

DGR/SH/14

Commissioner's File: CSB/191/1990

SUPPLEMENTARY BENEFITS ACT 1976

APPEAL FROM DECISION OF SOCIAL SECURITY APPEAL TRIBUNAL ON A
QUESTION OF LAW

DECISION OF THE SOCIAL SECURITY COMMISSIONER

1. My decision is that the decision of the social security appeal tribunal given on 15 November 1988 is erroneous in point of law, and accordingly I set it aside. I direct that the appeal be reheard by a differently constituted tribunal who will have regard to the matters mentioned below.

2. This is an appeal by the claimant, brought with the leave of the tribunal chairman, against the decision of the social security appeal tribunal of 15 November 1988.

3. On 7 April 1988 the adjudication officer decided that the claimant was not entitled to additional requirements for laundry or extra baths for any period prior to 18 August 1987.

4. In due course, the claimant appealed to the tribunal who in the event upheld the adjudication officer. They appear to have based their decision on irrelevant matters. In the words of the adjudication officer now concerned:-

".... the tribunal have erred in directing themselves towards 'good cause' for the delay in claiming additional requirements, rather than establishing the date a review was requested, the grounds for review and identifying the decision which the claimant sought to have reviewed. Once these questions had been determined regulations 69 and 72 of the Adjudication Regulations should have been considered to establish if any arrears of additional requirement were appropriate rather than considering if 'good cause' existed. The tribunal did not make any findings of fact in respect of these issues and their decision is therefore in breach of the requirement of regulation 25(2)(b) of the Adjudication Regulations."

I accept that submission.

5. Accordingly, I must set aside the tribunal's decision and direct that the appeal be reheard by a differently constituted tribunal who will have regard to the matters mentioned above.

6. I allow this appeal.

(Signed) D.G. Rice
Commissioner

(Date) 1 April 1992