

SOCIAL SECURITY ACT 1986
SOCIAL SECURITY ADMINISTRATION ACT 1992

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

DECISION OF THE SOCIAL SECURITY COMMISSIONER

Name:

Social Security Appeal Tribunal:

Case No:

[ORAL HEARING]

1. The decision of the London West social security appeal tribunal dated 7 September 1993 is, as the adjudication officer concedes, erroneous in law and I set it aside.

2. My decision in substitution for that of the tribunal is that the decision awarding income support to the claimant did not fall to be reviewed on the ground that she should be treated as possessing capital above the prescribed limit because she did not deprive herself of capital for the purpose of securing entitlement to income support.

3. The award of income support wrongly terminated by the adjudication officer must continue and arrears must be paid as calculated by an adjudication officer.

4. At the oral hearing of this appeal the claimant explained in detail why she had used the proceeds of an insurance policy to pay off her mortgage, or most of it. Having questioned her closely about the matter, Counsel for the adjudication officer not having appeared, I am satisfied that the claimant's whole purpose in using the insurance policy proceeds as indicated was to rid herself of the burden of a large mortgage which had caused her much anxiety; it was no part of her purpose to secure continued entitlement to income support.

5. The above reasons for this decision are given more briefly than usual because I am concerned that, in view of the claimant's somewhat desperate financial circumstances, payment of income

support to her in accordance with this decision should be recommended as a matter of urgency.

(Signed) R A Sanders
Commissioner

Date: 26 August 1994