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DGR/SH/14

Commissioner's File: CSB/205/1990

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 7 December 1988 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 a Commissioner, against the decision of the social security appeal tribunal of 7 December 1988.

3. At the hearing on 7 December 1988 the tribunal were concerned with three appeals. They allowed the first two, and dismissed the third. Accordingly, the present appeal to the Commissioner lies against the third appeal, but in the event of my allowing it, the whole matter would be at large again before a new tribunal. The question arising under the third appeal was whether the claimant was entitled to a single payment to cover the cost of removal of his furniture out of storage. That in turn depended upon the date of the claim. If it was made on 2 October 1986 - and it is not in dispute that a written claim was made on that date - then it must necessarily fail, because at that time the claimant was no longer in receipt of supplementary benefit, and as a consequence was not eligible for a single payment. In the event, the tribunal simply decided that, at the date of claim, the claimant was not in receipt of supplementary benefit, and in my judgment on the evidence they were entitled to reach that conclusion.

4. Indeed, I can see no evidence to suggest that, at the hearing before the tribunal, the date of claim was in dispute. I am, of course, aware that, subsequent to that hearing, the claimant has put in evidence which suggests that there might have been an oral claim on 11 September 1986, when the claimant was in receipt of supplementary benefit, and, that pursuant to

regulation 3(5) of the Supplementary Benefit (Claims and Payments) Regulations 1981 an oral claim might be acceptable to the Secretary of State. However, I cannot find that any such evidence was ever put before the tribunal. Accordingly, the tribunal were, in my judgment, entitled, and bound, to reach the conclusion they did.

5. In short, I see nothing wrong with the tribunal's decision, and have no hesitation in dismissing this appeal.

(Signed) D.G. Rice
Commissioner

(Date) 2 March 1992