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**MINISTRY OF SOCIAL
DEVELOPMENT**
TE MANATŪ WHAKAHIATO ORA

WORK AND INCOME
TE HIRANGA TANGATA

Review of a medical decision

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Blind Low Vision NZ, Auckland

TN: The logo at the top of the page is Ministry of Social Development – Te Manatū Whakahiato Ora and Work and Income – Te Hiranga Tangata

Note: Information about ways you can contact Work and Income are listed at the end of this information.

Review of a medical decision

If you don't agree with a medical decision we have made, you can challenge it, and our decision can be reviewed. This is called a 'Review of a medical decision'.

Kinds of decisions you can challenge.

You can challenge medical decisions about whether you qualify for:

- Jobseeker Support
- Supported Living Payment on the grounds of a health condition, illness or disability
- Child Disability Allowance
- Veteran's Pension, if you are under 65 and have a medical condition, injury or disability not related to your service.

You can also challenge medical decisions about your obligations (e.g. work or drug testing obligations)

How to apply

Before you start it is a good idea to contact us to talk about the decision you're challenging and what you don't agree with. We may be able to fix it without it needing to go to a review.

Applying for a medical review of decision

If we can't fix it for you when you contact us, you (or your agent or advocate) can apply for a Medical Appeals Board hearing. To apply, you will need to download and fill out a 'Medical Appeals Board hearing application' which is located here www.workandincome.govt.nz/mab-hearing

If you can't print the form you can contact us and ask us to send you one or you can pick one up from your nearest service centre. Once you have completed it, you can hand it in or post it to, your nearest service centre.

You need to apply within 3 months of the decision being made. This time limit can be extended if there is a good reason.

What happens next

After you apply, we will carry out an internal review, also called an administrative review. We will do this with either a regional health and disability adviser, or health practitioner. This is where we take another look at the original information you gave us for the decision. We will see if we missed anything or made a mistake that means the decision should be different.

Outcome of administrative review

We will send you a letter within 2 weeks letting you know whether we have decided to change the decision or not. If we change it, we will let you know what this will mean for you. If we don't change it, **we will** lodge your appeal with the Medical Appeals Board. They will take a fresh look at your case.

The Medical Appeals Board

The Medical Appeals Board is made up of 3 independent health practitioners who either:

- rehabilitate people when they have a health condition, injury, or disability, or

- have other expertise relevant to your case.

The Medical Appeals Board will receive the appeal and contact you to set a date for a hearing. We will also send a report to the Medical Appeals Board and send a copy of this to you as well.

The hearing

If you need help attending the hearing, we can help with:

- transport costs to and from the hearing
- wheelchair access
- an interpreter (including a New Zealand Sign Language interpreter), or
- for you to take part by phone or a video call, e.g. by Zoom.

You can bring a support person, advocate, or lawyer with you to the hearing if you want - just let us know beforehand. You can also have a lawyer appear for you if you don't want to go yourself.

Before the hearing takes place, you can give us and the Board any further medical documents or evidence you would like considered.

At the hearing

The hearings usually last about one hour. You (or your advocate or lawyer) can explain why you are unhappy with the decision and present whatever evidence you want. Board members can ask questions.

You will be able to attend the hearing, and if so, the board will request a representative from MSD to present their case and explain how the original decision was made. If you choose not to attend, then no MSD representative will be called. Decisions will be made based on the evidence presented in your application.

The Board may ask you to have another medical examination. We will pay for this and any travel or other related costs. If you don't want to be re-examined, you need to let the Board know.

The outcome

We will send you a letter to let you know the Medical Appeals Board's decision. We will also send you a copy of their final report about 3-4 weeks after the hearing.

If the Board agrees with you

If the Board agrees with you and the decision needs to be changed, the service centre you have been dealing with will put things right.

If the Board does not agree with you

The decision of the Medical Appeals Board is binding for you and us. There is no right of appeal. You can talk to us if you want something clarified.

If you apply late for a review

Usually, you need to apply for a review of decision within 3 months of a decision being made. We can accept later applications if there is a good and sufficient reason for the delay.

The Medical Appeals Board will meet to consider your reasons for delay and may decide to go ahead with a hearing. If it does not think your reason is good enough, the original decision will stand.

Reasons for delay could include:

- you were unwell
- your health condition, disability or stress impacted you

- problems related to language (e.g., not reading or understanding English or needing a NZ Sign Language interpreter)
- you didn't have access to the information you needed
- you didn't understand the decision and have now got advice from an advocate or lawyer
- waiting until a criminal prosecution related to this decision progressed.

You may have other reasons for the delay. It is important you tell us about them so we can consider it at the hearing.

If you don't want to continue with your application

If you don't want to continue with your medical review of decision application, you can withdraw it at any time.

To do this, you can either:

- contact us and we will put you in touch with the unit or person that is working on your application, or
- contact the Medical Appeals Board Co-ordinator as soon as possible. You can find their phone number on the letter we send you about the hearing.

Options for contacting Work and Income

You are always welcome to let us know if you have a specific communication need.

Phone call

Call our general enquiries team on 0800 559 009. Our phone line is open Monday to Friday 7am to 6pm and Saturday 8am to 1pm.

Text or Email

If **you** are deaf or disabled **and** your health condition or disability prevents you from calling us, you can text us on **4206** (charges may apply depending on your mobile provider) or email us at

MSD_Deaf_Services@msd.govt.nz More information about what Deaf Services can help you with is at www.workandincome.govt.nz/deaf-services

NZ Relay

If you are Deaf, hard of hearing, deafblind, or have speech communications difficulties you can also use NZ Relay to connect with Work and Income via their website located

here [Use NZ Relay Service - www.nzrelay.co.nz](http://www.nzrelay.co.nz) or by using the free NZ Relay App.

Finding your nearest service centre

We have many service centres around New Zealand. You can find the physical address and the postal address of a service centre near you here

www.workandincome.govt.nz/service-centres

End of Review of a medical decision