

## Work and Income and balance of benefit debt waived

<b>Legislation</b>	Ombudsmen Act 1975
<b>Ombudsman</b>	Anand Satyanand
<b>Case number(s)</b>	W40089
<b>Date</b>	1998

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*Recovery of benefit overpayment by Income Support Service—existence of debt acknowledged—failure to provide breakdown of how debt arose—benefit file could not be located—balance of debt waived*

A complaint was received from a part-time taxi proprietor who had been in receipt of a reduced benefit to supplement a low income from his business. He had been required to provide regular declarations of his income from his business so that the level of income support paid to him could be kept under review. As a result of the reviews, it was found that he had received income support in excess of his entitlement and a debt was established against him by the Income Support Service of the Department of Social Welfare (now known as Work and Income). The complainant began making payments to reduce the debt, but his request for a breakdown was not answered. The Department's failure to provide the breakdown was the basis of his complaint.

The Department carried out a full review of the situation. Although it believed that the complainant had been provided with a number of breakdowns of the debt, it was unable to produce evidence to support that view because the complainant's departmental file could not be located. As a consequence, the Department decided to write off the balance of the debt.

Given that the complainant accepted that he owed money, the Department considered it fair to retain the amount that he had already repaid. The complainant was happy with this decision and the investigation was concluded on the basis that the complaint had been resolved.

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