

Managing Claims: When Applicants Fail to Assist in Establishing Their Claim

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Contents

Contents	2
Policy	3
1. Purpose	3
2. Legislative reference	4
3. Veterans' Affairs has a responsibility to progress claims in a timely manner	4
4. Veterans and other claimants have a responsibility to assist in establishing their claim	4
5. Completion of Application Forms	5
Providing support to veteran or other claimant having difficulty completing application form	5
Notification of incomplete application forms	5
Closure without resolution	5
6. Authorising Veterans' Affairs to obtain medical and other records	6
Veterans and other claimants are to be advised of the purpose for which medical and other records obtained will be used	6
Action required if veteran or other claimant does not provide Veterans' Affairs with authorisation to obtain medical and other records	6
Closure of a claim without resolution	7
7. Provision of Required Information	8
Veterans and other claimants are to be advised what information is required and why it is needed	8
Closure of a claim without resolution	9
8. Provision of certificate from health practitioner or treatment provider	9
Veterans and other claimants are to be advised what information is required on a certificate and why it is needed	9
Closure of a claim without resolution	10
9. Undergoing medical assessments	10
Veterans are to be advised of the purpose of the assessment and the implications of non-attendance	11
Veterans not able to attend assessment	11
Non-compliance notice to be sent when veteran misses first assessment without good reason	12
Closure of a claim without resolution	12
10. Closure of a claim without resolution	12
11. Reviews, appeals and complaints	13
12. A veteran or other claimant may withdraw a claim at any time	13
Glossary	14

Policy

1. Purpose

1.1 This Policy provides guidance on managing situations where a **veteran** or **other claimant** fails to do what is required of them in order to assist in the establishment of their claim. This includes where a veteran or other claimant **fails to:**

- complete an application form
- authorise Veterans' Affairs to obtain medical and other records that are or may be relevant to the application or entitlement (or withdraws an authorisation previously given)
- provide Veterans' Affairs with relevant information about any matters relating to their application or entitlement that Veterans' Affairs requires
- provide Veterans' Affairs with a certificate from a **health practitioner** or **treatment provider** that deals with the matters or contains the information that Veterans' Affairs requires
- undergo assessment at Veterans' Affairs' expense by an assessor appointed and specified by Veterans' Affairs.

1.2 This Policy provides guidance on:

- assisting veterans and other claimants having difficulty doing what has been required of them
- providing a non-compliance notice when a veteran or other claimant has not taken the action required of them
- providing an opportunity for compliance
- providing guidance on closing claims without resolution
- what a veteran or other claimant needs to do to formally withdraw their claim if they choose not to provide the required information, certificates, authorise Veterans' Affairs access to records, or to attend assessments.

1.3 This Policy applies to:

- claims for all entitlements under the Veterans' Support Act 2014
- veterans and other claimants whether living in New Zealand or overseas.

2. Legislative reference

2.1 Relevant legislation is:

- sections 11, 12, 27, 215, 228 of the Veterans' Support Act 2014.

3. Veterans' Affairs has a responsibility to progress claims in a timely manner

3.1 Veterans' Affairs has a duty to:

- perform its functions in making decisions on claims in a timely manner
- ensure that a decision on a claim for an entitlement is made as soon as practicable after receiving the claim.

Section 12 of Veterans' Support Act

4. Veterans and other claimants have a responsibility to assist in establishing their claim

4.1 A veteran and other claimant has a responsibility to assist Veterans' Affairs in establishing their eligibility for an entitlement claimed.

4.2 To make a claim, a veteran or other claimant must complete and provide to Veterans' Affairs the information requested and outlined in the relevant application form.

4.3 In addition, when reasonably required to do so by Veterans' Affairs, a veteran or other claimant who applies for an entitlement under the Veterans' Support Act must:

- authorise Veterans' Affairs to obtain medical and other records that are or may be relevant to the application or entitlement
- give Veterans' Affairs relevant information about any matters relating to their application or entitlement that Veterans' Affairs requires at any time
- give Veterans' Affairs a certificate by a health practitioner or treatment provider that deals with the matters or contains the information that Veterans' Affairs requires
- undergo assessment at Veterans' Affairs' expense by an assessor appointed and specified by Veterans' Affairs.

Section 27 of Veterans' Support Act

5. Completion of Application Forms

- 5.1 Application forms seek to obtain information necessary to establish a veteran or other claimant's eligibility for an entitlement and to provide the entitlement if granted.

Providing support to veteran or other claimant having difficulty completing application form

- 5.2 Veterans' Affairs provides support to veterans or other claimants facing difficulties completing an application form. Such assistance may include helping the veteran or other claimant to understand the requirements, answering queries about filling out a particular application form and how they might go about accessing the necessary information. Veterans or other claimants may contact the Veterans' Affairs helpline (**New Zealand** 0800 483 8372 **Australia** 1800 483 837 **Rest of the world** +64 4 495 2070), or email Veterans' Affairs (veterans@nzdf.mil.nz) with any queries in this regard. Veterans or other claimants can also seek help from veterans' organisations in completing the application form.

Notification of incomplete application forms

- 5.3 Upon receiving an incomplete application form from a veteran or other claimant, Veterans' Affairs will promptly notify the veteran or other claimant in writing of the specific parts that are missing or incomplete and the actions required to rectify the issue.
- 5.4 Veterans' Affairs will clearly communicate the importance of completing all required sections of the form to ensure timely processing of their claim and accurate determination of eligibility.
- 5.5 Veterans' Affairs will establish a reasonable deadline for veterans and other claimants to complete and submit the missing parts of the application form. In setting a deadline, consideration is given to:
- the veteran's or other claimant's circumstances;
 - where the veteran or other claimant lives (e.g. in New Zealand, overseas, metropolitan area, rural area); and
 - how the application form is able to be sent (e.g. mail, courier, email).
- 5.6 If a veteran or other claimant has applied for an entitlement that commences from the date the completed application is received by Veterans' Affairs, any delays in completing the application form will impact on the date from which an entitlement will be paid if it is granted. In such cases, Veterans' Affairs will advise the veteran or other claimant of this fact.

Closure without resolution

- 5.7 If a veteran or other claimant fails to complete the missing parts of the application form within the specified deadline and does not demonstrate valid reasons for non-compliance, the application may be closed without resolution.

- 5.8 Before closing the application without resolution, Veterans' Affairs will ensure that all reasonable efforts have been made to obtain the required information and that the veteran or other claimant has been given a reasonable opportunity to complete the application.

6. Authorising Veterans' Affairs to obtain medical and other records

- 6.1 In order to consider and determine a veteran's or other claimant's eligibility to a claimed entitlement or service, and to administer the entitlement if granted, it is often necessary to obtain medical and other records from other persons or government agencies. This may include obtaining medical and other records from health practitioners, treatment providers, DIA, Work and Income, ACC and IRD.
- 6.2 Veterans and other claimants are asked to authorise Veterans' Affairs to obtain medical and other records about them for the purpose of assessing their entitlement and determining a claim, administering their claim and any resulting entitlement (if the entitlement is granted).
- 6.3 Authorising Veterans' Affairs to obtain information is simple and easy to do and is done when a veteran signs an application form. Importantly it takes the burden off the veteran and other claimant of having to obtain the necessary medical and other records themselves and providing them to Veterans' Affairs, including the costs involved in doing so. In some cases, Veterans' Affairs may also be able to obtain medical and other records quicker than the veteran and other claimant is able to do so, which can help reduce the time to process and determine a claim.

Veterans and other claimants are to be advised of the purpose for which medical and other records obtained will be used

- 6.4 Veterans' Affairs will advise veterans and other claimants of the purpose for which medical and other records will be obtained and used. This may include explaining the specific medical and other records needed, the reasons for its necessity, and the potential impact on the processing of their claim if authorisation is not provided.
- 6.5 Veterans' Affairs will advise veterans and other claimants that if they do not authorise Veterans' Affairs to obtain the necessary medical and other records, they will need to obtain the medical and other records themselves and provide them to Veterans' Affairs at their own expense.

Action required if veteran or other claimant does not provide Veterans' Affairs with authorisation to obtain medical and other records

- 6.6 If a veteran or other claimant does not provide Veterans' Affairs with authorisation to obtain medical and other records, they will need to obtain and provide any necessary medical and other records to Veterans' Affairs themselves. In such cases, Veterans' Affairs will advise the veteran or other claimant what medical and other records are needed in order to consider and determine their claim and, if granted, to administer any resulting entitlement.

- 6.7 Veterans will establish a reasonable deadline for veterans and other claimants to obtain and provide to Veterans' Affairs the necessary medical and other records needed. In setting a deadline, consideration is given to:
- the veteran's or other claimant's circumstances;
 - where the veteran or other claimant lives (e.g. in New Zealand, overseas, metropolitan area, rural area);
 - any statutory timeframes persons and organisation may have in order to provide the veteran and other claimant with requested medical and other records (e.g. in New Zealand the Privacy Act 2020 provides that requests for personal information must be provided within 20 working days after the day on which a request is received with the possibility of this timeframe being extended) and
 - how the medical and other records are able to be sent (e.g. mail, courier, email).
- 6.8 Veterans' Affairs will advise the veteran and other claimant that, if the medical or other records are not provided by the deadline that has been set, Veterans' Affairs may close their claim without resolution.
- 6.9 Veterans' Affairs will advise the veteran and other claimant that they must notify Veterans' Affairs if they encounter any difficulties or have a change in circumstances that may prevent them from providing the medical and other records by the deadline that has been set.
- 6.10 Circumstances may arise that, through no fault of their own, prevent a veteran or other claimant from providing the necessary medical or other records within the reasonable deadline that has been set.
- 6.11 Examples of good reasons for not being able to provide medical or other records by the reasonable deadline that has been set include:
- medical emergencies or hospitalisations
 - unforeseen family emergencies or caregiving responsibilities
 - persons and agencies taking longer to provide requested medical and other records
 - postal and courier delays in the delivery of the medical or other records.
- 6.12 If there is good reason why the veteran or other claimant is not able to meet the original deadline set, Veterans' Affairs will set a new deadline taking into account the veteran or other claimant's particular circumstances.

Closure of a claim without resolution

- 6.13 If a veteran or claimant does not provide Veterans' Affairs with authorisation to obtain necessary medical and other records and fails to provide Veterans' Affairs with those records by the deadline set without good reason, Veterans' Affairs may close the claim without resolution.

7. Provision of Required Information

7.1 In order to consider and determine a veteran's or other claimant's eligibility to a claimed entitlement or service and to administer the entitlement if granted it may be necessary to obtain information directly from the veteran or other claimant. This may be because the veteran or other claimant has not provided Veterans' Affairs with authorisation to obtain medical or other records directly or because the nature of the information required means that it can only be obtained directly from the veteran or other claimant.

Veterans and other claimants are to be advised what information is required and why it is needed

7.2 Veterans' Affairs will advise the veteran or other claimant what information they are required to provide in order to consider and determine their claim and, if granted, to administer any resulting entitlement.

7.3 Veterans' Affairs will advise veterans and other claimants why the required information is needed, the reasons for its necessity, and the potential impact on the processing of their claim if it is not provided.

7.4 Veterans will establish a reasonable deadline for veterans and other claimants to provide to Veterans' Affairs the required information. In setting a deadline, consideration is given to:

- the veteran's or other claimant's circumstances;
- where the veteran or other claimant lives (e.g. in New Zealand, overseas, metropolitan area, rural area);
- if the veteran or other claimant must obtain the information from another person or agency, any statutory timeframes persons and organisation may have in order to provide the veteran and other claimant with requested information (e.g. in New Zealand the Privacy Act 2020 provides that requests for personal information must be provided within 20 working days after the day on which a request is received with the possibility of this timeframe being extended) and
- how the required information is to be sent (e.g. mail, courier, email).

7.5 Veterans' Affairs will advise the veteran and other claimant that, if the required information is not provided by the deadline that has been set, Veterans' Affairs may close their claim without resolution.

7.6 Veterans' Affairs will advise the veteran and other claimant that they must notify Veterans' Affairs if they encounter any difficulties or have a change in circumstances that may prevent them from providing the required information by the deadline that has been set.

7.7 Circumstances may arise that, through no fault of their own, prevent a veteran or other claimant from providing the required information within the reasonable deadline that has been set.

- 7.8 Examples of good reasons for not being able to provide the required information by the deadline that has been set include:
- medical emergencies or hospitalisations
 - unforeseen family emergencies or caregiving responsibilities
 - persons and agencies taking longer to provide requested information
 - postal and courier delays in the delivery of the required information.
- 7.9 If there is good reason why the veteran or other claimant is not able to meet the original deadline set, Veterans' Affairs will set a new deadline taking into account the veteran's or other claimant's particular circumstances.

Closure of a claim without resolution

- 7.10 If a veteran or claimant does not provide Veterans' Affairs with the information required by the deadline that has been set without good reason, Veterans' Affairs may close the claim without resolution.

8. Provision of certificate from health practitioner or treatment provider

- 8.1 Depending on the entitlement claimed, Veterans' Affairs may require a veteran or other claimant to provide a certificate from a health practitioner or treatment provider that deals with matters or contains information that Veterans' Affairs requires. For example, certificates may:
- confirm the existence of an injury or illness claimed
 - provide information about an injury or illness claimed
 - confirm that an injury or illness results in a veteran being unable to work full-time.

Veterans and other claimants are to be advised what information is required on a certificate and why it is needed

- 8.2 Veterans' Affairs will advise the veteran or other claimant what information needs to be contained on a certificate and why the certificate is needed, the reasons for its necessity, and the potential impact on the processing of their claim if it is not provided.
- 8.3 Veterans will establish a reasonable deadline for veterans and other claimants to provide to Veterans' Affairs the required certificate. In setting a deadline, consideration is given to:
- the veteran's or other claimant's circumstances;
 - where the veteran or other claimant lives (e.g. in New Zealand, overseas, metropolitan area, rural area);

- the time it may take for the veteran or other claimant to arrange an appointment with the health practitioner or treatment provider in order to obtain the required certificate; and
- how the required certificate is to be sent (e.g. mail, courier, email).

8.4 Veterans' Affairs will advise the veteran and other claimant that, if the required certificate is not provided by the deadline that has been set, Veterans' Affairs may close their claim without resolution.

8.5 Veterans' Affairs will advise the veteran and other claimant that they must notify Veterans' Affairs if they encounter any difficulties or have a change in circumstances that may prevent them from providing the required certificate by the deadline that has been set.

8.6 Circumstances may arise that, through no fault of their own, prevent a veteran or other claimant from providing the required certificate within the reasonable deadline that has been set.

8.7 Examples of good reasons for not being able to provide the required certificate by the deadline that has been set include:

- medical emergencies or hospitalisations
- unforeseen family emergencies or caregiving responsibilities
- postponement of the appointment by the health practitioner or treatment provider
- postal and courier delays in the delivery of the required certificate.

8.8 If there is good reason why the veteran or other claimant is not able to meet the original deadline set, Veterans' Affairs will set a new deadline taking into account the veteran's or other claimant's particular circumstances.

Closure of a claim without resolution

8.9 If a veteran or claimant does not provide Veterans' Affairs with the certificate required by the deadline that has been set without good reason, Veterans' Affairs may close the claim without resolution.

9. Undergoing medical assessments

9.1 Non-attendance of scheduled assessments leads to delays in the resolution of a veteran's claim resulting in prolonged waiting times for entitlements or services they may be eligible to. Failure to attend assessments without good reason may lead to the closure of a veteran's claim, impacting their ability to access entitlements or support. It may also result in missed opportunities for medical evaluation and treatment, potentially exacerbating their health condition or prolonging their recovery process.

9.2 Non-attendance by one veteran can contribute to administrative backlog, delaying assessments and services for other veterans and civilians in need.

Resources within Veterans' Affairs that could have been allocated to other veterans may be diverted to reschedule or address the non-attendance issue, impacting the overall efficiency of the veteran claim system.

Veterans are to be advised of the purpose of the assessment and the implications of non-attendance

9.3 It is essential for veterans to understand the significance of attending scheduled assessments to ensure timely access to entitlements and services while maintaining the efficiency and integrity of the system for all veterans and other claimants.

9.4 At the time a veteran is advised that they will be required to attend an assessment, Veterans' Affairs is to advise the veteran:

- the purpose of the assessment and how it contributes to the resolution of their claim
- that Veterans' Affairs will pay or contribute to the transport costs associated with attending the assessment
- the need to advise Veterans' Affairs of any barriers that they may face to attend assessments (e.g. transportation, child care, care giving responsibilities, etc.)
- the need to advise the health practitioner or treatment providers as early as possible if they will not be able to attend the assessment
- what the veteran must do if they wish to reschedule the assessment and there is sufficient advanced notice for this to occur
- the implications if they fail to attend the assessment without good reason.

Veterans not able to attend assessment

9.5 Circumstances may arise when a veteran is not able to attend an assessment. Such circumstances may be beyond a veteran's ability to control.

9.6 If a veteran misses an assessment without prior notification, Veterans' Affairs will request in writing that the veteran contact Veterans' Affairs within one month to explain the reason for the missed assessment.

9.7 There may be a good reason why a veteran may not have been able to attend an assessment. In such a case, Veterans' Affairs will arrange a new appointment.

9.8 Examples of good reasons for not being able to attend an appointment include:

- medical emergencies or hospitalisations
- unforeseen family emergencies or caregiving responsibilities
- transportation issues beyond the veteran's control

- natural events such as earthquakes, flooding, etc.

9.9 If the veteran did not have a good reason why they were not able to attend the assessment, Veterans' Affairs will issue the veteran with a non-compliance notice.

Non-compliance notice to be sent when veteran misses first assessment without good reason

9.10 Upon missing the first scheduled assessment without good reason, Veterans' Affairs will provide the veteran with a non-compliance notice in writing. The non-compliance notice will:

- outline the importance of attending assessments and the consequences of repeated non-attendance
- specify that failure to attend subsequent assessments without good reason may result in the closure of the claim without resolution
- give the veteran an opportunity to comply with the requirement to attend the assessment by arranging for a further assessment.

9.11 The veteran will be given an opportunity to comply with the requirement to attend the assessment.

Closure of a claim without resolution

9.12 If a veteran fails to attend two consecutive assessments without good reason, Veterans' Affairs may close the claim(s) associated with that assessment without resolution.

10. Closure of a claim without resolution

10.1 Veterans' Affairs may close a claim without resolution if a veteran or other claimant fails to assist in the establishment of a claim by not completing their application, authorising Veterans' Affairs to obtain medical and other records, providing required information and certificates or by not attending assessments.

10.2 Before closing a claim without resolution, Veterans' Affairs will ensure that all reasonable efforts have been made to assist the veteran or other claimant and give them a reasonable opportunity to do what Veterans' Affairs has required of them.

10.3 If a claim is closed without resolution, Veterans' Affairs will:

- notify the veteran or other claimant in writing
- explain the reason why the claim has been closed without resolution
- provide guidance on the steps the veteran or other claimant can take to reapply and/or make a complaint if they are dissatisfied with how their claim has been administered.

11. Reviews, appeals and complaints

- 11.1 In closing a claim without resolution Veterans' Affairs has not considered or made a decision about a veteran or other claimant's eligibility to the entitlement claimed. Consequently, the veteran or other claimant has no right of review or appeal.
- 11.2 A veteran or other claimant may make a new application if they wish to test their eligibility at a future date.
- 11.3 If a veteran or other claimant are dissatisfied with how their claim has been administered they can make a complaint, see policy on **Complaints**.

Section 215 and section 228 of the Veterans' Support Act 2014

12. A veteran or other claimant may withdraw a claim at any time

- 12.1 Veterans and other claimants who do not wish to provide required information, certificates, authorise Veterans' Affairs to obtain medical and other records, attend assessments or pursue their claim further have the option to formally withdraw their claim.
- 12.2 A withdrawal request must be submitted in writing to Veterans' Affairs. The veteran or other claimant must clearly state their intention to withdraw the claim.
- 12.3 Any veteran or claimant that withdraws their claim may make a new claim at a future date. If the new claim results in the granting of an entitlement, the commencement of the entitlement will be based on the new claim and not the claim that the veteran or other claimant previously withdrew.

Glossary

Sections referred to in this Glossary are from the Veterans' Support Act 2014 unless otherwise stated.

health practitioner [section 7]

Has the same meaning as in section 5(1) of the Health Practitioners Competence Assurance Act.

[which reads as follows:

Means a person who is, or is deemed to be, registered with an authority as a practitioner of a particular health profession.]

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.

other claimants [section 7]

other claimants means—

- (a) persons who have served as members of the armed forces before 1 April 1974 and whose injury or illness was caused by, contributed to by, or aggravated by routine service in New Zealand or overseas; and
- (b) spouses or partners of veterans; and
- (c) children of veterans; and
- (d) dependants of veterans; and
- (e) persons (other than the spouse or partner, or a child or dependant, of the veteran) who provide non-professional support to veterans for the purposes of section 107

treatment provider:

- (a) means a chiropractor, dentist, medical laboratory technologist, nurse, nurse practitioner, occupational therapist, optometrist, osteopath, physiotherapist, podiatrist, or medical practitioner; and
- (b) includes a member of any occupational group as added for the purposes of this definition by regulations made under section 265 and subject to any criteria specified in those regulations, including (but not limited to) whether and, if so, the extent to which members of an occupational group are recognised by the Accident Compensation Corporation as treatment providers for the purposes of the Accident Compensation Act 2001

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.