

1. This appeal, brought with my leave, fails. The decision of the tribunal on 19 3 04 was not wrong in law. The claimant was not entitled to a housing benefit extended payment ("run-on") on his move from Preston to South Ribble, nor on his jobseekers allowance terminating.
2. People in receipt of housing benefit who have been receiving jobseekers allowance (JSA) for at least 26 weeks can be entitled to a 4-week "run-on" of their housing benefit when they start work, even though the ending of their JSA would normally automatically terminate their housing benefit entitlement. This is provided by regulation 62A(1) of the Housing Benefit (General) Regulations. They can also take advantage of this provision where they move out of their previous premises in the week that they take up employment, or in the previous week: regulation 62A(1) and (3).
3. But infuriatingly for the claimant, the facts of his case did not fall within this mandatory framework.. His JSA entitlement ended on 7 12 03 and he began work on 8 12 03. He had duly reported this on 28 11 03 to Ringway Jobcentre. But by 8 12 03 he was no longer in receipt of housing benefit, because he had moved out of his address in Preston on 23 11 03 and his "relevant benefit period" there came to an end on 24 11 03 (regulation 68(1)). He had not reclaimed for his new South Ribble address. The date he moved was neither in the week he began his new job, nor in the week before that. I realise the difference was only "marginal", as the claimant puts it, but the regulations do not allow for the exercise of any discretion.
4. The claimant was not doing anything unlawful by moving, but he did not report the change of address at this stage. Ringway Jobcentre had reassured him that the run-on would be all right; but as he did not tell them he had already moved, they were advising under a misapprehension, and could not give an undertaking that would bind the local authorities to do something their regulations did not allow them to do.
5. The appeal to the tribunal in these circumstances came up with the same answer that had already been given, and I cannot fault the legal correctness of its decision. The tribunal did not deal with the administrative complaints the claimant had made, because it was not its job to do so (nor is it mine), and the chairman was entitled to refuse leave to appeal.
6. I did give leave to appeal because I wondered about the claimant's request to backdate the housing benefit claim he did in due course make to South Ribble. The new tenancy start date was the same as the Preston leaving date, and backdating might have secured a continuity of housing benefit entitlement. South Ribble agree they did not deal with the request, but say they have not yet

been given any reason for the delay in claiming. They also suggest that the run-on could only have taken place if the claimant had given his new address to the Department of Work and Pensions before his JSA claim terminated. I am not sure that is right (it would be easy enough to prove a person's address, and the need to report the change to the DWP for what might be only a few days seems an unnecessary additional burden) but of course if the claimant had reported the true state of affairs to Ringway Jobcentre this could also have been sorted out.

7. The claimant did not offer me reasons for delay, and said he had no further comment to make. He did not want an oral hearing. Maybe he is worn out with the whole matter. Maybe he did not claim for some time because he was expecting the run-on to be paid automatically. But that could not have happened unless he had reported his new address or details of his new landlord, and he agreed that he had not.

8. I have sympathy with the claimant, whose file shows a dismal story of delays and the non-materialisation of New Deal Plus benefits such as a computer course and a bonus which are designed to support people's return to work. But my sympathy will not pay his rent arrears, because it cannot lead to my allowing the appeal. I have no power to allow administrative complaints to override the regulations.

(signed on original)

Christine Fellner
Commissioner

13 August 2004