

DGR/SH/15

Commissioner's File: CSB/149/1990

SUPPLEMENTARY BENEFITS ACT 1976

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

DECISION OF THE SOCIAL SECURITY COMMISSIONER

1. For the reasons set out below, the decision of the social security appeal tribunal given on 2 November 1989 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 2 November 1989.

3. On 11 November 1987 the claimant applied for a payment under the Supplementary Benefits (Urgent Cases) Regulations 1981 to cover the loss of £540 by way of supplementary benefit relating to the period from April to August 1986. The tribunal, upholding the decision of the adjudication officer, considered that the claimant could not establish that his was a claim falling within regulation 3 of the Urgent Cases Regulations. His resources at the date of claim, being £72.04, were considerably in excess of the claimant's modified requirements of £22.80, so that his was not an urgent case within the relevant definition. Moreover there could be no question of backdating.

4. I see nothing wrong with the tribunal's decision. The adjudication officer now concerned has made some helpful submissions in paragraph 4 of his observations dated 29 May 1990.

I accept those submissions, and consider that there is no merit in my saying in different words all that he has there set out so admirably. Accordingly, I have no hesitation in dismissing this appeal.

(Signed) D G Rice
Commissioner

(Date) 1 May 1992