



Delivering Advice, Information and
Legal Representation Services

Case Study from Island Advice Centre

Client X is of mixed ethnicity, in her thirties, suffers from debilitating health conditions both physical and mental, lives with her severely ill mother and her husband who works and is finding it difficult to manage work and care needs. She came to our service very distraught and anxious. Her husband had to support her in explaining what had happened with her benefits. She was confused and very close to the deadline to take her case further. They showed us an extensive bundle of documents (320+pages) which were the appeal papers they had been trying to deal with themselves. They felt exhausted by the whole process.

She suffers from multiple and severe health conditions [is in constant and severe pain] has care and mobility needs due to which she was receiving Disability Living Allowance. After interviewing her we found that she had asked for a review as she thought she was entitled to a higher rate and had appealed and attended First Tier Tribunal without any help or representation. On attendance at the Tribunal not only was her appeal disallowed and her current award taken away, but she felt degraded as the Tribunal had treated her unfairly and she experienced a panic attack while she was there. When she came to us she had already asked for a statement of reasons and complained to the Tribunal Judiciary Service but did not know what to do next and was very frustrated.

We advised her of the correct procedure in order to have the decision looked at again and set aside. We read through the lengthy statement of reasons and identified Errors of law within the statement. The Tribunal had asked inappropriate and irrelevant questions and applied the law incorrectly to determine the negative outcome of her appeal. We presented her case asking for leave to appeal to Upper Tribunal. Our request was looked at by the Duty Judge whom agreed that Error of law had occurred and set aside the First Tier Tribunals decision and instructed a new panel and Judge to hear the appeal again. Client X was not able to go to this hearing but the new panel looked at the evidence and reinstated her DLA award. Client X was very relieved to put a closure to the matter and stated that after receiving our help she felt a reduction in her anxiety levels, ill health and feelings of isolation, as well as having an increased awareness of her rights and entitlements.