

Based on this information the SDM believes it is likely ██████████ would have continued to satisfy the WCA requirements and have limited capability for work. Regulation 8B (2) (aa) of the credit regulations only requires each day in a particular week to be a day of Limited Capability for Work (LCW) for a credit to be awarded. A person does not have to be entitled to benefit to qualify as long as the LCW is met.

Due to the lack of evidence the SDM has made the decision based on the balance of probabilities. They have considered all the findings available to them and their decision is that ██████████ claim to ESA, is to be re-opened for credits only from 13 July 2014 until the date Universal Credit was claimed 12 December 2020.

Action has been taken to remove the class 1 credits awarded by Carer's Allowance Unit for this period, as the ESA credits will take precedence over the CA credits.