

Commissioner's File: CIS/181/1989

SOCIAL SECURITY ACT 1986

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

DECISION OF THE SOCIAL SECURITY COMMISSIONER

1. For the reasons set out below, the decision of the social security appeal tribunal given on 17 May 1989 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 the tribunal chairman, against the decision of the social security appeal tribunal of 17 May 1989.

3. When the claimant transferred from supplementary benefit to income support, her first income support entitlement included a transitional addition of £11.85 together with a special transitional addition of £11.25. The latter arose out of her having previously been in receipt of domestic assistance of £36 per week, from which, in accordance with regulation 15(1) of the Income Support (Transitional) Regulations 1987, her severe disability premium of £24.75 per week was deductible. The claimant's appeal to the Commissioner proceeds on the basis that such special transitional addition should have been calculated without the reduction of £24.75, a reduction imposed merely because she was entitled to this sum as a severe disability premium. Manifestly, by reason of regulation 15(1) her contention cannot stand.

4. With effect from 10 April 1989 the claimant's applicable amount was increased by £3.60 from £71.20 to £74.80. Unfortunately for the claimant, the benefit of that increase was not passed on to her, as regulation 14(1)(a) provided that any transitional addition which then formed part of the claimant's income support fell to be reduced by the amount of such increase. All the claimant got out of it was an uprating increase of 4.7% on the special transitional addition, increasing it from £11.25 to £11.78. The £3.60 increase in the applicable amount was

swallowed up by an equivalent reduction in the transitional addition reducing it from £11.85 to £8.25.

5. I consider that the tribunal explained the matter fully and lucidly. The adjudication officer now concerned has pointed out in paragraph 5 of his submissions of 6 February 1990 certain minor errors in the details of the tribunal's explanation, but they do not materially affect it.

6. Accordingly, I see no material respect in which it could be said that the tribunal erred in point of law, and in consequence I have no option but to dismiss this appeal.

(Signed) D.G. Rice
Commissioner

(Date) 3 February 1992