



Universal Credit
Freepost DWP Universal
Credit Full Service

www.gov.uk/universalcredit

08 May 2017

Dear [REDACTED]

The outcome of your assessment

We have decided that you do not qualify for either of the limited capability for work elements in Universal Credit. This means that you will not get the additional amount payable to people who need additional support because their health condition or disability affects their ability to work.

The decision was based on outcome of your Work Capability Assessment and any further information you provided.

We recognise that you have a health condition or a disability.

Even though you do not qualify for one of the limited capability for work elements in Universal Credit, you will still be entitled to the amount of Universal Credit that you are currently receiving unless your circumstances have changed.

We will contact you to look again at the work-related requirements in your Claimant Commitment.

How we collect and use the information

To find out about how we use information, visit our website www.dwp.gov.uk/privacy-policy or contact any of our offices

If you need more information, contact us via your on line account.

Yours sincerely

Kerry Jackson
Business Manager
Universal Credit

The reasons for our decision:

The decision maker has been asked to consider how the work capability assessment affects **M. N. S.**'s award of Universal Credit (UC).

M. N. S. claimed Universal Credit on 28/07/16 as her Job seekers allowance claim dated 14/07/15 had ended on 24/07/16.

At her date of claim she declared health conditions of depression and anxiety, chest pain and spinal disk problems. She reported that she had a fit note for the period 12/07/16 to 12/10/16. On 01/08/16 the fit note was submitted to the work coach at Hammersmith Job centre who noted it was issued on 12/07/16 for the period 12/07/16 to 12/10/16 for anxiety and depression.

No further fit notes have been provided.

On 12/12/16 she reported via her Universal Credit account that she had returned to employment on 12/12/16 and that she was employed for 16 hours a week @ £7.50 per hour.

She continued to declare employment of 16 hours a week and earnings were been declared and taken into account against Universal Credit payment for the Assessment Periods (AP) from 28/12/16 to 27/01/17, 28/01/17 to 27/02/17 and 28/02/17 to 27/03/17.

On 31/03/17 she declared via her UC account that she had stopped work on 31/03/17.

A work capability referral to Medical services was made by Universal Credit on 30/08/16 on the basis that she was submitting fit notes and a work capability assessment was carried out on 17/01/17.

Normally a claimant who is in work earning above the relevant threshold is

1. not entitled to a work capability element **and**
2. not subject to work-related requirements

Unless any exceptions apply, the WCA is not carried out, so entitlement to a work capability element cannot be considered.

The relevant threshold is the amount the claimant would be paid at the highest National Minimum Wage (NMW) hourly rate for 16 hours a week.

The NMW from 01/10/16 for age 21 or over is £7.20 an hour. It is also known as the National Living Wage, which is at £7.20 per hour from 01/04/16 for those aged 25 or over.

UC Regs, reg 41(3); National Minimum Wage Regs 99, reg 11

The exceptions quoted above are where the claimant has weekly earnings that are equal to or above the relevant threshold, a WCA cannot be carried out unless the

claimant is entitled to AA or DLA or PIP or AFIP or the WCA is to review a previous LCW or LCWRA determination made for the purposes of ESA or UC.

██████████ is aged 38 and there is no evidence that she has been awarded AA, DLA or PIP or AFIP (Armed Forces Independence payment) She has not declared receipt of either DLA or PIP and a check of departmental systems confirms no awards.

Medical evidence (fit notes) have not been provided since 12/10/16.

Calculation of the "relevant threshold" is:

From 12/12/16 £7.20 x 16 hours $\frac{=£115.20 \times 52}{13} = £460.80$ per mth

██████████ reported her earnings every month as £480.00 from which is in excess of the relevant threshold calculations as above.

The Universal Credit work capability assessment referral was made erroneously as ██████████ was not entitled to a work capability element at the date of WCA assessment and not subject to work –related requirements as no exceptions can be applied.

What if I disagree with this decision?

You, or someone who has the authority to act for you, should contact us **within one month of the date of this letter**; normally via your journal. You can ask us:

- to look at the decision again. There may be something you think has been overlooked, or you may have more information that affects the decision. We call this a **Mandatory Reconsideration**.

When we have looked at the decision again, we will explain our reasons in a **Mandatory Reconsideration Notice**. This will include information you'll need if you wish to appeal.

You cannot appeal now. You can only appeal after you have asked for a Mandatory Reconsideration and we have looked at the decision again.

If you contact us later than one month after the date of this letter, we may not be able to look at the decision again or we may only be able to change it from the date we hear from you. As you can only appeal against the decision if we have done a Mandatory Reconsideration, it is important that you contact us straightaway.

We are committed to treating people fairly, regardless of their disability, ethnicity, gender, sexual orientation, transgender status, marital or civil partnership status, age, religion or beliefs. Please contact us if you have any concerns.