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Latvian living in a camp and unable to speak English relied on a recognised procedure whereby an interpreter sent certificates to the employer who forwarded them to the Local Office. Claim allowed.

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1. My decision is that the claimant is not disqualified for receiving sickness benefit from the 5th July, 1948 to the 5th August, 1948, both days inclusive.

2. In respect of the period before the 5th July the purported decision of the Local Tribunal allowing his claim to benefit is a nullity. That question falls for decision by the Minister in accordance with the provisions of the National Insurance (Determination of Claims and Questions) (Transitional) Regulations 1948 [S.I. 1948 No. 1311] Regulations 4 and 6.

3. I, accordingly, deal only with the period from the 5th July, 1948, inclusive. The claimant is a Latvian who speaks no English. He lives in a camp, most of the occupants of which are employed by a County Agricultural Executive Committee. The claimant, however, is employed by a different employer and goes to work daily. It is the practice at that camp, since many of its occupants are unable to speak English, for them if they are ill to attend a doctor accompanied by an interpreter. The doctor in an appropriate case gives a medical certificate to the interpreter, who completes the claim form on it on behalf of the sick person and obtains that person's signature on it. He then sends it to the County Agricultural Executive Committee, who are the employers, and they, after noting it, send the document on to the Ministry of National Insurance. It is in this way that claims are habitually made for sickness benefit by occupants of that camp. In the claimant's case the interpreter assumed that it would be correct similarly to send the certificate and claim to the claimant's employer and that he in due course would forward it to the Ministry of National Insurance. He did not consult the claimant in this matter; it was regarded by him as his duty to take the necessary action on the claimant's behalf. The claimant's employer, unconscious that it was expected of him to forward the document that he received to the Ministry of National Insurance, kept it. The claimant did not receive sickness benefit, and, accordingly, inquired of the interpreter from time to time about the matter. He always received assurances that he would receive the benefit in due course. Ultimately, when the claimant was attending a meeting of his Union, the representative of his Union, present at the meeting, discovered that the claimant had been ill, and inquired whether he had received his sickness benefit. Finding out what had happened he took the appropriate steps to make a claim on the claimant's behalf. The claimant had been incapable of work from the 14th June, 1948 to 5th August, 1948, but, in the circumstances above related, he did not give notice of his incapacity to the Minister or make a claim for benefit until the 20th September, 1948, despite the fact that week by week certificates of incapacity and duly completed claim forms had been, during the period with which I am now concerned, sent to his employer. It is well established that ignorance of the regulations governing the making of claim for sickness benefit is not by itself good cause for failure to give notice of incapacity to the Minister or make a claim within the prescribed time, but this appears to me to be an altogether exceptional case. The claimant was compelled in effect to rely upon the interpreter. Looked at from this point of view there had been no delay. He appeared to have taken action promptly throughout, and it seems to me that, in these very exceptional circumstances, it would be proper to say that this claimant had good cause for failure to give notice up to the day on which notice was given and that there was good cause for his failure to make the claim before the date on which it was made. In the result, therefore, the provisions of Regulations 11 and 15 of the National Insurance (Claims and Payments) Regulations 1948 [S.I. 1948 No. 1041] do not disqualify him for receiving sickness benefit in respect of his period of incapacity since the 5th July, 1948, inclusive.

4. I, accordingly, dismiss the appeal of the Insurance Officer.

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