

SOCIAL SECURITY ADMINISTRATION (NORTHERN IRELAND) ACT 1992

SOCIAL SECURITY (NORTHERN IRELAND) ORDER 1998

INCOME SUPPORT

Application by the claimant for leave to appeal
and appeal to a Social Security Commissioner
on a question of law from a Tribunal's decision
dated 31 October 2018

DECISION OF THE SOCIAL SECURITY COMMISSIONER

1. Having considered the circumstances of the case, I am satisfied that the application can properly be determined without a hearing. In his application for leave to appeal, the appellant stated that he did not wish to have an oral hearing of his application.
2. I grant leave to appeal and proceed to determine all questions arising thereon as though they arose on appeal.
3. The decision of the appeal tribunal dated 31 October 2018 is not in error of law. Accordingly, the appeal to the Social Security Commissioner does not succeed. The decision of the appeal tribunal is confirmed.
4. This decision will come as a disappointment to the appellant. He has been unswerving in his submissions that the decision of the appeal tribunal was wrong and has presented his arguments in an articulate manner. As will be explained below, however, a decision of an appeal tribunal may only be set aside by a Social Security Commissioner on the basis that it is in error of law. An application to the Social Security Commissioner for leave to appeal requires the appellant to identify the grounds or basis on which it is submitted the decision of the appeal tribunal is in error of law. Having considered the application made by the applicant, and the grounds set out in the application, I am satisfied that no error of law can be identified
5. The appellant has also been concerned at what he has identified as shortcomings and failures in the administrative processing of his case in the Appeals Service (TAS). As will be explained below, I have accepted

that certain of those concerns are justified but have concluded that the deficiencies do not amount to a procedural irregularity such as to render the decision of the appeal tribunal as being in error of law.

6. Finally, the appellant has also been extremely patient in waiting for the outcome of proceedings which have been protracted.

Background

7. On 16 January 2018 the appellant made an application to Income Support (IS). On 21 February 2018 a decision maker of the Department decided that the appellant was not entitled to IS from and including 11 January 2018. Following a request to that effect and the receipt of additional information from the appellant's employer, the decision dated 16 January 2018 was reconsidered on 22 March 2018 and was revised but not to the substantive benefit of the appellant.
8. An appeal against the decision dated 16 January 2018 was received in the Department on 11 April 2018. An appeal submission was prepared by a decision maker on 15 May 2018.
9. The appellant had completed and signed Form REG2(i)d on 28 May 2018. He ticked a box to indicate that he was content for the appeal to proceed without a hearing. The form was received in the Appeals Service (TAS) on 1 June 2018.
10. The appeal was first listed for hearing on the papers on 5 July 2018. The hearing was adjourned. The reasons which were given for the adjournment were that the appeal was to be re-listed as an oral hearing and that a Presenting Officer from the Department should be in attendance.
11. On 23 October 2018 correspondence was received in the Appeals Service (TAS) from the appellant. In this correspondence the appellant referred to the completed Form REG(i)2D and repeated that he was content for the appeal to proceed without an oral hearing. He also referred to email correspondence which he forwarded to TAS on 11 October 2018 in which he set out the reasons why he could not come to an oral hearing. The appellant also made submissions on the issues arising in the appeal.
12. A supplementary submission was prepared by a decision maker on 19 October 2018. I return below to the matter of the issue of the supplementary submission to the appellant.
13. The substantive appeal tribunal hearing took place on 31 October 2018. In the record of proceedings for the appeal tribunal hearing the following was recorded by the Legally Qualified Panel Member (LQPM):

'The Departmental Presenting Officer was available in the building (albeit double booked) but in light of the

supplementary response which dealt with a perceived defect in the Department's original submission, attendance by the Presenting Officer was dispensed with and the Legally Qualified Member proceeded to consider all the available evidence, as if this were a paper determination (as previously consented to by the Appellant and the Department). The appeal proceeded at 9.15 although listed for 10.15 because the appellant had indicated he would not be attending.'

14. The appeal tribunal disallowed the appeal and confirmed the Departmental decision of 21 February 2018 as revised on 22 March 2018. The decision notice for the appeal tribunal's hearing is annotated to indicate that it was issued to the appellant and the Department on 31 October 2018.
15. I return below to the appellant's submissions regarding his interaction with TAS in relation to the issue of the appeal tribunal's decision and his request for a statement of reasons.
16. On 15 February 2019 a clerk in TAS sought a direction from the LQPM. The clerk stated:

'An application for a statement of reasons for the appeal tribunal's decision has been received outside the absolute time limit. The appellant has also not signed the statement of reasons request.'

17. The direction which the clerk sought was whether the application could be accepted. In a determination dated 21 February 2019, the LQPM answered 'No'. Although I do not have the documentary evidence to corroborate it, I am certain that the LQPM's determination of 21 February 2019 was sent to the appellant by way of correspondence dated 22 February 2019. This is because further correspondence (which I do have a copy of) dated 25 February 2019 was received in TAS on 27 February 2019. In this correspondence the appellant challenges the LQPM's determination and submits that his application for the statement of reasons for the appeal tribunal's decision was made within the prescribed time limits.
18. The appellant's correspondence of 25 February 2019 was put before the LQPM on 5 March 2019 with a request for a direction. On 7 March 2019 the LQPM made the following determination:

'The decision was issued on 31/10/2018. He requested a statement of reasons on 02/02/19 and 06/02/19 ie outside the time limit of one month and outside the absolute time limit of 3 months.'

19. A more formal determination was also made on 7 March 2019. It was headed 'Determination on late application for Statement of reasons'. The LQPM ticked a box to indicate:

'I am not satisfied that it is in the interests of justice to grant an extension of time for applying for the Statement of Reasons.'

20. This determination was issued to the appellant on 11 March 2019.
21. Correspondence dated 25 March 2019 from the appellant was received in TAS on 26 March 2019. In this correspondence the appellant challenged the correctness of the LQPM's determination of 7 March 2019, made further submissions that his request for the statement of reasons was within the prescribed time limits and attached his correspondence of 23 October 2018. As noted above, that correspondence set out grounds on which it was submitted that the decision of the appeal tribunal was in error.
22. The correspondence dated 25 March 2019 was put before the LQPM with a request for a direction as to whether the application could be accepted. On 10 April 2019 the LQPM determined that the application should be rejected as it was '... received outside the absolute time limit as set out in Regulation 58(5).'

Proceedings before the Social Security Commissioner

23. On 10 May 2019 an application for leave to appeal was received in the office of the Social Security Commissioners. The appellant attached a number of documents to the application but did not include a record of proceedings for the appeal tribunal hearing or a statement of reasons for the appeal tribunal's decision.
24. In correspondence dated 25 May 2019 the appellant was advised to request a copy of the record of proceedings. Attached to correspondence from the appellant dated 8 August 2019, received in the office on 12 August 2019, was a copy of the record of proceedings. In appeal tribunal proceedings, LQPMs use a particular form (Form AT3D'SSAT) to make a record of proceedings. The form has a discrete section for that purpose. The form also has a specific section for a statement of reasons and in the completed AT3D'SSAT received on 12 August 2019, the statement of reasons section had been completed. I return below to the significance of that.
25. In his correspondence dated 8 August 2019, the appellant made reference to the content of the record of proceedings, noting a mention of the Department's supplementary submission which had been prepared for the appeal tribunal hearing. The appellant asserted that he had not received the supplementary submission.

26. In correspondence dated 14 October 2019, the Department, through its section called 'Decision Making Services', was requested to provide written observations on the application for leave to appeal. The correspondence also referred to the appellant's submission that he had not received the supplementary submission and the Department was asked to check whether there was a record of the supplementary submission being sent to the appellant.
27. In written observations received on 29 October 2019 the Department opposed the application for leave to appeal. The written observations were shared with the appellant on 30 October 2019. There followed an exchange of correspondence between the appellant and the office on various matters, including a request for copies of various items of correspondence which he submitted had been sent to TAS.
28. On 25 November 2019 the Legal Officer wrote to the Department noting that the written observations had not addressed the request to the Department to check whether there was a record of the supplementary submission having been sent to the appellant. Having not received a reply the correspondence was re-sent to the Department on 4 December 2019. On 17 December 2019 correspondence was received from the Department attached to which was a covering letter dated 19 October 2018 to the appellant making reference to the supplementary submission which had been enclosed.
29. The file was first seen by me on 29 April 2020. On that date I directed questions to the Legal Officer about an issue. I received a response on 19 May 2020. I then directed that certain issues be raised with the appellant. Email correspondence was forwarded to the appellant on 1 July 2020 to that effect. Two further reminders were sent to the appellant and a reply was received on 18 September 2020.
30. From June 2020 and into 2021 priority had to be given to a large group of cases in the office of the Social Security Commissioners. This has led to a delay in the promulgation of this decision for which apologies are extended to the appellant and the Department.

Errors of law

31. A decision of an appeal tribunal may only be set aside by a Social Security Commissioner on the basis that it is in error of law. What is an error of law?
32. In *R(I)2/06* and *CSDLA/500/2007*, Tribunals of Commissioners in Great Britain have referred to the judgment of the Court of Appeal for England and Wales in *R(Iran) v Secretary of State for the Home Department* ([2005] EWCA Civ 982), outlining examples of commonly encountered errors of law in terms that can apply equally to appellate legal tribunals. As set out at paragraph 30 of *R(I) 2/06* these are:

- “(i) making perverse or irrational findings on a matter or matters that were material to the outcome (‘material matters’);
- (ii) failing to give reasons or any adequate reasons for findings on material matters;
- (iii) failing to take into account and/or resolve conflicts of fact or opinion on material matters;
- (iv) giving weight to immaterial matters;
- (v) making a material misdirection of law on any material matter;
- (vi) committing or permitting a procedural or other irregularity capable of making a material difference to the outcome or the fairness of proceedings; ...

Each of these grounds for detecting any error of law contains the word ‘material’ (or ‘immaterial’). Errors of law of which it can be said that they would have made no difference to the outcome do not matter.”

Analysis

An application for leave to appeal without reasons

33. Regulation 10 of the Social Security Commissioners (Procedure) Regulations (Northern Ireland) 1999, as amended, (‘the 1999 regulations’) requires an application to a Social Security Commissioner for leave to appeal to be made by notice in writing and to have with it, *inter alia*, a copy of the written statement of the reasons of the appeal tribunal for the decision against which leave to appeal is sought.
34. The usual response by a Commissioner where an application is received without written reasons is to exercise the power conferred on the Commissioner by Regulation 27 of the Social Security Commissioners (Procedure) Regulations (Northern Ireland) 1999, as amended, and waive the absence of a copy of full written statement of the reasons for the appeal tribunal’s decision as an irregularity. The exercise of this power permits the Commissioner to consider the application.
35. This might not avail the applicant/appellant, however, as the usual determination thereafter is to note that a decision of an appeal tribunal may only be set aside by a Social Security Commissioner on the basis that it is in error of law; that in the absence of a full statement, the error of law must appear from the documents before the Commissioner or from the circumstances of the case and having considered all of the documents, and the circumstances of the case, no error of law can usually be identified.

36. In short, identification of an error of law in an application without written reasons, while not unknown, is very difficult.

Statements of reasons

37. Regulation 53(4) of the Social Security and Child Support (Decisions and Appeals) Regulations (Northern Ireland 1999, as amended, ('the Decisions and Appeals Regulations', provides that:

'(4) Subject to paragraph (4A), a party to the proceedings may apply in writing to the clerk to the appeal tribunal a statement of the reasons for the tribunal's decision within one month of the sending or giving of the decision notice to every party to the proceedings or within such longer period as may be allowed in accordance with regulation and following that application the chairman or, in the case of a tribunal which has only one member, that member, shall record a statement of the reasons and a copy of that statement shall be sent or given to every party to the proceedings as soon as may be practicable.'

38. Regulation 4A does not apply in this case.

39. Regulation 54 of the Decisions and Appeal Regulations provides:

'Late applications for statement of reasons for tribunal decision

54.—(1) The time for making an application for the statement of the reasons for an appeal tribunal's decision may be extended where the conditions specified in paragraphs (2) to (8) are satisfied, but, subject to regulation 53(4A), no application shall in any event be made more than three months after the date of the sending or giving of the notice of the decision of the appeal tribunal.

(2) An application for an extension of time under this regulation shall be made in writing and shall be determined by a legally qualified panel member.

(3) An application under this regulation shall contain particulars of the grounds on which the extension of time is sought, including details of any relevant special circumstances for the purposes of paragraph (4).

(4) The application for an extension of time shall not be granted unless the legally qualified panel member is satisfied that it is in the interests of justice for the application to be granted.

(5) For the purposes of paragraph (4), it is not in the interests of justice to grant the application unless the legally qualified panel member is satisfied that—

(a) the special circumstances specified in paragraph (6) are relevant to the application; or

(b) some other special circumstances exist which are wholly exceptional and relevant to the application, and as a result of those special circumstances it was not practicable for the application to be made within the time limit specified in regulation 53(4).

(6) For the purposes of paragraph (5)(a), the special circumstances are that—

(a) the applicant or a partner or dependant of the applicant has died or suffered serious illness;

(b) the applicant is not resident in the United Kingdom; or

(c) normal postal services were disrupted.

(7) In determining whether it is in the interests of justice to grant the application, the legally qualified panel member shall have regard to the principle that the greater the amount of time that has elapsed between the expiry of the time within which the application for a copy of the statement of reasons for an appeal tribunal's decision is to be made and the making of the application for an extension of time, the more compelling should be the special circumstances on which the application is based.

(8) In determining whether it is in the interests of justice to grant the application, no account shall be taken of the following—

(a) that the applicant or any person acting for him was unaware of, or misunderstood, the law applicable to his case (including ignorance or misunderstanding of the time limits imposed by these Regulations); or

(b) that a Commissioner or a court has taken a different view of the law from that previously understood and applied.

(9) An application under this regulation for an extension of time which has been refused may not be renewed.

(10) The legally qualified panel member who determines an application under this regulation shall record a summary of his determination in such written form as has been approved by the President.

(11) As soon as practicable after the determination is made notice of the determination shall be sent or given to every party to the proceedings.

(12) Any person who, under paragraph (11), receives notice of the determination may, within one month of the determination being sent to him, apply in writing for a copy of the reasons for that determination and a copy shall be supplied to him.

(13) In this regulation “Commissioner” includes—

(a) a Commissioner within the meaning of section 39(1) of the Social Security Act 1998(a); and

(b) a Child Support Commissioner appointed under section 22 or 23 of the Child Support Act 1991.’

40. Applying those provisions to the instant case, the LQPM determined that for the purpose of regulation 53(4) the date of the ‘sending or giving of the decision notice to every party to the proceedings’ was 31 October 2018. Accordingly, the appellant had one month from that date to make an application for the statement of reasons for the appeal tribunal’s decision. The LQPM determined that the appellant did not make such an application within the one month period.
41. Regulation 54 allows for an extension of the one month period, subject to conditions, but regulation 54(1) provides that no application shall in any event be made more than three months after the date of the sending or giving of the notice of the decision of the appeal tribunal. The LQPM determined that the appellant had made two applications for the statements of reasons, on 2 February 2019 and 6 February 2019, and both of those applications were outside of the absolute time limit provided for in regulation 54(1).
42. The key to the LQPM’s determination is that 31 October 2018 was the date of the ‘sending or giving of the decision notice to every party to the proceedings’.
43. The appellant challenges that and I can understand aspects of his dispute. I was, for many years, a part-time and salaried LQPM in the Appeals Service. I have a clear understanding of the manner in which decision notices are prepared and disseminated to the parties to the proceedings. It is normal practice for an appeal tribunal to arrive at a decision on each appeal on the day of the hearing. The LQPM is given, for each appeal on

a hearing day, a copy of a form on which to record the decision of the appeal tribunal. Depending on the nature of the social security benefit at issue in the appeal, each form has a different reference. In the instant case the reference is 'AT3D'SSAT(A). The usual practice is for the LQPM to complete the decision notice by hand and give the completed decision notice to the clerk to the appeal tribunal. In the file of papers which is before me is a copy of the AT3D'SSAT which was completed and signed by hand by the LQPM on 31 October 2018.

44. There is section at the bottom of each decision notice which allows the clerk to the appeal tribunal to record the date on which the decision notice was issued to the appellant and to the Department. This section also allows the clerk to record the manner in which the decision notice was issued. The clerk may select one of the following two methods of issue - *BY HAND/BY POST by scoring through the one which did not apply. Issuing 'BY HAND' allows the clerk, where the facilities at the appeal tribunal permit, to copy the hand-written decision and issue it to the appellant on the day of the hearing itself. If that is not possible then the hand-written decision notice will be taken back to the office, will be typed-up and issued to the parties by post.
45. As was noted above, the appellant was not in attendance at the hearing of the appeal on 31 October 2018. Accordingly, and as he quite rightly submits, it would have been impossible for the decision notice to have been issued to him 'by hand' on that date. In the file of papers which is before me is a copy of a typed decision notice. The substantive part of the decision notice, the decision itself, the date on which it was made and the name of the LQPM are accurately replicated from the hand-completed copy. The section in which the clerk completed the date and method of issue is completed as follows:

ISSUED TO THE APPELLANT ON: 31/10/2018 BY: S.B.

*By Hand

ISSUED TO THE DEPARTMENT ON: 31/10/2018 BY: S.B.

*By Hand

46. I am assuming that 'S.B.' are the initials of the clerk.
47. Two things are striking about the section completed by the clerk. The first is the date of issue. It is recorded as 31 October 2018, the date of the hearing itself. The second is the method of issue which is recorded as being 'by hand'. I can understand how the appellant, when he received this decision notice (and I return to the date of receipt below), was concerned about the information concerning date and method of issue. To repeat what was said above, the decision notice could not have been issued by hand to the appellant on 31 October 2018 as the appellant was not at the appeal tribunal venue on that date.

48. I have noted that the venue for the appeal tribunal hearing was Cleaver House in Belfast. This is the largest appeal tribunal venue for social security appeals in Northern Ireland. Not only does it have facilities for appeal tribunal hearings but it is also the largest administrative processing centre for TAS in Northern Ireland. I have also observed that the LQPM has recorded that the appeal tribunal hearing commenced at 9.15 a.m. It is, in my view, entirely possible that the clerk to the appeal tribunal, on the same day, 31 October 2018, was able to take the hand-completed decision notice from the hearing room in Cleaver House after the hearing was complete, and take it to another room and undertake the formal promulgation and issue of the decision. In my view, that is the most likely explanation for the date of 31 October 2018 on the typed decision notice.
49. It is axiomatic that the decision notice could not have been issued by hand to the appellant on 31 October 2018 as the appellant was not at the appeal tribunal venue on that date. Why, therefore, did the clerk to the appeal tribunal record that it had? It is my view that the most likely explanation is that the clerk inserted that the decision notice was issued 'by hand' in error.
50. In arriving at these conclusions, I would not wish to underestimate the appellant's concern at what he perceived to be seeing and reading. At a later stage, and I will return to this below, the appellant ascribed a more sinister motive to what had taken place in TAS with respect to the processing of his appeal. With respect to him, I find that such an approach is not warranted.
51. I cannot ignore that the appellant has submitted that he did not receive a copy of the decision notice until he started making enquiries in January 2019. In all of the papers which are before me, the appellant comes across as an intelligent and articulate individual. Further, the issues which arise in his appeal are of significance to him such that, in the proceedings before the Social Security Commissioners, he responds quickly and positively to correspondence and queries which are issued to him. In that context, I do not understand why he waited over two months to make enquiries about the outcome of his appeal if he had not received the decision notice.
52. I have analysed all of these aspects of the issue of the decision notice and the rejection of the application for the statement of reasons to demonstrate to the appellant that I understand the background to certain of his concerns.
53. It is now the case, however, that the appellant has been given a copy of the statement of reasons. As noted above, after receipt of the application for leave to appeal, he was requested to obtain a copy of the record of proceedings for the appeal tribunal hearing. The document which he received was the composite Form AT3D'SSAT, which, as was noted above, has a discrete section to make a record of proceedings and a specific section for a statement of reasons. In the completed AT3D'SSAT,

received by the appellant, the statement of reasons section had been completed.

54. Has the appellant been prejudiced by the late receipt of the statement of reasons? He has certainly been inconvenienced but, in my view, not prejudiced. As was noted above, identification of an error of law in an application without written reasons, while not unknown, is very difficult. As it presently stands, I have before me all of the documentation which will permit me to consider the substantive application in full and I do so below. In the covering letter which accompanied the AT3D'SSAT, the appellant noted that in the statement of reasons 'There is incorrectly listed dates of weeks'. The reasons recorded by the appeal tribunal consist of a note of relevant benefit weeks and statement as to why, in each of those benefit weeks, the appellant was not entitled to IS. In addition, the appellant's submission about the benefit weeks reflects similar submission in his notice of appeal and subsequent correspondence. Accordingly, I am satisfied that the appellant has had the opportunity to consider and challenge the statement of reasons for the purposes of his application for leave to appeal.

The supplementary submission

55. In the covering letter which accompanied the AT3D'SSAT, the appellant stated that he had not received the supplementary submission. As was noted above, the supplementary submission was prepared by a decision maker on 19 October 2018. I directed that the Department should be asked to check whether there was evidence that the supplementary submission was sent to the appellant. In response, the Department forwarded a covering letter which was sent to the appellant indicating that the supplementary submission was sent to him on 19 October 2018 together with a further document explaining the relevance of the supplementary submission. The address to which the supplementary submission was sent is the same as the address which the appellant confirmed to TAS in email correspondence dated 21 January 2019. Accordingly, I am satisfied that, on balance, the supplementary submission was sent to the appellant and received by him.

Other aspects of the proceedings in TAS

56. In correspondence dated 25 March 2019, and which accompanied the application for leave to appeal, the appellant made further submissions which I summarise as follows:
- (i) He wished to know who was pretending to be him at the appeal tribunal hearing and asked whether that person had any I.D.
 - (ii) As a consequence, he was concerned about his privacy.
 - (iii) He was discriminated against as a foreign national.

57. The first two submissions were based on what I have identified above as a clear error by the clerk to the appeal tribunal in how he/she completed the section of the decision notice which dealt with the date and mode of issue. I am wholly satisfied that there was no-one in attendance at the appeal tribunal hearing other than the LQPM and the clerk. I find that there is no evidence to support the third submission.

The substantive application for leave to appeal

58. If required to do so, I exercise the power conferred on the Commissioner by Regulation 27 of the Social Security Commissioners (Procedure) Regulations (Northern Ireland) 1999, as amended, and waive the absence of a copy of full written statement of the reasons for the appeal tribunal's decision, on receipt of the application for leave to appeal, as an irregularity.
59. The statement of reasons for the appeal tribunal's decision was as follows:

'Appellant claimed Income support on 11.1.18. He was not entitled for the following reasons:

- On 11.1.18 in the benefit week 5.1.18-11.1.18 he received £267.10 in earnings. His applicable amount is £73.10.
- For the benefit week 12.1.18-18.1.18 he received £267.38 in earnings. His applicable amount is £73.10.
- For the benefit week 19.1.18-15.1.18 he received 389.35 in Statutory Sick Pay. His applicable amount was £73.10.
- From 26.1.18 he was not entitled to Income Support because he was returned to work for more than 16 hours per week. From 16.1.18-1.2.18 he earned 210.12. The applicable amount was £73.10.

Where income exceeds the applicable amount Income Support is not payable.'

60. The appellant set out the following grounds of appeal:

'All what I wanted to I already did in my previous correspondence. In addition to it I would like to say that I still believe that I should be entitled to Income support for 15, 16, 17, 18, 19, 22, 23 of January 2018 as I was not able to work and was only receiving statutory sick pay. It very low income compare-with my usual salary, that is why I applied for income support. During that period I still had to pay my full rent, feed myself as usual and pay rates

as usual. Any authority gave me right not to pay my rent during period of my sickness?

Statutory sick pay is £89.35 per week, while my rent alone is over £110 per week. How should I pay it without support? It is told to me in papers that I am not entitled to Income support as my income exceeds the applicable amount. Unfortunately, I do not know what applicable amount is? It was not stated or explained to me what is applicable amount. For this reason I am not certain that right decision was made.

As first three days of sickness are unpaid, so that is why I asked my employer to pay me as my holidays for first three days of my sickness. I did it because for my first three days of sickness I would not have any income and it would be difficult for me, so I tried to support myself financially as much as possible. If I was not allowed to take my holiday pay for first three days of my sickness then my employer should tell me this and he should not agree to do so.'

61. I pause here to explain to the appellant that under section 123(1)(c) of the Social Security Contributions and Benefits (Northern Ireland) 1992, a person is entitled to income support if, *inter alia*, he has no income or his income does not exceed the applicable amount. A claimant's 'applicable amount' is the amount which the legislation states an individual (or family) is/are expected to live on each week. In the case of an individual claimant such as the appellant, the applicable amount is made up of a personal allowance. The rates of personal allowances are set out in regulation 17 and Schedule 2 of the Income Support (General) Regulations (Northern Ireland) 1987, as amended.
62. Thereafter, the appellant's grounds of appeal amount to further submissions on factual issues rather than questions of law. It is clear that an appeal on a question of law should not be permitted to become a re-hearing or further assessment of the evidence when that assessment has already been fully and thoroughly undertaken.
63. In this regard it is clear that the appeal tribunal undertook a rigorous and rational assessment of all of the evidence before it. The appeal tribunal gave a sufficient explanation of its assessment of the evidence, explaining why it took the particular view of the evidence which it did. Any conflict in the evidence before the appeal tribunal has been clearly resolved and explained.
64. The appeal tribunal made sufficient findings of fact, relevant to its decision, all of which are wholly sustainable on the evidence, and all of which are supported by relevant evidence. None of the appeal tribunal's findings are irrational, perverse, or immaterial. All issues raised by the appeal, either

expressly or apparent from the evidence, were fully examined by the appeal tribunal in conformity with its inquisitorial role.

65. Read as a whole, the statement of reasons for the appeal tribunal's decision provides a detailed explanation of the basis on which the appeal tribunal arrived at its conclusions on the issues before it.
66. I do not, therefore, consider that the decision of the appeal tribunal is in error of law and the appeal is disallowed.

(signed): K Mullan

Chief Commissioner

5 October 2022