

JGM/LS

Commissioner's File: CU/103/1985

C A O File: AO 3692/UB/84

Region: London

•SOCIAL SECURITY ACTS 1975 TO 1984

CLAIM FOR UNEMPLOYMENT BENEFIT

DECISION OF THE SOCIAL SECURITY COMMISSIONER

Name: April Kim Britton

Appeal Tribunal: Southend

Case No: 5/4

1. My decision is that the claimant is not precluded by regulation 7(1)(e) of the Social Security (Unemployment Sickness and Invalidity Benefit) Regulations 1983 from receiving unemployment benefit for any day of claim in the inclusive period from 22 March 1984 to 30 September 1984.
2. The claimant was in full-time work for the period of one year from August 1982 to August 1983 and possibly also before that from the time that she left school in 1977. She became unemployed and drawing unemployment benefit at least until 12 March 1984 when she took up work in a project with the community programme working 20 hours per week partly on Mondays, partly on Tuesdays and partly on Wednesdays. She claimed unemployment benefit in respect of Thursdays, Fridays and Saturdays. The adjudication officer held that such benefit was not payable to her for Thursday, Friday and Saturday 22 to 24 March 1984 and he made a forward disallowance covering those days of the week until May 1985. The claimant's appeal against these disallowances was rejected by the social security appeal tribunal; and the claimant now appeals to the Commissioner.
3. The ground of the disallowances was regulation 7(1)(e) of the regulations above mentioned relating to the so-called "full extent normal" rule. At the time of the decision there existed a somewhat ill-defined exception to the rule in the case of what was referred to as "stop-gap" employment. The nature and scope of this exception has been considered recently first by a tribunal of Commissioners in the decision on file CU 255/1984 and by the Court of Appeal in Riley v Adjudication Officer (25 July 1985). It cannot be said that these two decisions taken either separately or cumulatively have made all clear. But they have thrown enough light on the topic for the adjudication officer now concerned to make a submission that the claimant, who became fully employed on a comparable project from 1 October 1984, was in stop-gap employment during the period down to that date, and that accordingly she was not during such period adversely affected by regulation 7(1)(e). I accept this submission and give the decision set out in paragraph 1. Unless there is some other obstacle

to the payment of benefit during the period, she is entitled to benefit during every day of claim (in particular Thursdays, Fridays and Saturdays) during the period mentioned in paragraph 1.

(Signed): J G Monroe
Commissioner

Date: 26 February 1986