

3 MAY 1986

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Commissioner's File: CU/066/1986

C A O File: AO 4212/UB/1986

Region: North Eastern

SOCIAL SECURITY ACTS 1975 TO 1986
CLAIM FOR UNEMPLOYMENT BENEFIT
DECISION OF THE SOCIAL SECURITY COMMISSIONER

Name: [REDACTED]

Appeal Tribunal: Wakefield

Case No: [REDACTED]

[ORAL HEARING]

1. We allow this appeal by the claimant. Our decision is that the claimant was not disqualified under section 19 of the Social Security Act 1975 for receiving unemployment benefit for any day of claim in the inclusive period from 12 March 1984 to 6 March 1985. We set aside the decision of the social security appeal tribunal dated 15 January 1986 and substitute our own decision.

2. The claimant was born in 1946 and is and was at all material times employed by the National Coal Board (NCB) at Frickley Colliery in South Yorkshire and is and was a member of the National Union of Mineworkers (NUM). At midnight on 9/10 March 1984 a strike began in the area in which Frickley Colliery was situated. The strike continued until 6 March 1985 and work was resumed on 7 March 1985. Because of the strike no work was available for the claimant and she was laid off. On 12 April 1984 the claimant made a claim for unemployment benefit and asked that it be backdated to 12 March 1984. By a decision issued on 27 April 1984 the adjudication officer decided -

- (i) that the claimant was disqualified for receiving unemployment benefit from 12 March 1984 and for so long as the stoppage of work continued, because she had lost employment owing to a stoppage of work which was due to a trade dispute at her place of employment: Social Security Act 1975, section 19(1); and
- (ii) that the claimant was disqualified for receiving unemployment benefit from 12 March 1984 to 11 April 1984, both dates included, because her claim for that period made on 12 April 1984 was not made within the time limit set out in the regulations and she had not proved that there was continuous good cause for the delay in making the claim: Social Security (Claims and Payments) Regulations, regulation 14 and Schedule 1.

The claimant appealed and at the hearing before the social security appeal tribunal on 15 January 1986, the adjudication officer conceded, rightly in our judgment, that the claimant had good cause for delay in making her claim as no-one had known at the time