

JBM/MB/10

Commissioner's File: CIS/411/1990

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 Chelmsford Social Security Appeal Tribunal 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 6 November 1990 the adjudication officer now involved in these appeals the claimant has had the opportunity to comment (but has in fact not commented in spite of a reminder letter dated 11 December 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 6 November 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 by the claimant together with the documentation contained in the case papers. I have also considered the full and careful submission of the adjudication officer now involved in these appeals dated 6 November 1990. I do not think that it is necessary for me to recite the careful arguments put forward by 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 the present instance I am satisfied that the appeal tribunal have adequately expressed the reasons for their conclusion and they were entitled to reach those conclusions on the evidence before them. I can see no grounds on the face of the appeal tribunal record which could justify my setting aside the decision of that appeal tribunal as erroneous in point of law.

6. In accordance with my jurisdiction my decision is as set out in paragraph 1 of this decision.

7. Accordingly the claimant's appeal is dismissed.

(Signed) J B Morcom
Commissioner

(Date) 3 April 1992