

CPDG

JBM/SH/12

Commissioner's File: CSB/883/1989

SUPPLEMENTARY BENEFITS ACT 1976

**APPEAL FROM DECISION OF SOCIAL SECURITY APPEAL TRIBUNAL ON A
QUESTION OF LAW**

DECISION OF THE SOCIAL SECURITY COMMISSIONER

1. My decision is that the decision of the Hull social security appeal tribunal dated 27 April 1988 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 unanimous decision of the appeal tribunal confirming the decision of the adjudication officer first involved in these appeals.
3. The facts of the case are dealt with by the adjudication officer first involved in these appeals in his written submission to the appeal tribunal. In respect of those matters and of the submission of the adjudication officer now involved in these appeals dated 1 February 1991 the claimant has had the opportunity to comment and I have his observations to me dated 23 March 1991. No useful purpose would be served by my setting out these matters afresh here.
4. The relevant statutory provisions are referred to in paragraph 2 of the submission of the adjudication officer now involved in these appeals dated 1 February 1991. Nothing is to be gained by my setting out those references afresh here.
5. In my judgment the decision of the appeal tribunal is not erroneous in point of law. I have considered very carefully the arguments put forward by the claimant together with the documentation contained in the case papers. I have also considered the full and careful submission made by the adjudication officer now involved in these appeals. I do not think it necessary for me to recite the arguments put forward by both sides. I have to bear in mind that I can allow an appeal only if I am satisfied that the decision of the appeal tribunal

was erroneous in point of law. What is an error of law is helpfully dealt with by the Commissioner in Decision R(I) 14/75. On no other grounds can I set aside a decision of the appeal tribunal. On the face of the appeal tribunal record I can find nothing which would justify me in setting aside that decision on the grounds of error of law.

6. In accordance with my jurisdiction 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) 6 April 1992