

Claim for single payment for essential furniture —
SSAT not wrong in law in dismissing appeal as
neither reg 10 or 30 satisfied

DGR/SH/26/MD

Commissioner's File: CSSB/400/1987

Region: Scotland

SUPPLEMENTARY BENEFITS ACT 1976

APPEAL FROM DECISION OF SOCIAL SECURITY APPEAL TRIBUNAL ON A QUESTION OF LAW

DECISION OF THE SOCIAL SECURITY COMMISSIONER

Name: James Kellacher

Social Security Appeal Tribunal: Glasgow East

Case No: 23/4

1. For the reasons hereinafter appearing, the decision of the social security appeal tribunal given on 17 December 1985 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 17 December 1985.

3. On 25 July 1985 the claimant, who was in receipt of supplementary benefit, claimed a single payment for various items of furniture and household equipment. On 6 September 1985 the adjudication officer disallowed the claim on the basis that the claimant was unable to satisfy the provisions of either regulation 10 or regulation 30 of the Supplementary Benefit (Single Payments) Regulations 1981.

4. On 6 September 1985 the claimant lodged an appeal to the supplementary benefit appeal tribunal, who in the event upheld the adjudication officer. They made the following findings of fact:-

"1. The claimant is a single man aged 21 years. He is currently registered unemployed and in receipt of a supplementary allowance for himself only. From 28/7/85 he has been paid as the householder of the local authority house at 239 Castlemilk Drive, Glasgow. He has no declared savings.

2. On 25/7/85 the claimant applied for a single payment for items of essential household furniture and equipment to enable him to move into his new house.

3. At an interview on 4/9/85 it was established that immediately prior to the claim for householder items the claimant was living with his parents in a four apartment local authority house. The occupants of this house were his parents and one brother. The claimant had his own room in his house and was therefore not overcrowded.

4. The claimant is in good general health and has not provided evidence that there is no suitable alternative furnished accommodation within the area.

5. Prior to the claimant moving to his parents' address on 15/7/85 he was previously living in a bedsit at 14 Queen Mary Avenue, Glasgow and required to remove from these premises as a result of the recent board and lodging regulations."

The tribunal gave as the reasons for their decision the following:-

"As the claimant failed to satisfy the necessary conditions of regulation 10(1)(a) and in particular he has failed to establish that there is no alternative furnished accommodation in the area [R(SB)8/84] then he is not entitled to a single payment in terms of regulation 10(2) of the Single Payments Regulations.

Regulation 30 of the Single Payments Regulations referred to for its terms but the claimant failed to establish any serious damage or serious risk to his health or safety which would be prevented by the award of a single payment AND he has failed to establish that there is no alternative furnished accommodation in the area which would be another means of meeting the need in question."

5. It is clear, from the record of the proceedings before the tribunal, that the claimant, in order to bring himself within regulation 10(1)(a), as it then was, relied on being able to satisfy regulation 13(1)(b), which read as follows:-

"13(1)(b) Having regard to the age, state of health or any physical disability of any member of the assessment unit, the size of the assessment unit and whether any other person lives in the home, the existing home is unsuitable either in size or in structure or because it is too far removed from close relatives."

6. The claimant contends that the tribunal failed first to determine which premises were the claimant's home. I see nothing in that point. It is clear from the findings of the tribunal that they treated the claimant's home as being his parents' house, where he was living immediately prior to the claim, but in any event nothing turns on the point because if his home was instead the bedsit at 14 Queen Mary Avenue, Glasgow his removal from those premises was due to his inability to pay the rent, and on any footing he was unable to bring himself within regulation 13(1)(b). The second ground on which the claimant relies is that the tribunal failed to explain why they rejected the claimant's contention that he satisfied the provisions of regulation 13(1)(b) as regards his parents' home. It is argued that, as he failed to get on with his parents, then the existing home was unsuitable in size. I see nothing in this contention either. Manifestly, the provision does not contemplate that the premises will be considered unsuitable in size, where the claimant does not get on with his parents, and therefore requires accommodation so large that he need not come into contact with them. The tribunal made a finding that the parents' home was "a four apartment local authority house" and that, in addition to his parents, there was living there only one brother. The claimant had his own room, and clearly there was no question of overcrowding. The fact that he did not get on with his parents brings him within neither the spirit nor the wording of regulation 13(1)(b).

7. As regards regulation 30, the tribunal were fully entitled to reach the conclusion that there was no serious risk to the claimant's health.

8. In my judgment, the tribunal have explained the position with a commendable lucidity, and I do not see in what respect it can be said that they erred in point of law. I have no hesitation in dismissing this appeal.

(Signed) D.G. Rice
Commissioner

Date: 20 May 1988