

Section 5: The Decision Maker's Opinion

The disputed decision was made in accordance with the following Acts and Regulations:

1. Where—

(a) the Secretary of State makes a decision to award a benefit to a claimant ("the original award"); and

(b) an award of another relevant benefit or of an increase in the rate of another relevant benefit is made to the claimant or, in the case of universal credit, to a member of their family, for a period which includes the date on which the original award took effect,

the Secretary of State may revise the original award.

The UC, PIP, JSA and ESA (Decisions and Appeals) Regulations 2013 Regulation 12 (a)(b)

2. The law states that the Secretary of State may recover any amount of Universal Credit paid in excess of entitlement from the person to whom it was paid.

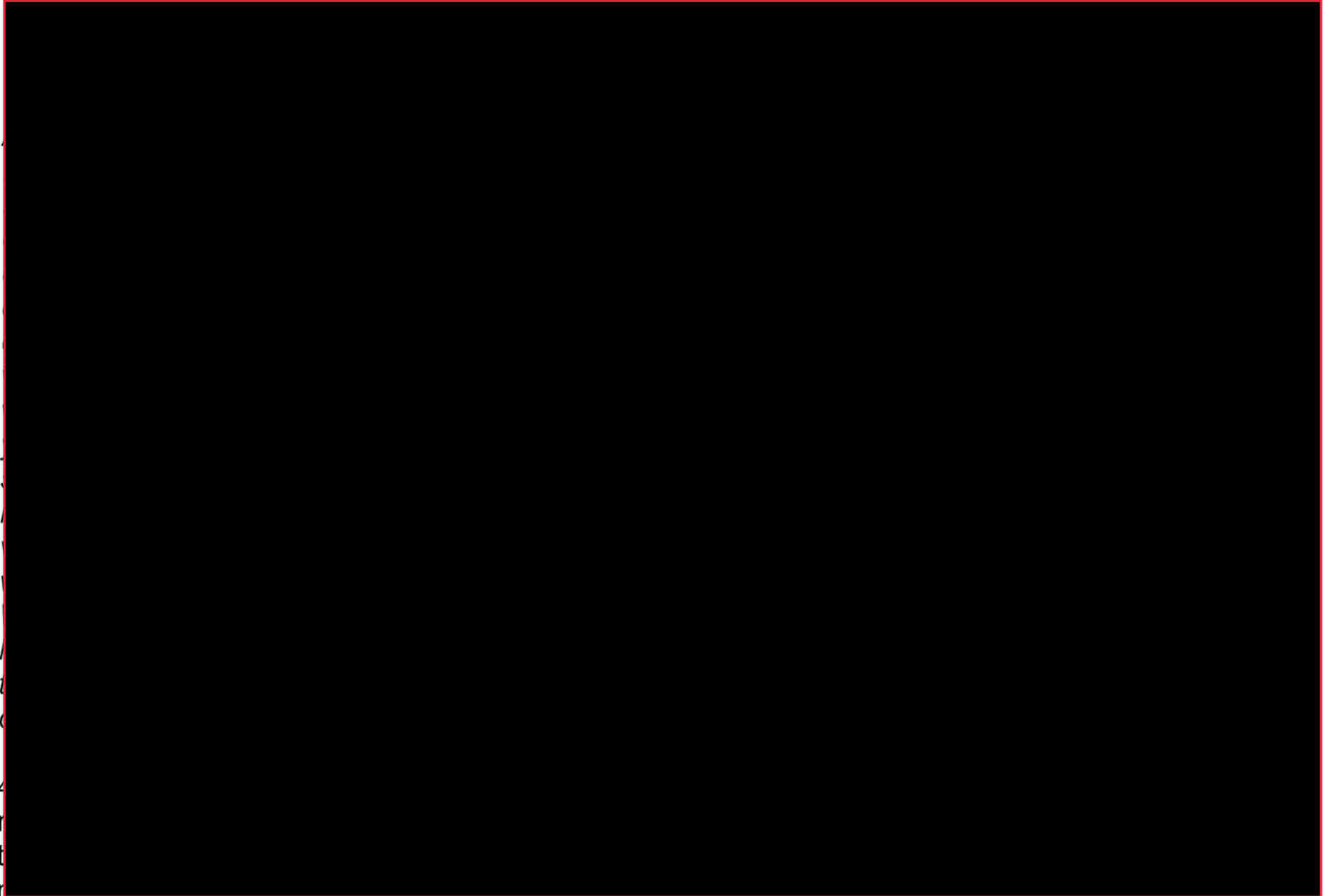
Any payment of Universal Credit made in excess of entitlement is a recoverable overpayment, regardless of how the overpayment was caused. This includes those overpayments arising wholly as a result of official error.

This is because there is a duty to protect public funds and an obligation, wherever possible, to ensure that an overpayment is recovered.

Except where regulations otherwise provide, that amount shall not be recoverable unless the determination in pursuance of which it was paid has been reversed or varied on appeal or has been revised under section 9 or superseded under section 10 of the Social Security Act 1998.

Social Security Administration Act 1992 - Section 71ZB

Social Security (Overpayment & Recovery) Regulations 2013 - Regulation 2, 3(1)



As the UC Retrospective Verification Team were unable to conduct enhanced verification of the claimant's identity, the claim was closed from 25/03/20. This meant that their UC entitlement from 25/03/20 was to be recalculated to reflect the decision that they were no longer entitled to UC from the beginning of the claim. For information, the Retrospective Verification Team would normally verify the identity of the claimants by requesting to see a photo of the claimant's passport open and up close, and a photo of the claimant holding their passport open with it held up to their face. The team were unable to request this from the claimants as they were unreachable due to being out of GB.

5. Current legislation gives DWP authority to recover overpayments made to claimants. Any payment UC made in excess of entitlement is a recoverable overpayment, regardless of how the overpayment occurred. This is due to a duty to protect public funds and an obligation, wherever