
Claimant did not know he was entitled to death grant until the undertaker mentioned it Claim disallowed

1. My decision is that the claim for death grant is disallowed

2. The claimant is the son of the deceased who was found dead on the 4th February last. An inquest was held and the coroner recorded the date of death as the 28th January. The claim for death grant was not made until the 18th March, 1950. The claimant states in his letter of the 1st April that his "first claim and letter" was dated the 13th March, but though the date on his letter and that below his signature on the claim form might be read as 13th the date given by the witness to his signature on the claim form is clearly the 18th and the claim was apparently not received at the local Insurance Office till the 22nd. I think, therefore, that the claim cannot have been made before the 18th. The point is not, however, material, as either date is beyond the prescribed time for claiming death grant.

3. The claimant says that the cause of his delay was that he did not know that he was entitled to death grant till the undertaker asked him if he had got it. He also says that he suffered much from worry and suspense as his father had apparently disappeared for some weeks before he was found dead and that he (the claimant) had to attend to all the business connected

with the death, making arrangements with the police, undertaker and solicitor, and had the suspense of waiting for nearly a week for the inquest. He also points out that the Family Guide contains no mention of a time limit for claiming death grant. He adds that he made inquiries at the local Insurance Office as soon as he heard from the undertaker that he was entitled to death grant and applied for a certificate (presumably a death certificate) immediately after consulting the local Insurance Office. The claimant does not give the date on which he heard of his right to death grant from the undertaker. I will assume that the claimant made his claim for death grant as soon as possible after he learned that he was entitled to it. I accept his statement that he had suffered much from suspense and grief over his father's death and had a great deal of harassing business to transact in connection with the death. These are matters which excite sympathy for him but I have no power to allow his claim for reasons of sympathy, I can only allow it if I am satisfied that there was good cause for the delay.

4 It is plain that the cause of the claimant's delay was that he did not know that he was entitled to death grant and therefore did not know that the claim for the grant must be made within a month of the death. It has been repeatedly held, with reference to sickness benefit and other familiar types of benefit, that ignorance is not good cause for delay in claiming the benefit, because a reasonable man would be aware that there must be some time limit for claiming the benefit and would make inquiries if he did not know how and when to claim.

5 Death grant was a novel type of benefit and though it was mentioned in the Family Guide as a prospective benefit it did not become available till the 5th July, 1949. It was therefore held that in the case of deaths occurring within a short period after the 5th July, 1949, ignorance of the existence of the benefit might be regarded as good cause for failure to claim in time.

6 In this case, however, the death occurred more than six months after death grant had become available and more than 18 months after the appointed day on which the National Insurance Act, 1946, came into operation which was nearly two years after the Act was passed. In my opinion, therefore, the mere fact that the claimant was ignorant that such a benefit as death grant was available cannot be regarded as good cause for failure to claim in due time in respect of a death occurring as late as January, 1950.

7. I am unable to allow the appeal.
