

Commissioner's File: CS/006/1990

SOCIAL SECURITY ACTS 1975 TO 1990

CLAIM FOR SICKNESS BENEFIT

DECISION OF THE SOCIAL SECURITY COMMISSIONER

Name: [REDACTED]

Appeal Tribunal: Cleveland

Case No: [REDACTED]

1. My decision is that the decision of the Cleveland social security appeal tribunal dated 13 October 1989 is not erroneous in point of law.
2. This is an appeal by the claimant with the leave of the tribunal chairman against the unanimous decision of the appeal tribunal confirming the decision of the adjudication officer first concerned in these appeals and also from the decision of the appeal tribunal on the question referred to them by the adjudication officer.
3. The facts of the case are dealt with in box 5 of the submission of the adjudication officer first involved in these appeals. In respect of those matters and of the submission dated 9 March 1990 the claimant has had the opportunity to comment and I have his comments through his representatives to me dated 16 March 1990. No useful purpose would be served by my setting out these matters afresh here.
4. The relevant law (both statutory and otherwise) is adequately set out in the submissions of the two adjudication officers who have been involved in these appeals. Nothing is to be gained by my rehearsing that law here.
5. In my judgment the decision of the appeal tribunal is not erroneous in point of law. My jurisdiction is in respect of error of law and what is an error of law is helpfully dealt with by the Commissioner in Decision R(I) 14/75. On no other grounds can I set aside a decision of an appeal tribunal. On the face of the appeal tribunal record in the instant case I can discern no error of law which would permit me to set aside that decision. In my judgment the submission dated 9 March 1990 is rightly made. There is no merit in my saying in other words what has been adequately stated in that submission in particular I accept

paragraphs 9 and 10 thereof and adopt them as part of my judgment.

6. In accordance with my jurisdiction my decision is as set out in paragraph 1 of this decision. I would add that I have given careful consideration to the claimant's representative's observations to me dated 16 March 1990 which are largely concerned with the claimant's "language difficulties. He also has low academic and social skills." However, he did attend the appeal tribunal together with his representative. As to the form Med 5 it was not before the appeal tribunal and they reached their decision on the basis of evidence before them and they found as fact that it could not have been issued before 23 June 1989 when the claimant was included in Dr. Bottomley's list.

7. Accordingly the claimant's appeal is disallowed.

(Signed) J.B. Morcom
Commissioner

(Date) 10 February 1992