

REGULATIONS.

APPEALS.

1. ANY applicant for war pension (hereinafter called "the appellant") who is dissatisfied with the decision of the War Pensions Board in regard to—

- (a.) The assessment by way of pension of any war disability; or
- (b.) The attributability to or aggravation by his war service of any disability; or
- (c.) The attributability to war service, either directly or indirectly, of any death,

as set out in subsection (4) of section 10 of the War Pensions Amendment Act, 1923, is entitled to lodge an appeal, setting forth the grounds of his dissatisfaction.

2. The appeal shall be lodged within six months after the date on which the decision of the War Pensions Board has been notified to the appellant, or in those cases decided before the date of these regulations not later than the 30th September, 1924.

3. The appeal, which must be in writing on the authorized form obtainable from any Pensions Office, shall be lodged with the local Registrar of Pensions or may be sent direct to the Commissioner of Pensions at Wellington, and may be accompanied by any medical or other evidence which the appellant may desire to furnish.

4. All appeals lodged shall on receipt thereof be recorded by the Commissioner of Pensions, who will in due course arrange for their submission to the War Pensions Appeal Board (hereinafter called "The Appeal Board"), together with all previous medical reports and other relevant documents, including the medical history of the member of the Forces during his period of military service.

5. The Appeal Board shall fix a time and place for the hearing of the appeal, at which the appellant shall attend in person if so requested by the Board: Provided that nothing in this regulation shall preclude an appellant appearing before the Board in person should he desire to do so. Sittings of the Board shall be held at Auckland, Wellington, Christchurch, and Dunedin.

6. If an appellant fails to appear before the Appeal Board when notified and does not give a satisfactory explanation of his non-appearance within one month of the date set down for the hearing of the appeal, the appeal shall lapse, and no further appeal shall be allowed within the currency of his pension then in force.

7. If an appellant dies between the lodging of his appeal and the submission of the case to the Appeal Board, the appeal shall nevertheless be determined to enable the necessary adjustment to be made by the War Pensions Board in regard to the pension payable to any dependant. In such an event the representative of the deceased appellant may appear in person before the Board in support of his claim.

8. At least fourteen days' notice shall be given to an appellant of the date fixed for the hearing of any appeal.

9. The decision of the Appeal Board, together with all papers in connection with the appeal, shall be forwarded to the Commissioner of Pensions.

10. The decision of the Appeal Board in regard to those cases where it has jurisdiction shall be binding during the currency of the pension in force at the date of the appeal, or for such other period as the Appeal Board shall determine.

11. Where practicable, the decision of the Appeal Board shall be conveyed to the appellant at the time of the hearing of the appeal.

12. Where at the date of the lodgment of an appeal, or at the date of the hearing thereof before the Appeal Board, essential evidence is tendered which has not previously been considered by the War Pensions Board, the appeal shall be referred in the first instance to the War Pensions Board for review of its decision. If the decision resulting from such review is not favourable to the appellant, the Appeal Board shall adjudicate thereon, but in the event of the said decision being favourable to the appellant, the said appellant shall in the case of an appeal on assessment be given the opportunity to proceed with the appeal or to withdraw it.

13. The question as to whether an appellant may be represented at any hearing of an appeal by counsel or other person shall be determined by the Chairman of the Appeal Board, but in any case where such representation is authorized, the War Pensions Board shall be given an opportunity to indicate whether it desires similar representation or not.