

JBM/SH/4/MD

Commissioner's File: CS/213/1985

C A O File: AO 4347/V/85

Region: North Eastern

**SOCIAL SECURITY ACTS 1975 TO 1985
CLAIM FOR INVALIDITY BENEFIT
DECISION OF THE SOCIAL SECURITY COMMISSIONER**

Name: Irvin Woodhouse

Appeal Tribunal: Barnsley

Case No: 185/1

1. My decision is that invalidity benefit is payable from 5 November 1984 to 19 December 1984 (both dates included) because the claimant has proved that he was incapable of work by reason of some specific disease or bodily or mental disablement. Social Security Act 1975, sections 15(1) and 17(1)(a)(ii).
2. This is an appeal by the claimant to the Commissioner against the majority decision of the appeal tribunal confirming the decision of the adjudication officer shown in Box 1 of Form AT2 and against their decision in respect of the further period referred to them.
3. The facts and history of the case are dealt with in Box 5 of Form AT2 and in paragraph 4(i) to (vi) of the submission dated 30 August 1985 of the adjudication officer now concerned on which the claimant's representatives have had the opportunity to comment. No useful purpose would be served by my setting out these matters afresh here.
4. The relevant law (both statutory and otherwise) is adequately set out in the submission of the adjudication officer first concerned in these appeals.
5. In the light of the decisions of the Commissioner consistently followed for many years referred to by the two adjudication officers involved in these appeals and on the basis of the medical evidence available to me in the case papers in my judgment the claimant has shown on balance of probability that he was incapable of work for the period at issue in paragraph 1 of this decision within the meaning of the 1975 Act. I would only add that in my view regulation 3 of the Social Security (Unemployment, Sickness and Invalidity Benefit) Regulations 1983, has no relevance.
6. Accordingly the claimant's appeal is allowed.

(Signed) J.B. Morcom
Commissioner

Date; 14th March 1986