

Temporary Increases in the Disablement Pension

Version 2

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Introduction

1. Purpose

- 1.1 This document sets out policy and procedures for a temporary increase in payment of the **Disablement Pension** when the treatment of a veterans' disability requires their absence from home or work.

2. Legislative Reference

- 2.1 The relevant legislation is **section 57** of the **Veterans' Support Act 2014**.

3. Eligibility

- 3.1 Veterans' Affairs may temporarily increase the payment rate of a Disablement Pension if the veteran is receiving **treatment** that requires, for one or more days in any week, either:

- the veteran to live away from **home**; or
- the veteran to be absent from **work**.

- 3.2 To be eligible for a temporary increase in payments when they are undergoing treatment a veteran must be in receipt of a **Disablement Pension** paid at less than the maximum rate.

Veteran's receiving a War Disablement Pension

- 3.3 Veteran's receiving a grand-parented **War Disablement Pension** are not entitled to this increase.

Section 58 and Schedule 1 clause 6 of the Veterans' Support Act 2014

Recipients with service in the New Zealand Police

- 3.4 A New Zealand police officer who is receiving a Disablement Pension based on their service in the New Zealand Police between 1958 and 1972 is entitled to this increase.

Section 42 of the Police Act 1958, section 110 of the Policing Act 2008 and section 7 and Schedule 1 clause 6 of the Veterans' Support Act 2014

Impact on Impairment Rating

- 3.5 A veteran's whole-person impairment rating remains the same. See the **Disablement Pensions** policy for further information on adjusting a veteran's impairment rating.

Regulation 17(1) of the Veterans' Support Regulations 2014

4. Increase in Disablement Pension payment

Amount

- 4.1 Veterans' Affairs may temporarily increase the veteran's Disablement Pension to the **maximum payable rate**.

Schedule 2 of the Veterans' Support Regulations 2014

Duration

- 4.2 The increase will cover each week treatment requires the veteran to live away from home or be absent from work.
- 4.3 If the veteran is eligible and absent from home or work for a day or more the weekly payment of their pension will be increased for the whole week.
- 4.4 There is no limit on the number of weeks for which a veteran can receive the maximum amount for, provided they continue to live away from home or be absent from work due to treatment.
- 4.5 If a veteran is already in receipt of a Disablement Pension paid at the maximum rate the payment can not be increased further.

5. Application

Treatment within the veteran's Your Plan

- 5.1 Veteran's **Your Plan** will include a section that will detail what treatment the veteran is entitled to receive, and what costs Veterans' Affairs will contribute towards.
- 5.2 Claims consistent with the treatment set out in the **Your Plan** should be processed according to the procedure set out below.

Form

- 5.3 A veteran can apply for a temporary increase in the payment of their Disablement Pension by completing the relevant section in the **treatment application form**.

Evidence required

- 5.4 If Veterans' Affairs has already received some of the information required as part of the provision of treatment in their **Your Plan** this evidence may be considered in assessing this application.

Living away from home

- 5.5 Veterans' Affairs will require the following evidence if applying based on need to live away from home for one or more days in any week:
- a. a letter from the veteran's **treatment provider** certifying that the veteran is receiving on-going treatment
 - b. the addresses of the veteran's home and the treatment provider

- c. receipts or other verifiable evidence that the veteran has been living away from home while attending treatment.

Absent from work

- 5.6 Veterans' Affairs will require the following evidence if applying based on need to miss one or more days of work in any week:
 - a. a letter from the veteran's **employer** certifying that the veteran is missing whole days of paid employment to attend treatment.

Application process

- 5.7 Veterans' Affairs will make a decision on a claim within 30 working days of receipt of the application.
- 5.8 This does not include any period while Veterans' Affairs is waiting for further information that it requires to determine whether to accept the claim.

Section 206 of the Veterans' Support Act 2014

Overseas applicants

- 5.9 This entitlement is available to applicants living outside of New Zealand who are receiving a Disablement Pension.

Veteran's reporting

- 5.10 An applicant must provide accurate information to Veterans' Affairs.
- 5.11 A recipient of a temporarily increased Disablement Pension is required to inform Veterans' Affairs of any change in their circumstances, including:
 - a. If their treatment ends earlier than was anticipated
 - b. If they return home earlier than expected.
- 5.12 A recipient who is found to have actively misled Veterans' Affairs about their entitlement commits an offence.

Section 270 (1) of the Veterans' Support Act 2014

6. Reviews, Appeals and Complaints

- 6.1 If a veteran disagrees about a decision concerning eligibility for an entitlement or service **go to separate policies on Reviews and Appeals**. If a veteran is concerned about Veterans' Affairs' administration of an entitlement or service **go to separate policy on Complaints**.

Glossary

home [clause 7 Schedule 2]

- (a) means residential premises in which the veteran lives and which are owned, rented, or otherwise lawfully occupied by the veteran or his or her parent, guardian, or spouse or partner; and
- (b) includes residential premises in which the veteran proposes to live after they are built and which will be owned, rented, or otherwise lawfully occupied by the veteran or his or her parent, guardian, or spouse or partner; but
- (c) does not include any hospital, hostel, hotel, motel, rest home, or other institution.

impairment [section 7]

Means a loss or abnormality of psychological, physiological, or anatomical function or structure.

qualifying service [section 8]

Means:

- (a) qualifying operational service; and
- (b) qualifying routine service.

qualifying operational service [section 8]

Means:

- (a) service on any deployment treated as a war or emergency for the purposes of the War Pensions Act 1954; and
- (b) service on any deployment declared to be operational service under section 9 of the Veterans' Support Act 2014.

qualifying routine service [section 8]

Means service in the armed forces before 1 April 1974 that is not qualifying operational service.

service-related [section 7]

In relation to an injury, an illness, a condition, or a whole-person impairment, means an injury, an illness, or a whole-person impairment caused by, contributed to by, or aggravated by qualifying service.

treatment

Glossary of ACC terms

Means the management and care of a patient for the purpose of combating injury or disorder (including diagnosis). It relates to medical, surgical, dental or first aid attention and includes:

- (a) activity or behaviour that is part of a patient's treatment process, and is prescribed by a treatment provider (for example best rest, taking medication, or exercising)
- (b) Medical or surgical procedures
- (c) assessment or diagnosis procedures of any nature (for example X-rays, medical examinations or scans)
- (d) first aid at any location within New Zealand (for example, the roadside, sports field or beach).

unable to work [section 59]

Means unable to work as a consequence of injury or illness from whatever cause.

Veterans' Affairs [section 7]

Means Veterans' Affairs New Zealand (VANZ) established under section 198 of the Veterans' Support Act 2014.

veteran [section 7]

Means:

- (a) a member of the armed forces who took part in qualifying operational service at the direction of the New Zealand Government; or
- (b) a person:
 - (i) who has been:
 - (A) appointed as an employee of the Defence Force under section 61A of the Defence Act 1990; or
 - (B) seconded to the Defence Force with the permission of the Chief of Defence Force; and
 - (ii) who took part in qualifying operational service at the direction of the New Zealand Government; or
- (c) a person who, immediately before the commencement of Part 3 of this Act, is eligible for a pension under the following provisions of the War Pensions Act 1954:
 - (i) section 19 (but only if the person was a member of the forces):
 - (ii) section 55 or 56:
 - (iii) Parts 4 and 5

working day [section 7]

Means a day of the week other than:

- (a) a Saturday, a Sunday, Waitangi Day, Good Friday, Easter Monday, Anzac Day, the Sovereign's birthday, and Labour Day; and
- (b) if Waitangi Day or Anzac Day falls on a Saturday or a Sunday, the following Monday; and
- (c) a day in the period commencing on 25 December in any year and ending with 15 January in the following year.