

CPAG

DGR/SH/14

Commissioner's File: CFC/013/1990

FAMILY CREDIT (GENERAL) REGULATIONS 1987

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

DECISION OF THE SOCIAL SECURITY COMMISSIONER

1. My decision is that the decision of the social security appeal tribunal given on 30 March 1990 is erroneous in point of law, and accordingly I set it aside. I direct that the appeal be reheard by a differently constituted tribunal who will have regard to the matters mentioned below.

2. This is an appeal by the claimant, brought with the leave of the tribunal chairman, against the decision of the social security appeal tribunal of 30 March 1990.

3. On 16 August 1989 the adjudication officer decided that the claimant was not entitled to family credit on the date of claim because she was not in paid work for an average of at least 24 hours a week. In due course, she appealed against that decision to the tribunal, who in the event upheld the adjudication officer.

4. The adjudication officer now concerned has in very full and helpful submissions dated 30 October 1991 analysed this whole case at considerable length, and has, to my complete satisfaction, demonstrated that for the reasons there set out, the tribunal erred in point of law. I accept all that the adjudication officer has there stated, and consider that there is no merit in my repeating in different words all that has been so admirably explained in his submissions.

5. It follows that I must set aside the tribunal's decision, and direct that the appeal be reheard by a differently constituted tribunal who will have regard to the submissions of the adjudication officer dated 30 October 1991. They will go on to decide the extent of the claimant's entitlement to family credit.

6. I allow this appeal.

(Signed) D.G. Rice
Commissioner

(Date) 1 April 1992