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SUPPLEMENTARY BENEFITS ACT 1976

**THE SOCIAL SECURITY COMMISSIONERS PROCEDURE REGULATIONS 1987
REGULATIONS 24(1)**

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

DECISION OF THE SOCIAL SECURITY COMMISSIONER - CORRECTION

Paragraph 1, Page 1, Line 2 - delete "1989"

- insert "1988"

**(Signed) J B Morcom
Commissioner**

(Date) 30 April 1992

**Commissioner's File: CSB/108/1990
Region:**

JBM/SH/12

Commissioner's File: CSB/108/1990

SUPPLEMENTARY BENEFITS ACT 1976
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DECISION OF THE SOCIAL SECURITY COMMISSIONER

1. My decision is that the decision of the Doncaster social security appeal tribunal dated 19 October 1989 is erroneous in point of law. Accordingly I set it aside and give the decision that the appeal tribunal themselves gave but for the reasons hereinafter set out confirming the decision of that tribunal that the claimant is not entitled to a single payment for the loan of £10,000 for a taxi.

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 in box 5 of the written submission of the adjudication officer first involved in these appeals to the appeal tribunal. In respect of those matters and of the submission dated 11 April 1990 of the adjudication officer now involved in these appeals the claimant has had the opportunity to comment and I have his observations to me contained in the case papers at pages 40, 41 and 42 thereof. No useful purpose would be served by my setting out these matters afresh here.

4. In my judgment the decision of the appeal tribunal is erroneous in point of law in that they have breached regulation 25(2)(b) of the Social Security (Adjudication) Regulations 1986. In my judgment the submission dated 11 April 1990 of the adjudication officer now involved in these appeals is rightly made and I adopt the submission as part of my judgment. The issue before the appeal tribunal was whether there was a need for the loan under regulation 3(2)(a) of the Single Payment Regulations. The appeal tribunal should have found that the

claim for a taxi was completely outwith the scope of the Single Payment Regulations.

5. In accordance with my jurisdiction my decision is as set out in paragraph 1 of this decision. I give the decision that the appeal tribunal themselves gave but for the reasons above referred to. Though the claimant succeeds on a technicality he loses on the issue of substance and for him it is but a pyrrhic victory.

6. Accordingly the claimant's appeal is dismissed.

(Signed) J.B. Morcom
Commissioner

(Date) 12 March 1992