

You stated that you do not someone to be aware to watch over you, in order to keep you safe.

### **The request for an Anytime Review**

From information provided by Emma Kelman it is confirmed that you had previously been in receipt of Attendance Allowance (AA) from 24 March 2014 to 28 March 2016. This was for a closed period and may have been made as a result of your operation on your two knee replacements in 2014.

You have provided evidence to confirm that a claim was received by Attendance Allowance on 24 November 2015 to enable Attendance Allowance Unit to consider whether or not the claim in place at that time, expiring on 28 March 2016, could be extended.

Following the renewal claim received by Attendance Allowance Unit (AAU) on 24 November 2015 a decision would have been made by AAU that you were not entitled to Attendance Allowance from 29 March 2016 because your needs were not sufficient to award either rate of Attendance Allowance. (Possibly due to improvements following your knee operation in 2014). A notification of this decision would have been issued to you by Attendance Allowance Unit at that time. The letter would provide you with the rights to dispute that decision.

The Pension Credit office would have also been notified that the entitlement to Attendance Allowance had ended so that the Pension Credit benefit could also be considered.

Unfortunately, as the AA award ended on 28 March 2016, there are now no records available to show details of that award or any decision or notifications issued at that time. This is due to the Departments' policy in document retention which is currently 14 months.

However, Pension Credit records are still available which confirm that as a result of the AA entitlement you satisfied the qualifying conditions to be entitled to an extra amount for severe disability from 24 March 2014 to 3 April 2016. As the entitlement to Attendance Allowance ended on 28 March 2016, you no longer satisfied the conditions to be entitled to the extra amount for severe disability from 4 April 2016. You have confirmed that you received a letter from the Pension Service in 2016 confirming that the Pension Credit entitlement had been reduced due to the loss of the extra amount for severe disability. This would have been because the entitlement to AA had ended.

On the balance of probability, you would have been notified by Attendance Allowance Unit of their decision to stop Attendance Allowance from 28 March 2016. The fact that you were notified by the Pension Credit office in March 2016 about the change to that benefit supports the fact that you would have been also notified about change to your AA entitlement by the AAU.

When you put a renewal claim in and received an acknowledgement dated 27 November 2015 that the Attendance Allowance unit had received the claim and would write to you and tell you whether you could get Attendance Allowance. Had you not received such a letter, then the onus would be on yourself to chase the matter up with Attendance Allowance Unit at that time. There has been no official error involved in this case.

An Any Time Review as specified under Section 9(1) of the Social Security Act 1998 is not relevant in this case.

If you want to know more information about this decision, please contact us on the phone number or address at the top of this letter.

Yours sincerely



Pauline Foster