DECISION

Background

- [1] The Ministry of Social Development (Ministry) established overpayments of \$702.80 and \$6,050.30 in respect of XXXX, it seeks to recover those overpayments.
- [2] XXXX says he was not overpaid benefit entitlements by the Ministry.

The issue before the Authority

- [3] The Authority must decide whether the amounts the Ministry claims were in fact overpaid, and if so whether it is entitled to recover that money.

Representatives: XXXX in person.

Ministry of Social Development for the Chief Executive

Discussion

- [4] The Ministry provided a comprehensive report identifying that it had matched Inland Revenue's records relating to XXXX's employment and compared those records with its own records of benefit payments. It determined from this information that XXXX received income tested benefits when he was not entitled to do so.
- [5] XXXX said he did not read the Ministry's report prepared for this appeal as it was "a mess". He did not produce any records to support his appeal. He suggested an agent through whom he found employment may have taken payments without him knowing. However, XXXX primarily based his challenge to the overpayments on his belief that he was not overpaid.
- [6] We have no basis for rejecting the Ministry's determination of the amounts XXXX was overpaid. The reality is that for the Inland Revenue records to exist, XXXX's employer would have made PAYE tax payments. The Ministry also has a comprehensive record keeping regime. We have seen nothing that suggests the records are in error. XXXX's grounds lack plausibility, we can see no basis to think an employment agent could have any effect on XXXX's tax payments or benefit receipts. We accordingly accept that the Ministry is correct in its assessment of the overpayments.
- [7] XXXX did not provide any basis to support his belief that recovery of the overpayment would be inappropriate.

Conclusion

- [8] We cannot determine any grounds on which we could allow the appeal, as we are satisfied that the overpayment has been correctly quantified and should be recovered.

Decision

- [9] The appeal is dismissed.

DATED at Wellington 20 March 2023

G Pearson
Chairperson

M Dodd
Member