



**FIRST-TIER TRIBUNAL**  
**SOCIAL ENTITLEMENT CHAMBER**

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| <b>On: 15/11/2022</b>                                       | <b>Appellant: [REDACTED]</b> |
| <b>Case No: [REDACTED]</b>                                  | <b>NINO: [REDACTED]</b>      |
| <b>Tribunal Ref: [REDACTED]</b>                             |                              |
| <b>Respondent: Secretary of State for Work and Pensions</b> |                              |

**DECISION NOTICE**

1. The appeal is allowed.
2. The decision made by the Secretary of State on [REDACTED] is set aside.
3. [REDACTED] has limited capability for work-related activity. The matter is now remitted to the Secretary of State to make a final decision upon entitlement to Universal Credit (UC).
4. The Secretary of State has accepted that [REDACTED] has limited capability for work. This was not in issue.
5. The following activity and descriptor from Schedule 7 of the UC Regulations 2013 applied:

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| 14. Appropriateness of behaviour with other people, due to cognitive impairment or mental disorder. Has, on a daily basis, uncontrollable episodes of aggressive or disinhibited behaviour that would be unreasonable in any workplace. |
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6. [REDACTED] suffers with multiple health conditions, but his migraine and incontinence impact on his mental health to such a degree that he meets the descriptor outlined above. As a result of that finding the Tribunal did not need to formally consider Schedule 9(4), but even had he not met the above descriptor he would have met the exception contained within Schedule 9(4) such that he would have been treated as having limited capability for work related activity.
7. [REDACTED] was represented by Mr D Stainsby who joined the hearing by phone and he was accompanied by a friend.

8. This has been an oral (face to face) hearing. / [Signature] attended the hearing today and the Tribunal considered the appeal bundle to page H2. No Presenting Officer attended on behalf of the Respondent.

9. Any recommendation given below does not form part of the Tribunal's decision and is not binding on the Secretary of State. In view of the degree of disability found by the Tribunal, and unless the regulations change, the Tribunal would recommend that the appellant is not re-assessed.

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| Signed: [Signature]       | Date: [Date] |
| Issued to the parties on: |              |