

DEFINITIONS

- "appropriate office"—see reg. 2.
- "claimant"—*ibid.*
- "electronic communication"—*ibid.*
- "personal independence payment"—*ibid.*
- "writing"—*ibid.*

**Making a claim for an employment and support allowance by telephone**

4.19

13.—(1) Except where the Secretary of State directs in any case or class of case that a claim must be made in writing, a claim for an employment and support allowance may be made by telephone call to the telephone number specified by the Secretary of State.

(2) Where the Secretary of State, in any particular case, directs that the person making the claim approves a written statement of the person's circumstances provided for the purpose by the Secretary of State, a telephone claim is not a valid claim unless the person complies with the direction.

(3) A claim made by telephone in accordance with paragraph (1) is properly completed if the Secretary of State is provided during that call with all the information required to determine the claim and the claim is defective if not so completed.

(4) Where a telephone claim is defective, the Secretary of State must advise the person making it of the defect and of the effect on the date of claim of the provisions of regulation 14.

(5) If the person corrects the defect so that the claim then satisfies the requirements of paragraph (3) and does so within one month, or such longer period as the Secretary of State considers reasonable, of the date the Secretary of State first drew attention to the defect, the Secretary of State must treat the claim as if it had been properly made in the first instance.

DEFINITION

"employment and support allowance"—see reg. 2.

**Date of claim for an employment and support allowance where claim made by telephone**

4.20

14. In the case of a telephone claim, the date on which the claim is made is to be the first date on which—

- (a) a claim made by telephone is properly completed;
- (b) a person first notifies the Secretary of State of an intention to make a claim, provided that a claim made by telephone is properly completed within one month or such longer period as the Secretary of State considers reasonable of first notification; or
- (c) a defective claim is received but is treated as properly made in the first instance in accordance with regulation 13(5), or the first day in respect of which the claim is made if later than the above.

**Making a claim for an employment and support allowance in writing**

4.21 15.—(1) A claim for an employment and support allowance may be made to the Secretary of State in writing on a form authorised by the Secretary of State for that purpose and must be completed in accordance with the instructions on the form.

(2) A written claim for an employment and support allowance, which is made on the form approved for the time being, is properly completed if completed in accordance with the instructions on the form and defective if not so completed.

(3) If a written claim is defective when first received, the Secretary of State must advise the person making it of the defect and of the effect on the date of claim of the provisions of regulation 16.

(4) If the person corrects the defect so that the claim then satisfies the requirements of paragraph (2) and does so within one month, or such longer period as the Secretary of State considers reasonable, of the date the Secretary of State first drew attention to the defect, the Secretary of State must treat the claim as if it had been properly made in the first instance.

DEFINITIONS

“employment and support allowance”—see reg.2.

“writing”—*ibid.*

**Date of claim for an employment and support allowance where claim made in writing**

4.22 16. In the case of a written claim for an employment and support allowance, the date on which the claim is made is to be the first date on which—

(a) a properly completed claim is received in an appropriate office;

(b) a person first notifies an intention to make a claim, provided that a properly completed claim form is received in an appropriate office within one month, or such longer period as the Secretary of State considers reasonable, of first notification; or

(c) a defective claim is received but is treated as properly made in the first instance in accordance with regulation 15(4), or the first day in respect of which the claim is made if later than the above.

DEFINITIONS

“appropriate office”—see reg.2.

“employment and support allowance”—*ibid.*

**Claims for an employment and support allowance where no entitlement to statutory sick pay**

4.23 17.—(1) Paragraph (2) applies to a claim for an employment and support allowance for a period of limited capability for work in relation to which the claimant gave the claimant’s employer a notice of incapacity under regulation 7 of the Statutory Sick Pay (General) Regulations 1982 and for which the claimant has been informed in writing by the employer that there is no entitlement to statutory sick pay.

(2) A claim to which this paragraph applies is to be treated as made on the date accepted by the claimant’s employer as the first day of incapacity.