

CSB/978/83

DGR/EA

SUPPLEMENTARY BENEFITS ACT 1976

APPEAL FROM DECISION OF SUPPLEMENTARY BENEFIT APPEAL TRIBUNAL
ON A QUESTION OF LAW

DECISION OF SOCIAL SECURITY COMMISSIONER

Name: **Dawn Entwistle**

Supplementary Benefit Appeal Tribunal: Colchester

Case No: 02/177

1. For the reasons hereinafter appearing, the decision of the supplementary benefit appeal tribunal given on 26 May 1983 is erroneous in point of law, and accordingly I set it aside. I direct that the matter be re-heard by a differently constituted tribunal.
2. This is an appeal brought by the claimant with my leave against the decision of the supplementary benefit appeal tribunal of 26 May 1983.
3. On 25 March 1983 the claimant, who was then in receipt of supplementary benefit, made a claim to a single payment for a cooker, bed and bed linen, dining table and chairs, cooking utensils, crockery and cutlery, curtains and fittings and floor covering, towels and easy chairs. However, the benefit officer disallowed the claim on the ground that the claimant did not satisfy the relevant statutory provisions. Thereupon the claimant appealed to the tribunal, who in the event upheld the benefit officer, save that as regards the bed linen they decided that the claim for this should have been considered under regulation 12 of the Supplementary Benefit (Single Payments) Regulations 1981 and that therefore a new decision should be made on this claim by the benefit officer.
4. The benefit officer now concerned supports the appeal, and submits that "the tribunal erred in law in respect of the claims for furniture in that, on the basis of the evidence in the form of a letter from the Essex Probation and After-Care Service, no person acting judicially and properly instructed in the relevant law could have come to the determination that any furnished accommodation, even if it was available, would be suitable to the claimant's needs". The tribunal had concluded that the claimant could not satisfy regulation 10(1)(a)(iii) because there was suitable alternative furnished accommodation available in the area. I agree with the submission of the benefit officer now concerned that the tribunal could not reasonably in the light of the evidence have reached the conclusion that, having regard to the circumstances of the claimant, there was any suitable furnished accommodation.

5. It follows that I must set aside the tribunal's decision and direct that the matter be re-heard by a differently constituted tribunal.

6. My decision is as set out in paragraph 1.

(Signed) D G Rice
Commissioner

Date: 15 February 1984

Commissioner's File: C.S.B. 978/1983
CSBO File: 1115/83
Region: London North