

CPAG

JBM/SH/13

Commissioner's File: CFC/014/1990

FAMILY CREDIT (GENERAL) REGULATIONS 1987

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 Barnsley social security appeal tribunal dated 22 March 1990 is not erroneous in point of law.

2. This is an appeal by the claimant to the Commissioner with the leave of the tribunal chairman against the unanimous decision of the appeal tribunal confirming the decision of the adjudication officer first involved in these appeals.

3. The facts and history of the case are dealt with partly by reference in paragraphs 1 and 2 of the submission dated 31 October 1990 of the adjudication officer now involved in these appeals. In respect of those matters and of the entirety of that submission the claimant's representatives have had the opportunity to comment and I have their observations to me dated 20 November 1990. No useful purpose would be served by my setting out these matters afresh here.

4. The relevant statutory provisions are referred to in paragraph 3 of the submission dated 31 October 1990 of the adjudication officer now involved in these appeals. Nothing is to be gained by my setting out those references afresh here.

5. In my judgment the decision of the appeal tribunal is not erroneous in point of law. The appeal tribunal were entitled to arrive at the decision to which they came on the evidence before them. The Commissioner in Decision R(I) 14/75 set out the grounds on which an appeal tribunal's decision can be set aside. After careful consideration of those grounds and their application to the instant case I can discern nothing which would enable me to set aside the decision of the appeal tribunal on the

grounds of error of law. In my judgment the submission dated 31 October 1990 is rightly made.

6. In accordance with my jurisdiction my decision is as set out in paragraph 1 of this decision.

7. Accordingly the claimant's appeal is disallowed.

(Signed) J B Morcom
Commissioner

(Date) 8 May 1992