

A girl aged 15 left the claiming of sickness benefit to her parents who mishandled the matter and the claim was delayed.

*Held* on the facts of the case that the claimant had shown good cause for the delay

1. My decision is the the claimant is not disqualified for receiving sickness benefit for the period in question.

2. The claimant, who was born on the 2nd January, 1936 and who resides with her parents, was incapacitated as from the 7th July, 1951 by appendicitis. Although in view of other considerations the point is not of great importance, I note from the statement of her grounds of appeal that her illness developed into peritonitis and was, as she states, " of a serious nature ". Although it appears that a First Certificate was issued on the 7th July, 1951 no claim for benefit was made until the 28th September, 1951. The other facts so far as I regard them as being material are that no claim for sickness benefit had been made on any previous occasion by the claimant or on her behalf, that from the 17th July to the 15th August, 1951 she was an in-patient in hospital, that throughout the period of delay her parents concerned themselves with the question of her right to sickness benefit and that, so far as she was capable of independent action, the claimant " left it " to their judgement.

3. The judgement of the claimant's parents was bad—indeed about as bad as it could have been—for they were content to rely on the opinion of a " Society Collector " who " thought that the claimant was too young to claim benefit ". It was only after the matter had been mentioned to the doctor that on his advice the certificates were sent to the local office of the Ministry. Accordingly, if allowance of the present appeal had depended on a finding that the claimant's parents had good cause for delaying to send in the certificates or make inquiry at an office of the Ministry, I could find no ground that would justify interference with the decision of the Local Tribunal —by a majority—that good cause for the delay had not been shown. In that connection it is right to refer to the submission of the Insurance Officer now concerned with the case, who states that under the provisions of the relevant regulations—Regulation 15(5)(a) of the National Insurance (Claims and Payments) Regulations, 1948 [S.I. 1948 No. 1041] as amended—there was good cause for part of the period of delay in respect of the claimant's stay in hospital. That, however, would not affect the decision under appeal unless there was good cause also for the period subsequent to the 5th September.

4. The member of the Local Tribunal who dissented based his dissent on " the change of law and the claimant's youth ". If on the second point—the claimant's youth—the attention of the Tribunal had been directed to two Commissioner's decisions C.S. 183/49 and C.S. 670/49 I think that they would have decided the case as I am now doing. But neither decision is amongst those printed for the guidance of Local Tribunals. In both cases the claimants, although older than the present claimant, were under 17 years of age (in C.S. 183/49 *just under* 17) and in both their parents were " taking charge " or " handling " the claim for benefit—and, as in the present case, *mishandled* it. As regards the basis of those decisions in which it was held that good cause had been shown, I feel that it will suffice, not of course as a statement of a general principle on which delayed claims in the case of young claimants fall to be decided but as an indication of the special line of approach to be adopted in such cases when parents of young claimants have been " handling "

the claims, to quote from Commissioner's Decision C.S. 183/49 the following statement :—

" The claimant said in evidence that no doubt had she been acting herself she would have found the correct procedure. One may accept this confident estimate of her powers and yet hold that it was reasonable for a girl of 17 who was ill with pharyngitis to acquiesce in her mother taking charge of the task of sending in the claim for her ".

Viewing the facts of the present case from that angle, I am satisfied that good cause for the whole period of delay has been shown.

5. Accordingly I allow the claimant's appeal—which is supported by the Insurance Officer concerned with it.

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