

135



UA-2021-██████-IS

IN THE UPPER TRIBUNAL
(previously CIS/██████/2021)
ADMINISTRATIVE APPEALS CHAMBER

Appeal No. UA-2021-██████-IS

THE TRIBUNAL PROCEDURE (UPPER TRIBUNAL) RULES 2008

Appellant: ██████████
Respondent: The Secretary of State for Work and Pensions
Tribunal: First-Tier Tribunal (Social Entitlement Chamber)
Tribunal Case No: ██████████
Tribunal Venue: Liverpool
Hearing Date: ██████████ 2021

BACKGROUND

1. The First-tier Tribunal granted the Appellant permission for this appeal to the Upper Tribunal (on the ground that the tribunal was legally able to revise the decision by the Respondent to stop the Appellant's award of income support from 28 May 2019). Following directions made by the Upper Tribunal, ██████████ (on behalf of the Respondent) made written submissions (██████ did not support the appeal) on 14 January 2022 and ██████████ of Bolton Council Welfare Rights Service, on behalf of the Appellant, made a response on 10 February 2022. Neither party requested an oral hearing.

2. The appeal was referred to me for decision. I have become aware

2.1 of a recent decision of the of the Upper Tribunal, *MW v SSWP (IS)* [2022] UKUT 59 (AAC) ("*MW*"), a decision of Deputy Upper Tribunal Judge Rowland dated 1 March 2022, that appears to be relevant and was decided in favour of the claimant in that case (and no application for permission to appeal that decision has to date been received by the Upper Tribunal); and

2.2 that a case on similar facts to this one, under reference UA-2021-██████-IS, is before the Upper Tribunal. The state of play on that case is that the Respondent has been given until 21 June 2022 to make submissions on additional grounds raised by the appellant in that case, including an argument that *MW* should be followed. The appellant in that case will then have one month in which to reply.

3. To avoid inconsistent decisions of the Upper Tribunal, as well as to ensure that the Upper Tribunal fulfils its "inquisitorial" function by considering all relevant issues, I consider it fair and just to stay this appeal pending the outcome of the proceedings in UA-2021-██████-IS. Once the decision in that case is available, the Upper Tribunal will send a copy to both the parties with time for any supplementary submissions (including submissions on the relevance of *MW* to this case).

DIRECTION FOR STAY OF PROCEEDINGS

I direct that this appeal is stayed pending the outcome of the decision of the Upper Tribunal in the case with reference UA-2021-[REDACTED]-IS.

This direction is made under rules 2 & 5(3)(j) of the Tribunal Procedure (Upper Tribunal) Rules 2008. Parties may challenge a direction by applying to the Upper Tribunal for another direction which amends, suspends or sets aside the first direction (rule 6(5)).

**Zachary Citron
Judge of the Upper Tribunal**

Authorised for issue on 8 June 2022