
Police officer thought he would be well in a fortnight
Held that that was not good cause for delay in claiming

1. My decision is that the claimant is entitled to sickness benefit for the period from the 23rd to the 26th February (both dates included), for the 28th February and for the 1st March, 1949.

2. The claimant, who is a police officer, was incapable of work from the 15th February to the 1st March last. Until the 4th March the claimant had neither given notice of incapacity nor made any claim for sickness benefit but on that date he delivered to the local Insurance Office a final certificate on form Med.2B signed by his doctor and himself. The Insurance Officer decided that the claimant was disqualified for receiving sickness benefit in respect of any part of the above-mentioned period of incapacity and this decision was upheld by the Local Tribunal

3 Since the hearing by the Local Tribunal the claimant has amplified his explanation of his failure to give notice or claim benefit within the prescribed time. It appears that the claimant obtained a certificate from his doctor on form Med.1 on the 15th February. He duly signed the portion headed "Notice of Incapacity and Claim" and forwarded the form to his superintendent for inspection, as he was required to do by police regulations. In accordance with the regulations then in force the certificate was sent on to the Divisional Headquarters of the Police, where it was filed instead of being returned to the claimant or forwarded to the local Insurance Office. On the claimant's inquiring what had happened to the certificate he was informed by the police sergeant that as it had not been returned it had no doubt been forwarded direct to the local Insurance Office. The claimant says that he did not submit any further certificates because he expected to resume duty before the expiration of 14 days.

4 In my opinion, on the facts stated above, the claimant had good cause for not submitting form Med. 1 to the local Insurance Office before the 4th March as he believed this had already been done. It follows that his time for giving notice of incapacity was extended until the 4th March by virtue of Regulation 15(2) of the National Insurance (Claims and Payments) Regulations, 1948 [S.I. 1948 No. 1041].

5. The claimant gave notice of incapacity on form Med 1 on this date. Notice of incapacity had thus been given "in accordance with the provisions of Regulation 15".

6. But while notice of the incapacity need only be given once, viz., "on becoming or again becoming incapable of work" the regulations require a beneficiary to make a claim within the prescribed time in respect of each day of incapacity and the claim cannot be made in advance (Decision C.S. 174/49 (K.L.).) The claim on form Med.1 therefore could only be effective in respect of the 15th February. It was effective for that date by virtue of the proviso to Regulation 11(1) of the above-mentioned regulations because the claimant had good cause for not delivering form Med.1 earlier than he did. In respect of the later dates the position is, in my opinion, as follows :—

C.S. 596/49 (K.L.)

7. By the proviso to Regulation 15(2) " where the person proves that from the expiration of the said period of three days up to the day on which the notice is given there was good cause for failure to give such notice, the time shall be extended to the date on which the notice is given ".

8. As stated above, the notice was given " in accordance with the provisions of Regulation 15 ". It follows from Regulation 11(2)(b) that the prescribed time for claiming benefit for any day later than 15th February was 10 days from the day in respect of which the claim was made and from Regulation 11(1)(b)(i) that the claimant is disqualified for receiving benefit for any period more than 10 days (excluding Sundays) before the 4th March unless he proves good cause for his delay in making the claim for the day in question.

9. The reason given by the claimant for his delay in making a claim for any day after the 15th February is that he thought he would be well in a fortnight. In my opinion, this is not good cause for the delay. (See Decision C.S. 537/49 (K.L.).)

10. The claimant therefore cannot escape disqualification in respect of the period stated above. That period ended on the 20th February.

11. It follows from Regulation 6(1)(c) of the National Insurance (Unemployment and Sickness Benefit) Regulations, 1948 [S.I. 1948 No. 1277] that as the claimant was disqualified for receiving benefit in respect of any day before the 21st February (except the 15th) none of those earlier days except the 15th can be treated as days of incapacity. Consequently, the 15th, 21st and 22nd are the first three days of the " period of interruption of employment " and under the proviso to Section 11(1) of the Act the claimant is not entitled to benefit for those three days. In the result, the claimant is entitled to benefit for the days specified at the beginning of this decision.

12 To this extent the appeal is allowed.
