1984

IE-J/SH

Commissioner's Files: CSB/317/1984
CSB/318/1984
CSB/319/1984
CSB/195/1985
CSB/196/1985

Region: London North

SUPPLEMENTARY BENEFITS ACT 19756 (AS AMENDED)
RULINGS OF THE SOCIAL SECURITY COMMISSIONER

Name: Clifford Owen Bedell

[ORAL HEARING]

For notification to:

A. The Claimant

B. The Adjudication Officer now concerned with the undermentioned matters.

C. The Chief Adjudication Officer

and for filing upon each of the files:

CSB/317/1984
CSB/318/1984
CSB/319/1984
CSB/195/1985
CSB/196/1985

1.1. The claimant has become elaborately involved in reference to adjudications under the Supplementary Benefits Act 1976 as amended ("the Act") as to which he is currently seeking leave to appeal to a Commissioner. They include but do not wholly consist in subject matters as to which applications for such leave have been instituted in accordance with the prescribed procedures and have reached the Office of the Social Security Commissioners through the normal channels. And of those applications duly instituted not all are applications which it falls within a Commissioner's jurisdiction to entertain. The purpose of this minute is to record:

(1) The Commissioner's rulings upon:

A. such of those applications as have been duly instituted, are assigned to the Commissioner and properly fall within the Commissioner's jurisdiction to entertain; and

B. certain others of the claimant's applications which it is appropriate to dispose of by expressing a ruling by the Commissioner.

(2) Certain other matters which it is appropriate to record by minute for clarification, or further action.

1.2. This minute follows upon an oral hearing before the Commissioner on 18 June 1984 at which the claimant attended and made submissions, the adjudication officer was represented by Mr. C.A.M. D'Eca, of the Solicitor's Office, Department of Health and Social Security, and the claimant was de bene esse permitted to range more widely than related exclusively to those applications properly before the Commissioner, with a view to clarifying the position generally.

2.1. CSB/317/1984

2.1.1. This file primarily concerns the claimant's application out of time for leave to appeal against the decision dated 8 November 1982 of a supplementary benefit appeal tribunal (tribunal listing 10/125) which confirmed the decision of a benefit officer issued on 31 August 1982 refusing the claimant's claim dated 24 August 1982 for a single payment of £136 in respect of temporary roof repairs to his home.

2.1.2. An extension of the time for applying for leave to appeal against that decision of the tribunal is granted.

2.1.3 Leave to appeal is granted.

2.1.4. If the appeal for which leave to appeal is last above granted is pursued the written submissions by or on behalf of the adjudication officer should include treatment of the following questions:

A. Whether the tribunal has sufficiently complied with rule 7(2)(b) of the Supplementary Benefit and Family Income Supplements (Appeals) Rules 1980.

B. Whether the tribunal in agreeing with the submissions of the benefit officer erred in law as to the proper construction of regulation 17(1)(a) of the Supplementary Benefit (Single Payments) Regulations 1981.

3.1. CSB/196/1985:

3.1.1. This file concerns the claimant's application out of time for leave to appeal against the decision dated 8 November 1982 of a supplementary benefit appeal tribunal (tribunal listing 10/127) which confirmed the decision of a benefit officer issued on 31 August 1982 in respect of the claimant's supplementary pension.

3.1.2. An extension of the time for applying for leave to appeal against that decision of the tribunal is granted.

3.1.3. Leave to appeal is granted.

3.1.4. If the appeal for which leave is last above granted is pursued the written submissions by or on behalf of the adjudication officer should include treatment of the following questions:

A. What was the tenor of the decision the subject of the appeal and in that context did the tribunal "ask themselves the right questions"?

B. Whether the tribunal has sufficiently complied with rule 7(2)(b) above mentioned.

4.1. CSB/318/1984:

4.1.1. This file concerns the claimant's application out of time for leave to appeal against the decision dated 8 November 1982 of a supplementary benefit appeal tribunal (tribunal serial 10/126) which confirmed decisions of a benefit officer:

A. Issued on 8 June 1982 refusing the claimant's claim dated 21 May 1982 for a single payment to meet the cost of re-wiring his home.

B. Issued on 31 August 1982 refusing to revise the decision last mentioned and refusing also the claimant's further claim for a single payment to meet the cost (estimated at £1,868.75) of re-wiring his home.

4.1.2. An extension of the time for applying for leave to appeal having first been granted, the claimant at the oral hearing on 18 June 1985 indicated his withdrawal of this application for leave, which accordingly dispenses with the need for a ruling upon such application.

5.1. CSB/319/1984

5.1.1. This file primarily concerns two separate applications by the claimant namely:

A. The claimant's application to the Commissioner out of time for leave to appeal against the decision dated 29 April 1983 of a tribunal (tribunal serial 10/106) confirming the decisions of a benefit officer issued respectively on 8 March 1983 and 22 March 1983 both to the effect that the claimant was not entitled to supplementary pension from 2 March 1983.

B. The claimant's application to the Commissioner for leave to appeal against the refusal (tribunal ref: 10/106(A) by such tribunal on 30 December 1983 of the claimant's application to have the decision of 29 April 1983 set aside under the Social Security (Correction and Setting Aside of Decisions) Regulations 1975.

5.1.2. The claimant was notified by letter of 28 June 1984 that, by the direction of the Commissioner, File: CSB/319/1984 was being closed without further action in the circumstances that:

A. The Commissioner had been notified that the tribunal's decision of 29 April 1983 had been reviewed and revised on 17 August 1983 and arrears of supplementary allowance thereby

awarded for an overall period from 1 November 1982 to 28 March 1983.

B. The legal effect of such review and revision was to displace as of no further relevance or substantive effect (inter alia) the tribunal's decision of 29 April 1983.

C. In consequence there was no subsisting decision of 29 April 1983 which could properly be the subject of an appeal to the Commissioner or of an application to a Commissioner for leave so to appeal.

D. Since by 30 December 1983 the decision of 29 April 1983 (ref: 10/106) had been superseded by the review decision of 17 August 1983 the purported determination of the tribunal (tribunal ref: 10/106A) on 30 December 1983 refusing to set aside the decision of 29 Aprl 1983 (tribunal ref: 10/106) was a nullity (ie. of no legal effect) and - "(other considerations with which the Commissioner need not trouble you apart)" - it followed that the claimant's application dated 6 April 1984 for a Commissioner's leave to appeal against that refusal did not fall to be proceeded upon.

5.1.3. The observation in parenthesis cited in D last above was directed to preserving the accuracy of the explanations being rendered to the claimant by the letter of 28 June 1984 but avoiding over-complication of those explanations by an express reference to the further consideration that the Social Security (Correction and Setting Aside of Decisions) Regulations 1975 expressly exclude appeal from any determination thereunder.

6.1. CSB/195/1985:

6.1.1. In the course of elucidating the position obtaining with regard to the matters the subject of CSB/317/1984 and CSB/318/1984 it became apparent to the Commissioner that the claimant had on 14 October 1983 applied to have set aside the tribunal decisions 10/125 and 10/126 but that such application had been overlooked and no determination upon it had ensued. Accordingly the tribunal was reconvened on 21 September 1984 to entertain such application. By that date the Social Security (Correction and Setting Aside of Decisions) Regulations 1975 had been superseded by the Social Security (Adjudication) Regulations 1984 ("the Adjudication Regulations") but without substantive change as to a tribunal's power to extend the prescribed time for making an application to set aside. The tribunal on 21 September 1984 refused the application as having been made outside the prescribed time but made no other determination on that date.

6.1.2. After the tribunal's attention had been drawn to their omission to deal with the application on 21 September 1984 in the additional light of their power to extend time, the tribunal reconvened again on 21 December 1984 to entertain the application further.

6.1.3. Intermediately the claimant had on 25 October 1984 applied to the Commissioner for leave to appeal against the tribunal's determination on

21 September 1984, and Commissioner's File: CSB/195/1985 was constituted in respect of that application.

6.1.4. In the event the tribunal on 21 December 1984 found no special reasons to grant an extension of time and confirmed their determination of 21 September 1984.

6.2. By a Form AT30 form of application dated 7 January 1985 (document 278 on File: CSB/317/1984) the claimant applied direct to the Commissioner (inter alia) for leave to appeal against the tribunal's determination on 21 December 1984, and made a fresh application to the Commissioner for leave to appeal against the tribunal's determination of 21 September 1984.

6.3 The claimant pursued at the oral hearing on 18 June 1985 both his applications for leave to appeal against the tribunal's determination on 21 September 1984 and his application for leave to appeal against the tribunal's determination on 21 December 1984. Having regard to the regulations identified next below these applications were misconceived. On that account they are not applications in respect of which procedure for their institution or determination is prescribed, but it is plainly material that the position in regard to them be clarified, and I proceed next to deal with them on that footing.

6.4. The Commissioner dismisses the claimant's applications for leave to appeal against the tribunal's determinations of 21 September 1984 and 21 December 1984 upon the same ground in each case, namely that each is misconceived in that under the Adjudication Regulations, regulation 10 provides as to applications for setting aside and the determination thereof by the adjudicating authority who gave the decision it is sought to have set aside and regulation 11(3) provides that there shall be no appeal from such a determination. Accordingly no occasion arises for the grant or refusal of such leave as is sought.

7.1. By his Form AT30 dated 7 January 1985 the claimant also made fresh applications for leave of a Commissioner to appeal against (inter alia) tribunal decisions of 8 November 1982, 29 April 1983, and made application for leave of a Commissioner to appeal against a tribunal decision of 7 September 1984.

7.2. The claimant has adopted his own "labelling", and it is convenient at this point to correlate the first six serials of that:

[continued on sheet 6]

Claimant's Designation	Date of Proceedings	Tribunal Ref:	Paragraph of this minute identifying subject matter
The First Tribunal	8 November 1982	(10/125 (10/126 (10/127	2.1.1. 4.1.1. 3.1.1.
The Second Tribunal	29 April 1983	10/106	5.1.1.A
The Third Tribunal	30 December 1983	10/106A	5.1.1.B
The Fourth Tribunal	7 September 1984	(see paragraph 7.5 below)	
The Fifth Tribunal	21 September 1984	(not known)	6.1.1.
The Sixth Tribunal	21 December 1984	(" ")	6.1.2.

7.3. The claimant sought to pursue at the oral hearing on 18 June 1985 the matters raised by his applications for leave founded upon the Form AT30 referred to in 7.1. above. There is no evidence before me as to his having complied with the procedure prescribed by the Adjudication Regulations as to instituting applications which properly lie to a Commissioner for leave to appeal, though he may have done so. If and so far as he has done so the applications have not yet been referred by the DHSS to the Office of the Social Security Commissioners for assignment to a Commissioner, in accordance with the established administrative procedure. It is, however, desirable to clarify the position in regard to the subject matters of that Form AT30 so far as practicable and not already dealt with herein.

7.4.1. From the claimant's own labelling it is clear that (as I indicated to the claimant at the oral hearing on 18 June 1985) any application in reference to the tribunal decisions of 8 November 1982 serials 10/125, 10/126 and 10/127 additional to those dealt with respectively in paragraphs 2, 3 and 4 above is superfluous in the circumstance that I have granted leave in respect of serials 10/125 and 10/127 and the claimant has indicated his withdrawal of the initial application in respect of 10/126 and abandonment of any wish to proceed further in reference to its subject matter. If and so far as any such application has not been formally instituted no useful purpose would be served by doing that hereafter. If and so far as any such application has been formally instituted and is "in the pipeline" the claimant should be invited to withdraw it in order to save the public expense of a formal dismissal.

7.4.2. As regards the tribunal proceedings of 29 April 1983 (10/106) any additional application is doomed to failure for the reasons indicated in paragraph 5 above in reference to the original application. If such application as is envisaged by the Form AT30 of 7 January 1985 has not been instituted in accordance with the prescribed procedures for applying for leave of a Commissioner no useful purpose would be served by doing that hereafter. If and so far as any such application has been formally instituted the claimant should be invited to withdraw it in order to save the public expense of a formal dismissal.

7.4.3. As regards the tribunal proceedings of 30 December 1983 there is, as explained in paragraph 6 above, no prescribed procedure for an application for a Commissioner's leave to appeal because no appeal lies from the determination then made. An additional application can in the circumstances be treated as before the Commissioner and is dismissed on the same ground indicated in paragraph 6.4. above.

7.4.4. So also as regards an additional application in respect of the determination the subject of the tribunal proceedings of 21 September 1984.

7.4.5. So also as regards an additional application in respect of the determination the subject of the tribunal proceedings of 21 December 1984.

7.5. As regards what the claimant refers to as "the Fourth Tribunal" the Commissioner is not at present aware of any tribunal decision of 7 September 1984 relating to the claimant which is susceptible of appeal to a

Commissioner and as to which any occasion for seeking a Commissioner's leave has arisen. Nor has any such application been referred to the Commissioner by the DHSS as having been received in accordance with the procedure prescribed by the Adjudication Regulations. The Commissioner has been informed, and has no present reason to doubt, that the claimant has instituted an appeal to a tribunal in respect of a decision upon a claim of his for supplementary pension which was listed for hearing on 7 September 1984 but that the tribunal has not as yet given any substantive decision upon such appeal, it having upon that date been, as it remains, adjourned at the claimant's request.

8. By letter to the Commissioner dated 12 June 1985 received prior to the oral hearing on 18 June 1985 and referred to by the claimant thereat (and at present filed on File: CSB/195/1985) th claimant adopted a further classification of his own of what he conceived to be the subject matters he had brought, or was seeking to bring, within the compass of applications for a Commissioner's leave to appeal. It was made clear by the claimant at such hearing that he had taken no steps to bring any novel subject matter thereof within the prescribed procedures under the Adjudication Regulations; nor was the Commissioner able to detect in such letter any novel subject matter of which the Commissioner was already or prospectively properly seised. The Commissioner accordingly notified the claimant at the hearing that any fresh matter arising therefrom and falling within a Commissioner's jurisdiction must be brought forward in prescribed manner and could not be dealt with at such hearing. But the Commissioner expresses the hope that the claimant will refrain from unnecessary additional applications or proceedings which do not give rise to issues falling within a Commissioner's jurisdiction or relate to subject matters already brought within it.

9. It is for completeness recorded that as regards the claimant's applications upon which the Commissioner has granted leave to appeal (those in reference to the tribunal decisions 10/125 and 10/127 respectively of 8 November 1982) the Commissioner indicated at the oral hearing on 18 June 1985 that he was, if the adjudication officer and the claimant consented, prepared to treat the hearing of the application for leave also as the hearing of the substantive appeal and in that event to set aside the tribunal decision and to remit the case to a different tribunal; that Mr. D'Eca was willing to consent; but that the claimant did not accede to that course.

10. The Commissioner would in conclusion mention for any necessary attention by the Chief Adjudication Officer that the claimant additionally contended at the oral hearing on 18 June 1985 that he had some while since instituted an appeal to a local tribunal against the review decision of 17 August 1983 referred to in paragraph 5.1.2.A. above - but that, despite reminders by the claimant, the matter appeared to have "sunk without trace", as he had heard nothing further. The Commissioner is aware of nothing on any of the case files identified at the head of this minute which is identifiable as of relevance in this context, but undertook to draw the complaint to the attention of the Chief Adjudication Officer.

(Signed) I Edwards-Jones
Commissioner

Date: 15 July 1985

1985

IE-J/SH

Commissioner's Files: CSB/317/1984
CSB/318/1984
CSB/319/1984
CSB/195/1985
CSB/196/1985

Region: London North

SUPPLEMENTARY BENEFITS ACT 19756 (AS AMENDED)
RULINGS OF THE SOCIAL SECURITY COMMISSIONER

Name: Clifford Owen Bedell

[ORAL HEARING]

For notification to:

A. The Claimant

B. The Adjudication Officer now concerned with the undermentioned matters.

C. The Chief Adjudication Officer

and for filing upon each of the files:

CSB/317/1984
CSB/318/1984
CSB/319/1984
CSB/195/1985
CSB/196/1985

1.1. The claimant has become elaborately involved in reference to adjudications under the Supplementary Benefits Act 1976 as amended ("the Act") as to which he is currently seeking leave to appeal to a Commissioner. They include but do not wholly consist in subject matters as to which applications for such leave have been instituted in accordance with the prescribed procedures and have reached the Office of the Social Security Commissioners through the normal channels. And of those applications duly instituted not all are applications which it falls within a Commissioner's jurisdiction to entertain. The purpose of this minute is to record:

(1) The Commissioner's rulings upon:

A. such of those applications as have been duly instituted, are assigned to the Commissioner and properly fall within the Commissioner's jurisdiction to entertain; and

B. certain others of the claimant's applications which it is appropriate to dispose of by expressing a ruling by the Commissioner.

(2) Certain other matters which it is appropriate to record by minute for clarification, or further action.

1.2. This minute follows upon an oral hearing before the Commissioner on 18 June 1984 at which the claimant attended and made submissions, the adjudication officer was represented by Mr. C.A.M. D'Eca, of the Solicitor's Office, Department of Health and Social Security, and the claimant was de bene esse permitted to range more widely than related exclusively to those applications properly before the Commissioner, with a view to clarifying the position generally.

2.1. CSB/317/1984

2.1.1. This file primarily concerns the claimant's application out of time for leave to appeal against the decision dated 8 November 1982 of a supplementary benefit appeal tribunal (tribunal listing 10/125) which confirmed the decision of a benefit officer issued on 31 August 1982 refusing the claimant's claim dated 24 August 1982 for a single payment of £136 in respect of temporary roof repairs to his home.

2.1.2. An extension of the time for applying for leave to appeal against that decision of the tribunal is granted.

2.1.3 Leave to appeal is granted.

2.1.4. If the appeal for which leave to appeal is last above granted is pursued the written submissions by or on behalf of the adjudication officer should include treatment of the following questions:

A. Whether the tribunal has sufficiently complied with rule 7(2)(b) of the Supplementary Benefit and Family Income Supplements (Appeals) Rules 1980.

B. Whether the tribunal in agreeing with the submissions of the benefit officer erred in law as to the proper construction of regulation 17(1)(a) of the Supplementary Benefit (Single Payments) Regulations 1981.

3.1. CSB/196/1985:

3.1.1. This file concerns the claimant's application out of time for leave to appeal against the decision dated 8 November 1982 of a supplementary benefit appeal tribunal (tribunal listing 10/127) which confirmed the decision of a benefit officer issued on 31 August 1982 in respect of the claimant's supplementary pension.

3.1.2. An extension of the time for applying for leave to appeal against that decision of the tribunal is granted.

3.1.3. Leave to appeal is granted.

3.1.4. If the appeal for which leave is last above granted is pursued the written submissions by or on behalf of the adjudication officer should include treatment of the following questions:

A. What was the tenor of the decision the subject of the appeal and in that context did the tribunal "ask themselves the right questions"?

B. Whether the tribunal has sufficiently complied with rule 7(2)(b) above mentioned.

4.1. CSB/318/1984:

4.1.1. This file concerns the claimant's application out of time for leave to appeal against the decision dated 8 November 1982 of a supplementary benefit appeal tribunal (tribunal serial 10/126) which confirmed decisions of a benefit officer:

A. Issued on 8 June 1982 refusing the claimant's claim dated 21 May 1982 for a single payment to meet the cost of re-wiring his home.

B. Issued on 31 August 1982 refusing to revise the decision last mentioned and refusing also the claimant's further claim for a single payment to meet the cost (estimated at £1,868.75) of re-wiring his home.

4.1.2. An extension of the time for applying for leave to appeal having first been granted, the claimant at the oral hearing on 18 June 1985 indicated his withdrawal of this application for leave, which accordingly dispenses with the need for a ruling upon such application.

5.1. CSB/319/1984

5.1.1. This file primarily concerns two separate applications by the claimant namely:

A. The claimant's application to the Commissioner out of time for leave to appeal against the decision dated 29 April 1983 of a tribunal (tribunal serial 10/106) confirming the decisions of a benefit officer issued respectively on 8 March 1983 and 22 March 1983 both to the effect that the claimant was not entitled to supplementary pension from 2 March 1983.

B. The claimant's application to the Commissioner for leave to appeal against the refusal (tribunal ref: 10/106(A) by such tribunal on 30 December 1983 of the claimant's application to have the decision of 29 April 1983 set aside under the Social Security (Correction and Setting Aside of Decisions) Regulations 1975.

5.1.2. The claimant was notified by letter of 28 June 1984 that, by the direction of the Commissioner, File: CSB/319/1984 was being closed without further action in the circumstances that:

A. The Commissioner had been notified that the tribunal's decision of 29 April 1983 had been reviewed and revised on 17 August 1983 and arrears of supplementary allowance thereby

awarded for an overall period from 1 November 1982 to 28 March 1983.

B. The legal effect of such review and revision was to displace as of no further relevance or substantive effect (inter alia) the tribunal's decision of 29 April 1983.

C. In consequence there was no subsisting decision of 29 April 1983 which could properly be the subject of an appeal to the Commissioner or of an application to a Commissioner for leave so to appeal.

D. Since by 30 December 1983 the decision of 29 April 1983 (ref: 10/106) had been superseded by the review decision of 17 August 1983 the purported determination of the tribunal (tribunal ref: 10/106A) on 30 December 1983 refusing to set aside the decision of 29 Aprl 1983 (tribunal ref: 10/106) was a nullity (ie. of no legal effect) and - "(other considerations with which the Commissioner need not trouble you apart)" - it followed that the claimant's application dated 6 April 1984 for a Commissioner's leave to appeal against that refusal did not fall to be proceeded upon.

5.1.3. The observation in parenthesis cited in D last above was directed to preserving the accuracy of the explanations being rendered to the claimant by the letter of 28 June 1984 but avoiding over-complication of those explanations by an express reference to the further consideration that the Social Security (Correction and Setting Aside of Decisions) Regulations 1975 expressly exclude appeal from any determination thereunder.

6.1. CSB/195/1985:

6.1.1. In the course of elucidating the position obtaining with regard to the matters the subject of CSB/317/1984 and CSB/318/1984 it became apparent to the Commissioner that the claimant had on 14 October 1983 applied to have set aside the tribunal decisions 10/125 and 10/126 but that such application had been overlooked and no determination upon it had ensued. Accordingly the tribunal was reconvened on 21 September 1984 to entertain such application. By that date the Social Security (Correction and Setting Aside of Decisions) Regulations 1975 had been superseded by the Social Security (Adjudication) Regulations 1984 ("the Adjudication Regulations") but without substantive change as to a tribunal's power to extend the prescribed time for making an application to set aside. The tribunal on 21 September 1984 refused the application as having been made outside the prescribed time but made no other determination on that date.

6.1.2. After the tribunal's attention had been drawn to their omission to deal with the application on 21 September 1984 in the additional light of their power to extend time, the tribunal reconvened again on 21 December 1984 to entertain the application further.

6.1.3. Intermediately the claimant had on 25 October 1984 applied to the Commissioner for leave to appeal against the tribunal's determination on

21 September 1984, and Commissioner's File: CSB/195/1985 was constituted in respect of that application.

6.1.4. In the event the tribunal on 21 December 1984 found no special reasons to grant an extension of time and confirmed their determination of 21 September 1984.

6.2. By a Form AT30 form of application dated 7 January 1985 (document 278 on File: CSB/317/1984) the claimant applied direct to the Commissioner (inter alia) for leave to appeal against the tribunal's determination on 21 December 1984, and made a fresh application to the Commissioner for leave to appeal against the tribunal's determination of 21 September 1984.

6.3 The claimant pursued at the oral hearing on 18 June 1985 both his applications for leave to appeal against the tribunal's determination on 21 September 1984 and his application for leave to appeal against the tribunal's determination on 21 December 1984. Having regard to the regulations identified next below these applications were misconceived. On that account they are not applications in respect of which procedure for their institution or determination is prescribed, but it is plainly material that the position in regard to them be clarified, and I proceed next to deal with them on that footing.

6.4. The Commissioner dismisses the claimant's applications for leave to appeal against the tribunal's determinations of 21 September 1984 and 21 December 1984 upon the same ground in each case, namely that each is misconceived in that under the Adjudication Regulations, regulation 10 provides as to applications for setting aside and the determination thereof by the adjudicating authority who gave the decision it is sought to have set aside and regulation 11(3) provides that there shall be no appeal from such a determination. Accordingly no occasion arises for the grant or refusal of such leave as is sought.

7.1. By his Form AT30 dated 7 January 1985 the claimant also made fresh applications for leave of a Commissioner to appeal against (inter alia) tribunal decisions of 8 November 1982, 29 April 1983, and made application for leave of a Commissioner to appeal against a tribunal decision of 7 September 1984.

7.2. The claimant has adopted his own "labelling", and it is convenient at this point to correlate the first six serials of that:

[continued on sheet 6]

Claimant's Designation	Date of Proceedings	Tribunal Ref:	Paragraph of this minute identifying subject matter
The First Tribunal	8 November 1982	(10/125 (10/126 (10/127	2.1.1. 4.1.1. 3.1.1.
The Second Tribunal	29 April 1983	10/106	5.1.1.A
The Third Tribunal	30 December 1983	10/106A	5.1.1.B
The Fourth Tribunal	7 September 1984	(see paragraph 7.5 below)	
The Fifth Tribunal	21 September 1984	(not known)	6.1.1.
The Sixth Tribunal	21 December 1984	(" ")	6.1.2.

7.3. The claimant sought to pursue at the oral hearing on 18 June 1985 the matters raised by his applications for leave founded upon the Form AT30 referred to in 7.1. above. There is no evidence before me as to his having complied with the procedure prescribed by the Adjudication Regulations as to instituting applications which properly lie to a Commissioner for leave to appeal, though he may have done so. If and so far as he has done so the applications have not yet been referred by the DHSS to the Office of the Social Security Commissioners for assignment to a Commissioner, in accordance with the established administrative procedure. It is, however, desirable to clarify the position in regard to the subject matters of that Form AT30 so far as practicable and not already dealt with herein.

7.4.1. From the claimant's own labelling it is clear that (as I indicated to the claimant at the oral hearing on 18 June 1985) any application in reference to the tribunal decisions of 8 November 1982 serials 10/125, 10/126 and 10/127 additional to those dealt with respectively in paragraphs 2, 3 and 4 above is superfluous in the circumstance that I have granted leave in respect of serials 10/125 and 10/127 and the claimant has indicated his withdrawal of the initial application in respect of 10/126 and abandonment of any wish to proceed further in reference to its subject matter. If and so far as any such application has not been formally instituted no useful purpose would be served by doing that hereafter. If and so far as any such application has been formally instituted and is "in the pipeline" the claimant should be invited to withdraw it in order to save the public expense of a formal dismissal.

7.4.2. As regards the tribunal proceedings of 29 April 1983 (10/106) any additional application is doomed to failure for the reasons indicated in paragraph 5 above in reference to the original application. If such application as is envisaged by the Form AT30 of 7 January 1985 has not been instituted in accordance with the prescribed procedures for applying for leave of a Commissioner no useful purpose would be served by doing that hereafter. If and so far as any such application has been formally instituted the claimant should be invited to withdraw it in order to save the public expense of a formal dismissal.

7.4.3. As regards the tribunal proceedings of 30 December 1983 there is, as explained in paragraph 6 above, no prescribed procedure for an application for a Commissioner's leave to appeal because no appeal lies from the determination then made. An additional application can in the circumstances be treated as before the Commissioner and is dismissed on the same ground indicated in paragraph 6.4. above.

7.4.4. So also as regards an additional application in respect of the determination the subject of the tribunal proceedings of 21 September 1984.

7.4.5. So also as regards an additional application in respect of the determination the subject of the tribunal proceedings of 21 December 1984.

7.5. As regards what the claimant refers to as "the Fourth Tribunal" the Commissioner is not at present aware of any tribunal decision of 7 September 1984 relating to the claimant which is susceptible of appeal to a

Commissioner and as to which any occasion for seeking a Commissioner's leave has arisen. Nor has any such application been referred to the Commissioner by the DHSS as having been received in accordance with the procedure prescribed by the Adjudication Regulations. The Commissioner has been informed, and has no present reason to doubt, that the claimant has instituted an appeal to a tribunal in respect of a decision upon a claim of his for supplementary pension which was listed for hearing on 7 September 1984 but that the tribunal has not as yet given any substantive decision upon such appeal, it having upon that date been, as it remains, adjourned at the claimant's request.

8. By letter to the Commissioner dated 12 June 1985 received prior to the oral hearing on 18 June 1985 and referred to by the claimant thereat (and at present filed on File: CSB/195/1985) th claimant adopted a further classification of his own of what he conceived to be the subject matters he had brought, or was seeking to bring, within the compass of applications for a Commissioner's leave to appeal. It was made clear by the claimant at such hearing that he had taken no steps to bring any novel subject matter thereof within the prescribed procedures under the Adjudication Regulations; nor was the Commissioner able to detect in such letter any novel subject matter of which the Commissioner was already or prospectively properly seised. The Commissioner accordingly notified the claimant at the hearing that any fresh matter arising therefrom and falling within a Commissioner's jurisdiction must be brought forward in prescribed manner and could not be dealt with at such hearing. But the Commissioner expresses the hope that the claimant will refrain from unnecessary additional applications or proceedings which do not give rise to issues falling within a Commissioner's jurisdiction or relate to subject matters already brought within it.

9. It is for completeness recorded that as regards the claimant's applications upon which the Commissioner has granted leave to appeal (those in reference to the tribunal decisions 10/125 and 10/127 respectively of 8 November 1982) the Commissioner indicated at the oral hearing on 18 June 1985 that he was, if the adjudication officer and the claimant consented, prepared to treat the hearing of the application for leave also as the hearing of the substantive appeal and in that event to set aside the tribunal decision and to remit the case to a different tribunal; that Mr. D'Eca was willing to consent; but that the claimant did not accede to that course.

10. The Commissioner would in conclusion mention for any necessary attention by the Chief Adjudication Officer that the claimant additionally contended at the oral hearing on 18 June 1985 that he had some while since instituted an appeal to a local tribunal against the review decision of 17 August 1983 referred to in paragraph 5.1.2.A. above - but that, despite reminders by the claimant, the matter appeared to have "sunk without trace", as he had heard nothing further. The Commissioner is aware of nothing on any of the case files identified at the head of this minute which is identifiable as of relevance in this context, but undertook to draw the complaint to the attention of the Chief Adjudication Officer.

(Signed) I Edwards-Jones
Commissioner

Date: 15 July 1985