

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

1. This appeal must be allowed. The case is remitted for reconsideration by a differently constituted social security appeal tribunal.

2. The claimant is a single parent and lives with her daughter aged 2 in her mother's household. In early 1988 the claimant made a number of claims for single payments by way of supplementary benefit, of which the only relevant ones for the purposes of the present appeal are a claim for a wardrobe and a claim for an additional heater.

3. Neither of these claims were allowed by the adjudication officer. The claimant appeals to the Hereford social security appeal tribunal, which heard her appeal on 19 September 1988, when the appeal tribunal decided in each of the two cases to confirm the decision of the adjudication officer.

4. In the case of the wardrobe, the decision of the appeal tribunal sets out in detail the reasons for not allowing a single payment. Unfortunately, for a reason which is not apparent from the record, no reasons for the decision in relation to the heater are recorded at all. The adjudication officer now concerned supports the appeal in relation to that single payment to the Commissioner.

5. The claimant was refused leave to appeal by the appeal tribunal, and applied for leave to the Commissioner. Leave was granted in the case of the single payment applied for in respect of the heater, but leave was refused in respect of the claim relating to the wardrobe. It follows that this appeal is therefore only concerned with questions relating to the application for a heater.

6. The grounds stated by the adjudication officer for supporting the appeal is that by failing to make any statement of their reasons for deciding that the claimant was not entitled to an additional heater, the tribunal has failed to comply with regulation 25(2)(b) of the Adjudication Regulations. The written

submission of the adjudication officer dated 6 February 1990 sets out in some detail the relevant facts and arguments in relation to the provision of a heater, but these not need be repeated here in view of my decision that the appeal tribunal was in error of law in failing to set out such matters, and the appeal is accordingly allowed. The case must be remitted for rehearing to a differently constituted appeal tribunal. On such appeal, all the relevant facts relating to the claim for a heater should be considered by the tribunal, and appropriate findings of fact recorded in their decision, together with the reasons for arriving at the conclusion which they do decide

upon.

(Signed) M Heald
Commissioner

Date: 13 January 1992