
A matron of a hospital received medical and nursing treatment in her ordinary living quarters at the hospital where she was employed

Held that she was not receiving "in-patient" treatment and that her sickness benefit did not fall to be reduced. Decision C.S. 591/49 (K L) and R(S) 2/52 distinguished.

1. My decision is that for the periods from the 13th January, 1952 to the 8th March, 1952 both dates included, the claimant's sickness benefit does not fall to be reduced.

2. The claimant, who is the matron of a hospital, became incapable of work on the 30th October, 1951. From that date until the 8th December, 1951 she was nursed in her own quarters in the hospital where she was employed. She remained in those quarters incapable of work, but no longer requiring nursing care, until the 14th December, 1951. On the 1st January, 1952 the claimant became incapable of work once more and was admitted as an in-patient to another hospital where she remained until the 11th February, 1952. The claimant on the next day returned to her own living quarters at the hospital of which she was a matron and continued to be incapable of work, but no longer in need of nursing care, until the 8th March, 1952, when she went away on sick leave.

3. The Local Tribunal accepted the view that the claimant was an in-patient from the 30th October, 1951 to the 8th December, 1951, while in receipt of nursing care in her own quarters, and also while an in-patient of the other hospital, but not during the period when she was incapable of work in her own quarters and not requiring nursing care. The Insurance Officer has appealed and not the claimant, but the matter being now before me I have thought it right to consider the whole question involved in the Insurance Officer's original decision.

4. The question at issue in this appeal therefore is whether during the periods from the 30th October, 1951 to the 14th December, 1951 and from the 12th February, 1952 until the 8th March, 1952 the claimant was receiving free in-patient treatment in a hospital or similar institution within the meaning of the National Insurance (Hospital In-Patients) Regulations, 1949 [S.I. 1949 No. 1461].

5. In my view, during those periods she cannot be said to have been receiving medical or other treatment as "an in-patient" in a hospital or similar institution. Decision C.S. 591/49 (reported) is of no assistance for the purposes of this case because the question at issue in that case was whether the in-patient treatment which the claimant was admittedly receiving was being received "free". That is not the point at issue here. Her case is also distinguishable from that dealt with in Decision R(S) 2/52. In that case, the hospital nurse in question was receiving treatment as a patient in a hospital under privileged conditions, that is to say, in the nurses' sick-bay but here the claimant was living in her ordinary living quarters. It was only a coincidence that they were within the hospital premises. She was, as it seems to me, in the same position as a person receiving medical and nursing treatment in her own home. Accordingly, her sickness benefit does not fall to be reduced under the regulations referred to above, because the only period of her in-patient treatment was from the 2nd January, 1952 to the 11th February,

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1952, while she was an in-patient of another hospital, and this period is less than eight weeks (see Regulation 3(1) of the above-named regulations).

6. I must dismiss the Insurance Officer's appeal.
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