

DIRECTIONS NOTICE

1) The appeal was heard on [REDACTED] The Appellant attended and gave evidence. The appeal was successful. The Respondent has requested a Statement of Reasons.

2) I have discovered during preparation of the Statement of Reasons that the recording equipment used to record the oral evidence and submissions of the Appellant's Representative and the Presenting Officer on behalf of the Respondent has malfunctioned. The machine has duplicated the recording of the previous appeal and there is no recording of the current appeal. I apologise for this difficulty which has not been experienced previously.

3) I am reluctant to invite the Respondent to apply for the decision to be set aside. My own notes indicate that the Presenting Officer was of the view, having heard the oral evidence that further points could be awarded for 1 (b) and depending on the Tribunal's view of the Appellant's evidence 10 (b). Leaving to the Tribunal to deal with 9 and also planning and following a journey.

4) I do not wish to prepare a Statement of Reasons and then the Respondent apply for the decision to be Set Aside as the Record of Proceedings cannot be produced. Furthermore, the Appellant has a complex mental health condition and I do not consider it is in the interests of justice to require the Appellant to attend a further Tribunal and give oral evidence on a second occasion.

5) As a first step I invite the Respondent to review their request for a Statement of Reasons. If the Respondent confirms the Statement of Reasons request is withdrawn no further action is required. If, however, the Respondent is not in a position to do that then I request both parties Representatives to confirm that the requirement to produce the Statement of Reasons is waived and I prepare a Statement of Reasons based on the papers. I accept this is not ideal but it is the best solution in all the circumstances. I invite responses within 14 days of the date of issue of this notice. This is a short response time as I presume that the Respondent has not put the award in payment and I wish to avoid delay.