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PRESERVATION

# REVIEWS and APPEALS

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Social Security Benefits  
War Pensions



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# SOCIAL SECURITY 3532

## BENEFITS PRESERVATION

### REVIEWS

## Applications for Review

Decisions on benefits and applications for relief from a liable parent contribution on the grounds of hardship are usually made by the local Social Welfare office. If you are not satisfied with the decision, you may within 3 months, apply to the District Review Committee through the local Director or Area Welfare Officer for a review of the decision, setting out briefly the grounds on which you object to the decision. A form for this purpose is available from any Social Welfare office.

The review decision of the District Review Committee will be conveyed to you, and if you are still not satisfied you can appeal to the Social Security Appeal Authority.

## Unemployment Benefits—Committee of Review

The commencement date of unemployment benefit may be postponed for up to 6 weeks or, if you are receiving the benefit, payment may be withdrawn for up to 6 weeks if it is considered that you:

- became unemployed without a good and sufficient reason; or
- lost your job as a result of misconduct as a worker; or
- refused or failed, without a good and sufficient reason, to accept any offer of suitable work; or
- refused or failed, without a good and sufficient reason, to engage in a course of training for the improvement of your capacity or suitability for employment; or
- failed to take reasonable steps to obtain suitable work.

If your benefit is postponed or withdrawn for one of the above reasons you may apply within 7 days to have your case specially reviewed. Your application for review should be lodged at the local Department of Social Welfare.

If the benefit has been postponed or withdrawn because you refused or failed to accept an offer of suitable employment, or because you have failed to take reasonable steps to obtain employment, arrangements will be made for you to appear before a Committee of Review.

If you disagree with the committee decision, you can apply for your case to be reviewed by the District Review Committee. If the District Review Committee's decision is not in your favour, you then have a right of appeal to the Social Security Appeal Authority.

## APPEALS

### Social Security Appeal Authority

#### *What it is*

The Social Security Appeal Authority is an independent authority of 3 persons appointed by the Governor-General on the recommendation of the Minister of Social Welfare given after consultation with the Minister of Justice. It is administered within the Tribunals Division of the Department of Justice.

#### *What it Does*

The Social Security Appeal Authority has been set up to hear appeals against decisions made by the District Review Committee and, in some instances, decisions of the Secretary for War Pensions or the War Pensions Board. It can confirm, modify or reverse such decisions if it considers they are wrong in any way.

## *When it Sits*

The Appeal Authority sits as required, generally about once a month, and the hearings are normally conducted in Wellington.

## *What Decisions Can You Appeal*

You can appeal virtually any decision made by the District Review Committee relating to yourself, unless the decision is based on medical grounds.

Initially a decision concerning your benefit will have been made by someone in your local Social Welfare Office. Before you can appeal any such locally made decision it must first be reviewed by the District Review Committee.

## *How to Appeal*

To begin the appeal process you must lodge a "notice of appeal". Forms for doing this are available from any Social Welfare Office. You don't have to use one of the forms provided, but your notice of appeal must be in writing and it must make clear the grounds for dissatisfaction with the decision and the relief sought by you.

Your notice of appeal should be sent to:

The Secretary  
Social Security Appeal Authority  
Tribunals Division  
Department of Justice  
Private Bag, Postal Centre  
Wellington

There is a time limit. The notice of appeal should be received by the Secretary of the Appeal Authority within 3 months of the date on the letter which told you about the District Review Committee's decision. If you exceed that 3-month period your appeal can still be accepted, but only if the Appeal Authority agrees to extend the time limit.

The advice of a solicitor can be very useful and you can be represented by a solicitor or any other duly authorised representative at the hearing of your appeal. You may be entitled to a grant of legal aid to help with legal costs. You can seek advice about this from a solicitor, your local Citizens Advice Bureau, Neighbourhood Law Office or Beneficiaries Union.

### *Hearing of Appeal*

When your notice of appeal is lodged with the Secretary of the Authority, the Authority asks for a report from the Department of Social Welfare on the factual and legal basis of the District Review Committee's decision. You will be sent a copy of that report. Your appeal can then be set down for hearing.

The Appeal Authority will almost always invite you to be present. If it does and if you elect to attend, your actual and reasonable travel and accommodation expenses (if any) will be paid by the Department of Social Welfare.

You can present your case yourself, *or* you can ask a friend to present it for you *or* you can have your solicitor present it for you. Neither your friend nor your solicitor are entitled to travel or accommodation expenses. If you do not want to attend the hearing of your appeal you can make a written submission or elect to have the matter determined on the substance of your notice of appeal and earlier letters or submissions to the department.

There is provision for you to be awarded costs in bringing your appeal (i.e., costs over and above travel and accommodation expenses), but only if your appeal is successful.

### *Decision on Appeal*

The decision of the Appeal Authority is final except that you can appeal to the High Court on a point of law. If you propose doing this it would be in your interest to consult a solicitor.

## **Medical Appeal Board**

If any claim for an invalid's benefit is declined on medical grounds, or it is cancelled on medical grounds, there is a right of appeal to the Medical Appeal Board which comprises 3 medical practitioners. An appeal may be lodged within 3 months of the date the decision was notified to the applicant. The department makes all the necessary arrangements for the hearing of the appeal, and will issue travel warrants and arrange any necessary accommodation for the appellant to attend the hearing.

The department is bound by the decision of the Medical Appeal Board.

Appeals on other than medical grounds are decided by the Social Security Appeal Authority.

## **WAR PENSIONS AND ALLOWANCES**

### **REVIEWS**

#### **War Service Pensions and War Veterans Allowance**

If you are not satisfied with the decision on an application for war service pension or war veterans allowance other than a decision related to medical or service grounds, you may within 3 months, apply to the War Pensions Board through the Director or Area Welfare Officer for a review of the decision. A form for this purpose, on which you should set out briefly the grounds on which you object to the decision, is available from any Social Welfare office.

The decision of the board will be conveyed to you and if you are not satisfied with its decision you may, within 3 months of this latter decision, appeal to the Social Security Appeal Authority. The grounds on which you make your appeal should be set out on the special form available for this

purpose from any Social Welfare office. For further information about the operation of the Social Security Appeal Authority see the social security benefits section of this leaflet.

## **Economic Pension**

If you are not satisfied with the decision on an application for economic pension you may, within 3 months, apply to the War Pensions Board through the local Director or Area Welfare Officer for a review of the decision. The procedure to be followed, including any appeal to the Social Security Appeal Authority, is the same as outlined above for a war service pension.

## **War Disablement Pension**

If you are receiving a disablement pension and you feel that your disability has got worse since your pension was granted or since the last review, you may apply to the local War Pensions Office for a further review. You may apply for a review at any time.

# **APPEALS**

## **War Pensions Appeal Board**

### *What it is*

The War Pensions Appeal Board is an independent tribunal appointed by the Minister.

### *What it Does*

If you are not satisfied with the decision of the War Pensions Board on an application for a pension under the War Pensions Act you may have a right of appeal to the War Pensions Appeal Board within 6 months from the date the decision of the War Pensions Board was communicated to you.

As an ex-member of the forces you may appeal against a decision of the War Pensions Board if:

- your application for pension has been rejected on the grounds that the disablement was not attributable to or aggravated by service; or
- you are not satisfied with the rate of pension fixed by the board in so far as the decision is based on the assessment of your disablement.

As the widow or a dependent child of a deceased ex-member of the forces you may appeal against a decision of the War Pensions Board if:

- your application has been rejected on the grounds that the death of the member was not attributable to service or that the condition resulting in death was not aggravated by service; or
- your application has been rejected on the grounds that if the member had lived he could have been granted a permanent pension of 70 percent or more of the rate for total disablement.





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