

MSD's 25 November 2025 review of decision

Reviews of Decision

The Ministry of Social Development (MSD) administers the Social Security Act, This says:

1964 Act:

10A Review of decisions of chief executive made under delegation by other decision makers

...A person to whom this section applies may apply in writing for a review of the decision to the appropriate benefits review committee established under this section...

2018 Act:

391 Right to seek review of specified decision of MSD made under delegation

(1) A person may make an application to MSD for a review by a benefits review committee of a decision of MSD, but only if—

- (a) the person and the decision are of kinds specified in the same row of the following table; and
- (b) the decision is made in the exercise of a function, power, or discretion conferred by a delegation; and
- (c) the decision is made in relation to the person or estate...

Detail

My case is about historical trauma.

On 25 November 2025 MSD sent me an email saying:

"Good afternoon, Mr Smith,

Thank you for your application for a Review of Decision with the Ministry, Please find attached our acknowledgement letter which explains our process. When we complete the next step, we will contact you again...

Michael Edgerley
Review of Decision Team"

This MSD email is about an application for a review of decision as defined in the Social Security Act 2018. But I had not applied for a review.

On 25 November 2025 MSD attached its acknowledgement of receipt, saying:

"Application for a Review of Decision

We have received your application for a review of decision.

The review process begins with an internal [ROD] review - where we reconsider the decision we made. Once we have done this, we will write to you advising of the outcome and what happens next...

[Signed]
Michael Edgerley"

MSD standard practice was to state the decision being reviewed. But its 25 November acknowledgement didn't do this.

On 28 November 2025, I responded saying:

"Hi Michael,
I haven't applied for a review of decision."

I've never received a reply to this email. I sent it by clicking MSD's email of 25 November, then clicking the "Reply" button in my email client. Then I typed my response, as above, and clicked "Send". My email client then confirmed that my response "I haven't applied for a review of decision" had been received by MSD.

On 3 December 2025 MSD sent me an official a letter:

"Your application for a Review of Decision

We have completed an internal review of the decision to suspend your New Zealand Superannuation from 28 July 2017...

Michael Edgerley
Review of Decision Team"

On 28 November 2025, I had told MSD I hadn't applied for any review of decision. MSD had a policy on withdrawing an application for review, titled "A guide to the first stages of a Review of Decision" saying:

"You can withdraw your application for a Review of Decision at any time.
You need to do this in writing."

But MSD chose to continue the review even though it knew I had disavowed authorship.

On 4 December 2025, I asked MSD under the Official Information Act for a copy of my alleged application for a review of MSD's 8-year-old 2017 decision:

MSD Feedback Enquiry Form: new official information act request
submission

What is your feedback or enquiry about?

Official information Act request

"On 25/11, I received a MSD letter starting "We have received your application for a review of decision." Please send a copy of my application."

On 4 December 2024, MSD responded saying my OIA request was being treated under the Privacy Act and had been forwarded...

"to the proper team to action and you can expect a response back from them no later than the 23rd of January 2026."

On 26 January 2026, I emailed MSD:

"On 4 December 2025, I made a request under the OIA which you treated under the Privacy Act since I requested personal information. The same day, 4 December 2025, you replied to me saying my request has been forwarded "to the proper team to action and you can expect a response back from them no later than the 23rd of January 2026.

It's now 26 January 2026 but I've had no response. That's after over 50 days when I understand the statutory period is 20 working days unless more time is advised. No extension has been advised. I've only asked for a copy of one document. On 25 November 2025, MSD said, "We have received your application for a review of decision." In my 4 December 2025 request to you I asked for a copy of that application.

This seemed like a very straight forward request easily complied with. I know MSD has a large team that processes OIA and Privacy Act requests which is very motivated to comply with statutory law about time limits, so it's unclear to me why a response hasn't come. It's possible I've missed it in my emails or accidentally deleted the email. In which case could you resend.

If a response hasn't been sent, would you give me an estimate of the date of compliance with the Privacy Act, and also would you let me know what the problem has been."

No email was resent. I've never received an answer to my request for the reason for the delay. No extension of time for MSD to reply had been requested or advised, and the time taken by MSD far exceeded that allowed under statutory law.

On 30 January 2026, MSD sent an official letter:

"30 January 2026

Our Response to your Information Request

Thank you for your request of 4 December 2025 for: A copy of your application for a review of decision.

We enclose our response to your request...

Pam Unsworth
Manager Client Service Delivery

Enc.[Letter sent to the Ministry dated 18th November 2026]"

(The date was 25 November 2025.) The document MSD sent as a "copy of your application for a review of decision" was my letter to MSD of 18 November 2025 addressed to chief executive Debbie Power. Nothing in this letter applied for a review of decision.

I simply asked MSD to adopt the reasoning of the recent Social Security Appeal Authority decision in appeal 51/21 about one amount of arrears, and to use that reasoning to make a decision (not yet made) about another quantity of arrears of circa \$150,000.

I was expecting a yes or no answer. If MSD said "no", then I had the option of applying for statutory review of MSD's 2025 "no" decision.

But MSD didn't reply yes or no. It unilaterally began reviewing an 8-year-old decision.

The Act allowed three months to apply for a review of a decision unless an extension of time is granted. No extension of time had been requested or granted, so the clock ran out in October 2017. But MSD continued its 2025 review of its 2017 decision.

Then MSD took far too long to send a copy of my alleged application for review, which document did not apply for a review. This was all about MSD doing everything it could to avoid considering a case of trauma which, almost 10 years ago, it was asked to consider but hasn't formally considered, instead cancelling about \$200,000 in benefits.

Nothing in the Act gives MSD the power to deem a document not a statutory application to be a statutory application. But if MSD exceeds its powers and nevertheless does that, it should stop the review if the claimed author disavows authorship. But MSD didn't stop the review.