

otherwise.

In keeping with the information about Miss [redacted] illnesses and disabilities including details of any treatment, medication, test results, symptoms, the history of her conditions, findings and observations on assessment, I consider that it is reasonable that Miss [redacted] can stand and then move 50 metres, or a little more but no more than 200 metres, either aided or unaided.

Miss [redacted] has presented no medical evidence to or clarify she is significantly more restricted than currently assessed.

It is noted that Miss [redacted] drives a car, (Page 263), she has two children 6, and 18, and she looks after them including doing the school run.

I respond that the activity of driving a car is in itself a multi-tasking activity requiring significant physical function in terms of grip, power and upper and lower joint movements in conjunction with substantial cognitive powers of thought, perception, memory, reasoning, concentration, judgement and co-ordination entirely consistent with the Decision Maker's decision that guidance or supervision is not required indoors or out.

To drive, a person must have good function of the hands and have sufficient grip and manual dexterity to grip a steering wheel and have good function of lower limbs and have the ability to apply foot-pedal pressure to allow for braking when required.

If Miss [redacted] function was as poor as she is claiming then I respond she would not be fit to drive as she would be a severe danger on the road and there is no evidence to suggest that DVLA have been informed of such.

I submit that any change of circumstances occurring since the decision date cannot be considered within the decision under appeal. This is because the restrictions arising from any deterioration have not met the "required period" for PIP. The required period is three months prior to, and 9 months following the decision.

The legislation for the "required period" is set out in Regulation 7 (3) (b) (ii) of the Social Security (Personal Independence Payment) Regulations 2013.

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Other Benefits

Although Mr. [redacted] is entitled to ESA, this does not bring automatic entitlement to PIP, which is assessed separately and under different criteria. ESA assesses fitness to work. This factor is not relevant to the PIP qualifying criteria.

Although Miss [redacted] has identified a high level of personal restriction,

	<p>she is entitled to Carer's. To be entitled to Carer's Allowance a person must provide at least 35 hours of care to another disabled person each week. In this living bitches case she is receiving the middle rate carers allowance component for providing day-time supervision to another disabled person. The Tribunal may wish to explore this further.</p>
7	<p>Reasons for preferred evidence</p> <p>I have looked at all the evidence, including information from the claimant and Health Professional.</p> <p>The Health Professional's evidence is up-to-date and specifically considers limitations related to Miss. ability to complete PIP activities. The Health professional considered Mi. ability on the majority of days, rather than exacerbations of her condition.</p> <p>The Health Professional is an independent trained disability analyst and assessed Miss. functional ability based on their knowledge of her medical conditions. Their report includes clinical findings and formal and informal observations covering physical and mental health problems with Mi. who gave a full account of a typical day.</p> <p>I consider the Health Professional report is objective and accurately reflects Mi. ability to complete the Daily Living and Mobility activities.</p>

Conclusion

The appellant is advised the Tribunal has the power to increase or decrease the rate or period of the award. The Tribunal may consider all aspects of the benefit, not just the descriptors under appeal. As such, the Tribunal can consider which descriptor applies for each activity and any changes may then increase, reduce or maintain the award.

I've considered all the available evidence and considered which descriptors apply for each activity, taking into account Miss. functional ability. This includes the activities Mi. has disputed and those which she hasn't. I agree with all descriptors selected.

I oppose this appeal and ask the Tribunal to dismiss the appeal and confirm the Secretary of State's decision.

The Law for PIP can be found at:
www.legislation.gov.uk/ukdsi/2013/9780111532072/contents and
www.dwp.gov.uk/publications/specialist-guides/law-volumes/