

Original.

DGR/SH/44

Commissioner's File: CSB/763/1988

Region: North Western

**SUPPLEMENTARY BENEFITS ACT 1976
APPEAL FROM DECISION OF SOCIAL SECURITY APPEAL TRIBUNAL ON A QUESTION
OF LAW
DECISION OF THE SOCIAL SECURITY COMMISSIONER**

Name: XXXXXXXXXX

Social Security Appeal Tribunal: Rochdale

Case No: 615/11829

1. For the reasons hereinafter appearing, the decision of the social security appeal tribunal given on 18 January 1988 is not erroneous in point of law, and accordingly this appeal fails.
2. This is an appeal by the claimant, brought with the leave of the tribunal chairman, against the decision of the social security appeal tribunal of 18 January 1988.
3. On 28 April 1987 the claimant claimed a single payment for various items of essential furniture within regulation 9 of the Supplementary Benefit (Single Payments) Regulations 1983. On 29 May 1987 the adjudication officer disallowed the claim on the grounds that the claimant was unable to satisfy either regulation 10(1) or regulation 30 of the Single Payments Regulations. In due course, the claimant appealed to the tribunal who in the event upheld the adjudication officer.
4. The claimant would succeed before the tribunal if she could satisfy regulation 10(1). Manifestly, the only condition there set out, which she had any chance of satisfying, was that contained in sub-paragraph (iii) of paragraph (a). That condition required the claimant to satisfy one of sub-paragraphs (a)-(g) of regulation 13(1). The relevant provision was sub-paragraph (b), and accordingly the question at issue was whether the claimant was able to show that her former home was "unsuitable ... in size". For the reasons set out in my decision on the appeal on Commissioner's file CSB/762/1988, a copy of which is for convenience attached hereto, the claimant was unable to satisfy that particular provision. Accordingly, the claimant could not comply with regulation 10(1), and as a result no award could be made under that regulation.
5. Moreover, there is nothing to suggest in the claimant's letter of appeal to the tribunal or in the chairman's note of evidence that the claimant ever brought the stringent provisions of regulation 30 into contemplation. In my judgment, the tribunal were entitled to reach the conclusion that there was 'no evidence of serious risk to health or safety of assessment unit'.

6. In other words, I do not see in what respect it can be said that the tribunal erred in point of law, and I have no hesitation in dismissing this appeal.

(Signed) D.G. Rice
Commissioner

Date: 7 November 1989