

Veterans Affairs New Zealand unreasonable not to allow appeal because incorrect form presented

Legislation	Ombudsmen Act 1975
Agency	Veteran Affairs
Ombudsman	Beverley Wakem
Case number(s)	W53506 (previously unpublished)
Date	2007

Complaint about Veterans Affairs’ decision not to allow appeal because the person appealing failed to fill out the application form properly—Ombudsman found that decision unreasonable and Veterans Affairs agreed to allow the appeal

Veterans Affairs New Zealand (VANZ) had advised the complainant that there was a right to appeal a decision made about his War Disablement Pension, but that his appeal would not be forwarded to the Appeal Board because the form was incorrectly completed. The Ombudsman considered that VANZ should have been aware of the basis of the appeal and had a duty of care to ensure that a veteran’s appeal was not held ‘bad for want of form’ and that a veteran should not be penalised simply because a form has been completed incorrectly.

The Ombudsman found that given the applicant was 85 and would have had difficulties completing the forms, it would seem reasonable to make allowance for this. VANZ accepted the Ombudsman’s view on the matter and allowed the appeal to be forwarded to the Appeal Board, which could then decide whether there was a case to answer.

Given that there is an Appeal Board to consider such matters, the Ombudsman had no jurisdiction to consider the original decision about the complainant’s entitlement to a War Disablement Pension.

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