

He left the UK on 13/1/16 and returned on 17/1/17

In this case, having not disregarded the first 13 weeks of Mr [REDACTED] absence abroad, commencing 13/1/16 (regulation 17 of The Social Security (PIP) Regulations 2013), the Decision Maker was either unaware of the fact that Mr [REDACTED] stay abroad was not intended to exceed 52 weeks in duration - he had booked a return ticket for 1/12/16, but was unable to travel due to a road accident sustained on 6/10/16 - or failed to properly apply the regulations.

It is my submission that Mr [REDACTED] should be treated as resident in the UK for the period 13/1/16 to 13/4/16 and therefore meets the past presence condition for entitlement to PIP.

Copies of relevant regulations are attached