

SOCIAL SECURITY ACTS 1975 TO 1990

CLAIM FOR UNEMPLOYMENT BENEFIT

DECISION OF THE SOCIAL SECURITY COMMISSIONER

1. My decision is that the decision of the social security appeal tribunal dated 25 October 1990 is erroneous in law. I set it aside and direct that the case be reheard by a differently constituted tribunal.

2. The claimant appeals against the tribunal's decision confirming the decision of an adjudication officer that she was disqualified for receiving unemployment benefit from 28 April 1990 to 8 June 1990 because she had left her employment voluntarily without just cause: section 20(1)(a) of the Social Security Act 1975.

3. It has never been in dispute that the claimant left her employment voluntarily. The issue for the tribunal was whether she had just cause for doing so. And if they found against her on that they had to exercise their discretion with regard to the appropriate period of the disqualification. There is no doubt that the tribunal's decision is erroneous in law in respect of both those matters. They gave, as the current adjudication officer agrees, insufficient reasons for deciding against the claimant on just cause. And it does not appear that they considered at all what period of disqualification was appropriate. I accordingly allow this appeal and I remit the case for rehearing by another tribunal.

(Signed) R A Sanders
Commissioner

Date: 16 March 1992