
Claimant outside Great Britain—Good cause for late claim

Commissioner holds that a liberal view should be taken of any delay caused by pursuit of inquiries by a person outside Great Britain. If on the other hand the delay was not so caused but was due to a belief that there was no entitlement "good cause" for the delay would not be established.

1. My decision is that the claimant was not disqualified for receiving maternity grant, but was disqualified for receiving attendance allowance, in respect of her confinement on the 24th January, 1951.

2. The claimant was confined in France on the 24th January, 1951. She had left Great Britain with her husband in April, 1950 and he had been since that date a student officer at the French Staff College whose duties involved a considerable amount of travelling. The claimant did not realise that she was entitled to maternity grant or attendance allowance in respect of her confinement and her husband says that they saw no British Army regulations and only spasmodically British newspapers. He says that they only heard early in April, 1951 in the course of chance conversation that his wife was entitled to benefit. No information could be obtained from the British Military Delegation in Paris on the matter and ultimately the claim was made on the 10th May, 1951 after the claimant's husband had communicated with his bank in England. It is also stated by the claimant that she was living with her husband in the north of Scotland, where he was stationed, from May, 1948 to April, 1950 and that they were living in an isolated country house. She did not see any copy of the Family Guide to the National Insurance Scheme.

3. Persons who do not know their rights under the National Insurance Act, 1946, or what they have to do to obtain them, are expected to make reasonable inquiries to ascertain the true position. If they do not, it is impossible that they should know. A person outside Great Britain is at a disadvantage in pursuing these inquiries and a liberal view must be taken of any delay caused by pursuing them. For that reason I think that the claimant has proved good cause for delay in making her claim from early in April, 1951, when she started to find out what she had to do, until the 10th May, 1951 when the completed claim was made.

4. Accordingly, the claimant can be treated as if she had made a claim early in April, 1951. That was within three months of the date of her confinement and she is not disqualified for receiving her maternity grant.

5. But her delay up to early in April was due solely to her belief that she was not entitled to anything, a belief which as has been admitted on her behalf she did not "check". It was not caused by the pursuit of inquiries on the matter. I do not feel justified in holding that the claimant has proved good cause for her delay up to early in April. Her entitlement to attendance allowance had expired more than 28 days before then, and, accordingly, the claimant has to be held to have been disqualified for receiving that allowance.

6. To the extent shown at the head of this decision, I allow the claimant's appeal.
