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AS REQUESTED.

J. Newman

DATE 26/10/04

The enclosed information should prove useful to staff dealing with claims for Housing or Council Tax Benefit, and appeals or court proceedings involving those benefits.

Dear Benefits Manager

Information Issue 07 04

The enclosed material, which is listed in the annex to this letter, is forwarded for your information.

It would be appreciated if you would pass on the information to the person responsible if you are no longer the contact point for the Local Authority concerned. Any change in the name, postal or E-mail address, telephone or facsimile number for the contact point should be notified to Office Support by

E-mail, address: ACI-Office-Support-ACI-Leeds@dwp.gsi.gov.uk , or

facsimile, number: 0113 232 4841, or 0113 232 7996

post, address: Adjudication and Constitutional Issues Division, Department for Work and Pensions, Room GS36, Quarry House, Quarry Hill, Leeds, LS2 7UB.

Yours sincerely

Office Support



ANNEX

Information [including any reference number]	Remarks [including brief details of topics covered in decisions]
[Please see the note below about copyright] CH/2741/03 & CH/2742/03	Claimant landlord's appeal. Tribunal erred in law but reached the only conclusion it could. Overpayment of HB. Tribunal considered CH/4943/2001 however this decision has been superseded by the Tribunal of Commissioner's decision under CH/5216/2001 et al. It is not open to the claimant landlord to challenge the Local Authority's decision to proceed against him unless he can show that it has exercised its powers improperly or unlawfully. This has not been shown in either case.
CH/1512/04	Appeal by the claimant. Remit. Overpayment of HB. New tribunal to conduct a re-hearing of the issues raised and, subject to the tribunal's discretion, consider any other issues under paragraph 6(9)(a) of Schedule 7 to the 2000 Act.
CH/1366/04	Appeal by the claimant. Set aside, Commissioner's own decision substituted. Overpayment of HB. Child Support, Pensions and Social Security Act 2000, Schedule 7 paragraph 8(5)(b).
CH/4778/03	Claimant's appeal. Remit. Good cause for delaying his claim for CTB.
CH/1584/04	Claimant's appeal. Tribunal did not err in law. Claimant did not have good cause for delay in claimant HB and CTB.
CH/3629/03	Claimant's appeal. Remit. Issue for the new tribunal: is there good cause for failure to make a new claim NOT was the claimant under any obligation to report a change of circumstances.
CH/1762/04	Claimant appeal fails. Housing Benefit run on.
CH/608/04	LA appeal fails. Reg 2. Ownership.
CH/4693/03	LA appeal fails. Reg 7. Commercial basis.
CH/2155/03("the Hammersmith case")	Appeal not allowed. Tribunal's decision set aside, Commissioners substituted their own decision. Claimant not entitled to HB or CTB.
CH/3423/03("the Ealing Case")	Claimant's appeal upheld. Tribunal's decision set aside. Claimant entitled to HB and CTB.
CH/3511/03("the Harringey case")	Claimant's appeal upheld. Tribunal's decision set aside. Remit.

CH/3600/03("the Sunderland case")	Local Authority appeal. Appeal dismissed. Tribunal's decision upheld.
CH/1915/04	LA appeal. Remit. Reg 7. Commercial basis
CH/1237/04	Claimant appeal. Remit. Reg 5. Whether absence likely to exceed 52 weeks.
CH/137/04	Claimant appeal. Remit. Service charges
CH/1415/04	seems to be about supersession, backdating and benefit periods
CH/2862/03	Involves a commercial basis issue but primarily concerns grounds for review and an overpayment.
CH/2957/03	Successful claimant regarding non-dependants which ACI apparently made a submission on, primarily concerns supersession dates.
CH/1497/04	Appeal by the claimant. Overpayment of HB/CT. Set aside tribunal's decision. Commissioner substituted his own decision that the overpayment of HB/CT was recoverable from the claimant.
CH/1557/04	Claimant appeal upheld. Diminishing notional capital.
CH/2791/03	Concerns an overpayment.
CH/4714/03	Claimant appeal upheld. Rent free periods.
CH/996/04	Concerns good cause of backdating.

"Neligan : Social Security Case Law, Digest of Commissioners Decisions

From May 2003 a synopsis of reported Commissioners' decisions on Housing Benefit and Council Tax Benefit can be found in volume 2 of Neligan. This is available on the internet address as follows:

www.dwp.gov.uk/advisers/docs/neligans/index.asp."

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