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Commissioner's File: CI/238/1986

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SOCIAL SECURITY ACTS 1975 TO 1986
APPEAL FROM DECISION OF MEDICAL APPEAL TRIBUNAL ON A QUESTION OF LAW
DECISION OF THE SOCIAL SECURITY COMMISSIONER

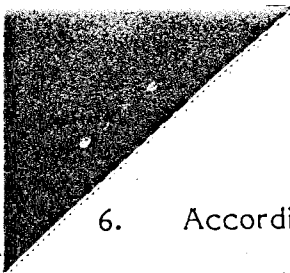
Name: Raymond George

Medical Appeal Tribunal: Nottingham

Original Decision Case No: 61/6/86

1. My decision is that the decision of the Medical Appeal Tribunal (hereinafter called MAT) dated 23 April 1986 is not erroneous in point of law.
2. This is an appeal by the claimant to the Commissioner with the leave of the Commissioner against the decision of the MAT not confirming the decision of the reassessment medical board dated 15 October 1985 but deciding that from 2 October 1985 there was no loss of faculty resulting from the relevant accident.
3. The facts and history of the case are dealt with in paragraphs 1 to 13 inclusive of the submission dated 19 December 1986 made on behalf of the Secretary of State on which the claimant's representatives have had the opportunity to comment (and have in fact so commented) Nothing is to be gained by my setting out these matters afresh here.
4. The relevant statutory provisions are referred to in the Secretary of State's observations in the reference to the MAT at the instance of the Secretary of State dated January 1986. Nothing is to be gained by my setting out those references afresh here.
5. In my judgment the decision of the MAT is not erroneous in point of law. I adopt paragraph 14 (1) to (5) inclusive of the submission dated 19 December 1986 made on behalf of the Secretary of State and I see no point in setting that paragraph out afresh here. In respect of the claimant's representatives observations dated 27 January 1987 in particular the point concerning the MAT overturning the findings of all previous Adjudicating Medical Authorities in my judgment the MAT were only required to consider the decision of the adjudicating medical authorities of 15 October 1985 and to assess the extent of the claimant's disablement from 2 October 1985. From paragraph 8 of the Secretary of State's observations of the MAT the claimant was aware that the MAT were entitled to reach their own conclusions on the whole of the case before them. The MAT have the power to confirm, vary or set aside and replace the decision of the Adjudicating Medical Authorities in the light of the evidence and of their own expert medical judgment. Accordingly the claimant was forewarned of the possibility that the MAT may have decided that he was suffering from no loss of faculty resulting from the accident of 6 August 1986.

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6. Accordingly my decision is as set out in paragraph 1 of this decision.
 7. Accordingly the claimant's appeal is dismissed.

(Signed) J.B Morcom
Commissioner

Date: 23 September 1987