

MHJ/1/LM

Commissioner's File: CSB/199/90

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

Social Security Appeal Tribunal: Liverpool

[ORAL HEARING]

1. My decision is that I have no jurisdiction to hear the claimant's appeal against the decision of the Liverpool social security appeal tribunal's decision given on 17 April 1990.
2. I held an oral hearing of this matter at Liverpool on 19 May 1992, when the claimant attended and was represented by Mr P. Cosgrove of the Kirkby Unemployment Centre. The adjudication officer was represented by Mr S. Cooper of the Office of the Solicitor to the Departments of Health and Social Security.
3. In view of the submission (and attached documents) dated 30 April 1992 by the adjudication officer now concerned with the case, with which I agree, it is clear that the claimant's appeal against the decision of the adjudication officer, issued on 16 August 1988, had lapsed and that the tribunal consequently had no jurisdiction to hear the appeal. In those circumstances I give the above decision without reasons and with the consent of the parties pursuant to regulation 22(2) of the Social Security Commissioners Procedure Regulations 1987.
4. I would add that, owing to the regrettable confusion which has occurred in these proceedings, through no fault of the claimant, he has effectively been prevented from pursuing an appeal against the only subsisting decision, that dated 2 February 1990 and, if he should make an application for leave to appeal out of time, I trust that that would be granted.

(Signed) M H Johnson
Commissioner

Date: 20 May 1992