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DR/JH

Commissioner's File: CSSB/173/84

C.A.O. File: AO 9139/84

L.O: Stornoway

L.O. Ref. No:

SUPPLEMENTARY BENEFITS ACT 1976

APPEAL TO THE COMMISSIONER FROM DECISION  
OF SOCIAL SECURITY APPEAL TRIBUNAL ON A  
QUESTION OF LAW

DECISION OF THE SOCIAL SECURITY COMMISSIONER

Name: \_\_\_\_\_

Social Security Appeal Tribunal: Outer Hebrides

Case No: 01/10

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1. My decision is that the decision of the social security appeal tribunal dated 1 August 1984 is erroneous in point of law and is therefore set aside.
  2. The claimant, who is a single man aged about 51 years, made a claim on 21 March 1984 for a single payment under the Supplementary Benefit (Single Payments) Regulations 1981 in order to purchase various items of household equipment, furniture and bedding. He had been receiving supplementary allowance since 26 September 1983. He had lived as a member of his mother's household which consisted of himself, his mother and 2 brothers. He had been allocated a tenancy of a local authority house in January 1984, and his said claim for a single payment was in connection with that house. The local benefit officer decided in March 1984 that the claimant was not entitled to the said single payment.
  3. The claimant appealed against the said decision of the local benefit officer. A hearing took place before a social security appeal tribunal on 7 June 1984. At that hearing it was maintained on behalf of the claimant that the claimant should be found entitled to a single payment for the item under consideration having regard to such matters as that the existing accommodation in which the claimant lived was overcrowded; that the claimant suffered from poor health; and that the claimant's employment prospects would be enhanced if he moved to the house which had been allocated to him by the local authority. The tribunal adjourned the hearing in order to enable the claimant to produce a medical report and also a report from the local authority's housing department giving information regarding why a house had been allocated to the claimant. A further hearing took place before a tribunal on 1 August 1984. In the chairman's note of evidence it was stated that consideration was given to the contents of a letter received from the local authority housing department and a letter from the claimant's doctor. Reference

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was also made to a Commissioner's decision CSB 508/82 (now reported as R(SB) 26/84). It was also stated that the claimant presently had to reside in a caravan situated near his mother's house. The findings of the tribunal on questions of fact material to their decision were as follows:-

"In addition to the findings narrated, following the hearing on 7 June, the letters referred to overleaf [i.e. the letters mentioned above] were considered together with the Commissioner's decision already referred to."

The tribunal decided to uphold the supplementary benefit officer's said decision, and the reasons for their decision were stated to be as follows:-

"Adequate accomodation was available to the appellant at [the house of the claimant's mother] and the application for a single payment was therefore not justified."

4. The claimant applied for leave to appeal to a Commissioner on a question of law from the tribunal's said decision dated 1 August 1984, and the chairman of the tribunal in question granted leave to appeal. I am now concerned with the appeal.

5. Under regulation 19(2) of the Social Security (Adjudication) Regulations 1984 the chairman of an appeal tribunal must include in the record of every decision a statement of the grounds of such decision and of the tribunal's findings on questions of fact material thereto. The adjudication officer now concerned with the case maintains in his written submission that the said tribunal did not comply adequately with said regulation 19 and that their decision is therefore erroneous in point of law. The adjudication officer points out that the claimant led evidence for the purposes of regulation 10(1)(a) of the said Single Payments Regulations to the effect that the accommodation at his mother's house was overcrowded and that the tribunal have not given sufficient reasons why his evidence in that connection failed to satisfy the tribunal. The adjudication officer also maintains that there was evidence before the tribunal regarding the claimant's medical history, but the tribunal has given no indication as to whether they considered whether the claimant satisfied the "sickness" provisions of regulation 10(1)(a)(ii) of the said Single Payments Regulations. I agree with these submissions put forward by the adjudication officer and I therefore agree that the tribunal in question have not complied adequately with said regulation 19. The tribunal's decision must therefore be set aside, and the case must be reconsidered by another tribunal. As is pointed out by the adjudication officer the tribunal should, depending on the conclusions which they reach regarding the facts under consideration, consider the said Commissioner's decision R(SB) 26/84.

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6. The claimant's appeal is allowed.

(signed) Douglas Reith  
Commissioner  
Date: 29 March 1985

DR/JH

Commissioner's File: CSSB/173/84  
C.A.O. File: AO 9139/84  
L.O: Stornoway  
L.O. Ref. No: 2491/46424

SUPPLEMENTARY BENEFITS ACT 1976

*Furner*

APPEAL TO THE COMMISSIONER FROM DECISION  
OF SOCIAL SECURITY APPEAL TRIBUNAL ON A  
QUESTION OF LAW

DECISION OF THE SOCIAL SECURITY COMMISSIONER

Name: Donald MacLeod

Social Security Appeal Tribunal: Outer Hebrides

Case No: 01/10

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1. My decision is that the decision of the social security appeal tribunal dated 1 August 1984 is erroneous in point of law and is therefore set aside.
  2. The claimant, who is a single man aged about 51 years, made a claim on 21 March 1984 for a single payment under the Supplementary Benefit (Single Payments) Regulations 1981 in order to purchase various items of household equipment, furniture and bedding. He had been receiving supplementary allowance since 26 September 1983. He had lived as a member of his mother's household which consisted of himself, his mother and 2 brothers. He had been allocated a tenancy of a local authority house in January 1984, and his said claim for a single payment was in connection with that house. The local benefit officer decided in March 1984 that the claimant was not entitled to the said single payment.
  3. The claimant appealed against the said decision of the local benefit officer. A hearing took place before a social security appeal tribunal on 7 June 1984. At that hearing it was maintained on behalf of the claimant that the claimant should be found entitled to a single payment for the item under consideration having regard to such matters as that the existing accommodation in which the claimant lived was overcrowded; that the claimant suffered from poor health; and that the claimant's employment prospects would be enhanced if he moved to the house which had been allocated to him by the local authority. The tribunal adjourned the hearing in order to enable the claimant to produce a medical report and also a report from the local authority's housing department giving information regarding why a house had been allocated to the claimant. A further hearing took place before a tribunal on 1 August 1984. In the chairman's note of evidence it was stated that consideration was given to the contents of a letter received from the local authority housing department and a letter from the claimant's doctor. Reference

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was also made to a Commissioner's decision CSB 508/82 (now reported as R(SB) 26/84). It was also stated that the claimant presently had to reside in a caravan situated near his mother's house. The findings of the tribunal on questions of fact material to their decision were as follows:-

"In addition to the findings narrated, following the hearing on 7 June, the letters referred to overleaf [i.e. the letters mentioned above] were considered together with the Commissioner's decision already referred to."

The tribunal decided to uphold the supplementary benefit officer's said decision, and the reasons for their decision were stated to be as follows:-

"Adequate accommodation was available to the appellant at [the house of the claimant's mother] and the application for a single payment was therefore not justified."

4. The claimant applied for leave to appeal to a Commissioner on a question of law from the tribunal's said decision dated 1 August 1984, and the chairman of the tribunal in question granted leave to appeal. I am now concerned with the appeal.
5. Under regulation 19(2) of the Social Security (Adjudication) Regulations 1984 the chairman of an appeal tribunal must include in the record of every decision a statement of the grounds of such decision and of the tribunal's findings on questions of fact material thereto. The adjudication officer now concerned with the case maintains in his written submission that the said tribunal did not comply adequately with said regulation 19 and that their decision is therefore erroneous in point of law. The adjudication officer points out that the claimant led evidence for the purposes of regulation 10(1)(a) of the said Single Payments Regulations to the effect that the accommodation at his mother's house was overcrowded and that the tribunal have not given sufficient reasons why his evidence in that connection failed to satisfy the tribunal. The adjudication officer also maintains that there was evidence before the tribunal regarding the claimant's medical history, but the tribunal has given no indication as to whether they considered whether the claimant satisfied the "sickness" provisions of regulation 10(1)(a)(ii) of the said Single Payments Regulations. I agree with these submissions put forward by the adjudication officer and I therefore agree that the tribunal in question have not complied adequately with said regulation 19. The tribunal's decision must therefore be set aside, and the case must be reconsidered by another tribunal. As is pointed out by the adjudication officer the tribunal should, depending on the conclusions which they reach regarding the facts under consideration, consider the said Commissioner's decision R(SB) 26/84.

6. The claimant's appeal is allowed.

(signed) Douglas Reith  
Commissioner  
Date: 29 March 1985