

# **Temporary Increases in the Disablement Pension**

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# Policy

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## 1. Purpose

- 1.1 This Policy provides guidance on administering a temporary increase in payment of the **Disablement Pension** when the treatment of a veteran's **service-related** injury or illness 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.

### Veterans receiving a War Disablement Pension

- 3.3 Veterans 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 clause 6 of Schedule 1 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 letter from the veteran's **treatment provider** certifying that the veteran is receiving on-going treatment
  - 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 must within 7 **working days** after receiving the application, acknowledge receipt of the application, and must keep the claimant up-to-date on the progress of the application
- 5.8 Veterans' Affairs will make a decision on a claim as soon as practicable after receipt of the application.
- 5.9 Veterans' Affairs will give notice of its decision on a claim in writing, providing:
  - the reasons for the decision, and
  - information about the claimant's right of review.

*Section 11 of the Veterans' Support Act 2014*

#### **Overseas applicants**

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

#### **Veteran's reporting**

- 5.11 An applicant must provide accurate information to Veterans' Affairs.
- 5.12 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.
- 5.13 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 **see separate policies on Reviews and Appeals**. If a veteran is concerned about Veterans' Affairs' administration of an entitlement or service **see separate policy on Complaints**.

## Glossary

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**employer** [section 6 of the Accident compensation Act 2001]

- (a) means a person, other than a person acting for an employer as PAYE intermediary in section YA 1 of the Income Tax Act 2007, who pays, or is liable to pay,—
  - (i) any amount that, in relation to any other person, is treated as income from employment, as defined in paragraph (a) of the definition of income from employment in section YA 1 of the Income Tax Act 2007; and
  - (ii) any salary, wages, or other income to which section RD 3B or RD 3C of the Income Tax Act 2007 applies; but
- (b) does not include, for the purpose of Part 6, a person who is an employer solely by reason of any section RD 5(1)(b)(iii), (6)(b), or (c) of the Income Tax Act 2007.

**home** [section 7]

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

**impairment** [section 7]

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

**member of the armed forces** [section 7]

Means a person who is or has been a member of the New Zealand armed force raised by the Governor-General on behalf of the Sovereign,—

- (a) whether in New Zealand or elsewhere; and
- (b) whether before or after the passing of this Act.

**partner** [section 7]

Means a civil union partner or a de facto partner.

**qualifying service** [section 8]

Means:

- (a) qualifying operational service; or
- (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; or
- (b) service on any deployment declared to be operational service under section 9.

**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.

**unable to work** [section 59]

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

**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
- (aa) a member of the armed forces who took part in qualifying routine service before 1 April 1974; 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.