

Universal Credit, New Style JSA, New Style ESA: Decisions/Claims, revisions, supersessions, etc, determinations of questions and Mandatory Reconsiderations

To satisfy the criteria for LCWRA in respect of this activity social contact must always be precluded with familiar and unfamiliar people due to difficulty relating to others or significant distress experienced by you. Taking the above information into account I consider that you can engage in social contact with someone unfamiliar and therefore you do not qualify for LCWRA for this activity.

Behaving appropriately

I am considering the activity Behaving appropriately as you indicated on your Mandatory Reconsideration that you will push away and violently lash out at someone who gets too close to you because of your migraine attacks. During the assessment you advised the HCP that you have not had any episodes of violent or inappropriate behaviour.

To satisfy the criteria for LCWRA in respect of this activity you must have uncontrollable episodes of aggressive or disinhibited behaviour on a daily basis. Taking the above information into account I consider that you do not have uncontrollable episodes of aggressive or disinhibited behaviour that would be unreasonable in any workplace on a daily basis and therefore you do not qualify for LCWRA for this activity.

I have reviewed all of the evidence held and I agree with the HCP and the original DM that you do not have LCWRA.

I can now look at a different regulation, which allows me to consider whether there would be a substantial risk either to your own health or that of others, if you were not found to have LCWRA. I have to consider this in relation to your journey to and from a work-related activity provider's premises and in the premises itself (if appropriate).

I have decided that this regulation does not apply in your case, because despite your health conditions, you are able to mobilise over 200 metres, you can convey a simple message to others, and you have no major incontinence problems. You have never had the intent to commit suicide, you have never self-harmed or had thoughts of self-harm, you can complete at least two personal tasks, you can go to familiar places and talk to unfamiliar people, and you are compliant with your medication.

It is important to emphasise that your health conditions are not in doubt and that you will not be required to look for work. However, the evidence indicates that you are capable of undertaking some form of suitable work-related activity (WRA).

There are different types of WRA that may be available to you and I have to consider which of those you might reasonably be expected to undertake. When agreeing the type of WRA that you will be expected