

JBM/SH/5

Commissioner's File: CIS/074/1994

SOCIAL SECURITY ACT 1986

SOCIAL SECURITY ADMINISTRATION ACT 1992

APPEAL FROM DECISION OF SOCIAL SECURITY APPEAL TRIBUNAL ON A

QUESTION OF LAW

DECISION OF THE SOCIAL SECURITY COMMISSIONER

Name: Evelyn Dickinson

Social Security Appeal Tribunal: Stockton

Case No: 1:48:28135

1. My decision is that the decision of the Stockton social security appeal tribunal dated 22 September 1993 is not erroneous in point of law.

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

3. The facts of the case are dealt with in the written submission of the adjudication officer first involved in these appeals to the appeal tribunal. In respect of those matters and of the submission dated 17 March 1994 the claimant has had the opportunity to comment and I have the observations of the claimant's representatives enclosed with their letter dated 8 April 1994. No useful purpose is to be served by my setting out these matters afresh here.

4. The relevant statutory provision is section 71 of the Social Security Administration Act 1992.

5. I have considered very carefully the arguments put forward on behalf of the claimant by the claimant's representatives. I have also considered the documentation contained in the case papers and the submission dated as aforesaid of the adjudication officer now involved in these appeals. I do not think that it is necessary to recite the careful arguments put forward by both sides. I have to bear in mind that I can allow an appeal only if I am satisfied that the decision of the appeal tribunal was erroneous in point of law. What is an error of law is helpfully

dealt with by the Commissioner in decision R(I) 14/75 where the Commissioner adumbrated five grounds in respect of any one or more of which I am empowered to set aside the decision of the appeal tribunal in the instant case. On no other grounds can I set aside a decision of the appeal tribunal. In the instant case there is no suggestion of breach of natural justice, the appeal tribunal had evidence before them on which they made their findings of fact, the appeal tribunal have not breached regulation 25(2)(b) of the Social Security (Adjudication) Regulations 1986 and that they have made adequate findings of fact and given adequate reasoning to support their decision. Further I cannot see that they have reached a perverse decision - a high hurdle in any event for any appeal tribunal to surmount. However I do not discern any error of law ex facie on the face of the appeal tribunal record the appeal tribunal signed the declaration on the claim form which is to the effect "I declare that the information I have given on this form is correct and complete." by failing to give details of her husband's work pension and signing the declaration the claimant has made an untrue statement. I need only refer to the decision of the Court of Appeal promulgated on 1 July 1993 in (1) Jones (2) Sharples v. C.A.O. promulgated on 1 July 1993.

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 dismissed.

(Signed) J.B. Morcom
Commissioner
(Date) 4 January 1995