

JBM/SH/11

Commissioner's File: CIS/034/1990

SOCIAL SECURITY ACT 1986

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 Huddersfield social security appeal tribunal dated 11 December 1989 is not erroneous in point of law.

2. This is an appeal by the claimant to the Commissioner with the leave of the tribunal chairman against the unanimous decision of the appeal tribunal confirming the decision of the adjudication officer first involved in these appeals.

3. The facts of the case are dealt with on the face of the appeal tribunal record. In respect of those matters and of the submission dated 25 April 1990 of the adjudication officer now involved in these appeals the claimant through her representative has had the opportunity to comment and I have the observations to me dated 21 May 1990. No useful purpose would be served by my setting out these matters afresh here.

4. The relevant statutory provisions are referred to in paragraph 2 of the submission dated 25 April 1990 of the adjudication officer now involved in these appeals. Nothing is to be gained by my setting out those references afresh here.

5. In my judgment the decision of the appeal tribunal is not erroneous in point of law. I have considered very carefully the arguments put forward on behalf of the claimant by her representative together with the documentation contained in the case papers. I have also considered the full and careful submission made by the adjudication officer now involved in these appeals and dated 25 April 1990. I do not think that it is necessary for me to recite the careful arguments put forward by the both sides. I have to bear in mind that I can allow an

appeal only if I am satisfied that the decision of the appeal tribunal was erroneous in point of law. What is an error of law is helpfully dealt with by the Commissioner in Decision R(I) 14/75. On no other grounds can I set aside a decision of the appeal tribunal. In my judgment the submission dated 25 April 1990 is rightly made and there is no merit in my saying in other words what has been adequately stated in that submission. I adopt as a summary of the submission that the appeal tribunal correctly concluded that the adjudication officer's decision was not erroneous in law, nor had there been a relevant change in the claimant's circumstances since the decision had been made. Accordingly they properly arrived at the correct conclusion that there were no grounds upon which the decision could be reviewed.

6. In accordance with my jurisdiction my decision is as set out in paragraph 1 of this decision. I would add that I have given careful consideration to the claimant's representative's observations to me dated 21 May 1990. However my jurisdiction is in respect of error of law. I have no wider or overriding powers.

7. Accordingly the claimant's appeal is disallowed.

(Signed) J.B. Morcom
Commissioner

(Date) 7 February 1992