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Although 75 year old man proved good cause for delay in claiming, payment of retirement pension for any period more than six months before the date of claim absolutely barred

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1. My decision is that the claimant is not entitled to receive payment of a retirement pension for any period more than six months before 12th July, 1949.

2. The claimant is 75 years old, but as he was able and anxious to go on working he did not wish to disclose his true age. Having become ill he disclosed his true age to the Ministry of National Insurance on 8th December, 1948 when he applied for sickness benefit. He was of course told that he was too old to claim sickness benefit, and was advised, so he says, to continue at work and not to claim a retirement pension. At any rate, he did not in fact claim the pension until 12th July, 1949, and the majority of the Local Tribunal held that he had shown good cause for his delay and that he was entitled to the pension as from 8th December, 1948.

3. The Insurance Officer does not wish to dispute the finding on the question of good cause, but appeals on the ground that the Local Tribunal had no power to hold that pension was payable for any period more than six months before the date when the pension was actually claimed.

4. The Insurance Officer's contention is plainly correct. Regulation 11(3) of the National Insurance (Claims and Payments) Regulations, 1948 [S.I. 1948 No. 1041] absolutely bars any such payment, however good the reasons for delay may have been.

5. I am therefore bound to allow the appeal.

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