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Claimant was seriously ill during confinement in hospital. Two months after her return home, she and her husband realised that a claim for maternity grant and attendance allowance had not been sent in. Claim disallowed.

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1. My decision is that the claimant is disqualified for receiving the maternity grant and attendance allowance which she has claimed.

2. The claimant was confined on 15th October, 1948, but she did not claim maternity grant or attendance allowance until 26th January, 1949. She was seriously ill during her confinement, and, when her husband obtained a form of claim and brought it to her in hospital on 25th October, 1948, she was too ill to attend to it. He, therefore, left it for the doctor to complete the certificate of confinement. The doctor completed the certificate on 18th November, 1948, the day on which the claimant left hospital. Nothing further was done by the claimant or her husband, until, after the lapse of some months, the claimant's husband remarked upon the delay in paying the benefit. It then appeared that the claimant had thought that her husband had made the claim on her behalf, and he had thought that the hospital had done so. Search amongst her correspondence, which she had brought back from the hospital, revealed that the claim form was packed up with that correspondence. It was then sent to the local National Insurance Office, but by that time it was 26th January, 1949.

3. By the National Insurance (Claims and Payments) Regulations, 1948 [S.I. 1948 No. 1041], Regulation 11(2), the time for making a claim for maternity grant is three months from the date of confinement, and that for making a claim for attendance allowance is 10 days from the date on which the claimant becomes entitled to it (i.e., the date of confinement, see the National Insurance Act, 1946, Section 14(2)), unless the claimant proves that there was good cause for her failure to make the claim before the date on which it was made. This time limit has, since 14th April, 1949, been extended to 28 days, but that change has no application to the claimant's case, and if it had, would not assist her.

4. If the claimant cannot prove good cause for her failure to make her claim before 26 January, 1949, she is, by Regulation 11(1) of the above-named regulations, disqualified for receiving the maternity grant. She is also disqualified for receiving attendance allowance in respect of any period more than 10 (since 14th April, 1949, 28) days before the date on which the claim was made. As the period in respect of which attendance allowance is payable in her case had expired more than 10 days before 26th January, 1949, the effect is to deprive her of her right to attendance allowance.

5. When a claimant was seriously ill, and unable to attend to a claim at the time when she should have attended to it in order to comply with the relevant regulations, the question to be considered in determining whether or not she had good cause for her failure to make a claim before the date on which it was made depends upon the answer to the question "Has she done all that she could reasonably be expected to do in the interval?" She is not entitled to leave to others the making of her claim, and take no further interest in the matter. It is her duty to follow up the matter for herself, so far as she can reasonably be expected to do so, having regard to her condition and circumstances. (Compare Decision No. C.G.101/49 (not reported).)

6. The claimant did nothing for more than two months after she returned home. She never, apparently, ascertained from her husband that he had not, as she thought, dealt with her claim on her behalf.

7. She complains that she had no knowledge of a time limit for making a claim, and that nothing was said to her husband about a time limit when he obtained the claim form from the local office of the Ministry of National

C.G. 207/49 (K.L.)

Insurance. But, if she had found the form, which he obtained, and looked at it, she would have seen that, if she wanted to know about claiming maternity grant or attendance allowance, she was advised to read Leaflet N.I.17. That would have informed her about the time limit. Clearly, when a new scheme comes into force persons cannot know the rules governing the payment of benefits under it, unless they ascertain what they are by inquiry or otherwise.

8. While I would willingly accept that for a considerable time the claimant had good cause for failure to make a claim, I do not feel justified in holding that she had good cause for her failure to do so until 26th January, 1949.

9. I must dismiss her appeal.

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