



Department  
for Work &  
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24 JUL 2018

Dear [REDACTED]

## Your Appeal Reconsideration Notice

You or someone who has the authority to act for you, asked us to look again at the decision we made on 09/05/18.

We have taken into account all the information available.

We have changed our decision and you will be sent a separate letter with details of your revised award.

An explanation of our Appeal Reconsideration decision is set out below.

### **Reconsideration – Employment Support Allowance No Limited Capability for Work Related Activity - Revised**

**I have revised the decision of 09/05/18 which found you not to have Limited Capability for Work and not to have Limited Capability for Work Related Activity.**

**I have decided that you do have Limited Capability for Work and Limited Capability for Work Related Activity and you are entitled to Employment Support Allowance with the Support Group Component.**

On 09/05/18 a Decision Maker decided that you did not score any points from any of the descriptors. As a result you were found not to have Limited Capability for Work.

A request for a mandatory reconsideration of the decision was received on 23/05/18 however the decision was upheld.

I have looked at the facts again. I have taken into account the information you gave at the medical assessment (including information that you provided of your typical day), the ESA50 medical questionnaire, the additional information you provided for purposes of your mandatory reconsideration including the appointment letter, along with the issues that you raised within your appeal.



You only need to satisfy one of the Schedule 3 descriptors to qualify for the Support Group. I have looked at the facts again and decided that you score 15 points for the following activity.

### **Mobilising**

I am satisfied that you cannot mobilise more than 50 metres on level ground repeatedly and reliably within a reasonable timescale. As such you are awarded 15 points.

My revised decision is that you have Limited Capability for Work and Limited Capability for Work Related Activity and as such you are entitled to Employment and Support Allowance with the Support Group Component.

Arrears of benefit due to you as a result of this decision may be adjusted by the amount of any other benefit paid to you for the same period. This will be explained in a separate letter which will be sent to you.

### **The Law**

Social Security Act 1998 section 9

The Social Security (Credits) Regulations 1975 reg 8B

The Social Security and Child Support (Decisions and Appeals) Regulations 1999 reg 3 & reg 3ZA

The Employment and Support Allowance Regulations 2008 reg 19, 29, 34 & 35

Welfare Reform Act 2007 sections 1, 2, Part 2 Schedule 1 (ESA C)

The Social Security (Claims and Payment) Regulations 1987 reg 17(4)

ESA (LCW & LCWRA) (Amdt) Regs SI2011 NO. 228

If you want to know more information about this decision, please contact us on the phone number or address at the top of this letter.

Yours sincerely



S Fidoe  
Appeals Officer  
Dispute Resolution Team

