



Department
for Work &
Pensions

Sheffield DRT
Mail Handling Site A
Wolverhampton
WV98 1FZ

www.gov.uk

Mr Simon Cordell
109 Burncroft Avenue
Enfield
Middlesex
EN3 7JQ

Telephone: 0345 608 8545
If you contact us, use this
reference: JH653811D

Date 12-May-2017

Dear Mr Cordell

Your Mandatory Reconsideration Notice

You or someone who has the authority to act for you, asked us to look again at the decision we sent on 19-Apr-2017.

We have taken into account all the information available.

We have changed our decision and you will be sent a separate letter with details of your revised award.

An explanation of our Mandatory Reconsideration decision is set out below.

The reasons for this decision

Mandatory Reconsideration – Incapacity Benefit (Credits) / Income Support Reassessment.

I have looked at all of the available evidence and I have been able to revise the original decision dated 19-Apr-2017 and therefore; you have shown good cause for failing to attend a Work Capability Assessment on 06-Mar-2017.

You did not attend a Work Capability Assessment on 06-Mar-2017. On 19-Apr-2017, the original Decision Maker considered all of the available evidence but decided that you had not shown good cause for failing to attend the assessment.

As a consequence, your award of Incapacity Benefit/National Insurance (Incapacity) Credits and Income Support did not qualify for conversion to Employment and Support Allowance under Regulation 23(2) of the Employment and Support Allowance Regulations 2008 and was terminated from and including 16-May-2017.

We received a request from you asking for a Mandatory Reconsideration on 26-Apr-2017.

Your request stated that you are unable to leave the house to attend an assessment due to your mental health condition.

You have submitted a letter from your GP dated 26-Apr-2017 requesting a home assessment.

I have examined all the evidence in support of the Mandatory Reconsideration request.

You will now be given another opportunity to participate in a Work Capability Assessment.

My decision is that you have shown good cause for failing to attend a Work Capability Assessment on 06-Mar-2017.

Your award of Incapacity Benefit/National Insurance (Incapacity) Credits and Income Support are reinstated from and including 16-May-2017.

Arrears of any benefit due to you as a result of this decision may be adjusted by the amount of any other benefit paid to you for the same period.

The Law

Social Security and Child Support (Decisions and Appeals) Regulations 1999 reg 3

Social Security Act 1998 section 9

Social Security (Employment & Support Allowance) Regulations 2008, reg 23, 24 & 30*

Social Security (Credits) Regulation 1975, reg 8b

Welfare Reform Act 2007, sections 1, 2, Part 1 Schedule 1 (ESA C)

Welfare Reform Act 2007, sections 1, 2, Part 2 Schedule 1 (ESA IR)

If you want to know more information about this decision, please contact us on the phone number or address at the top of this letter.

Yours sincerely

DRT Sheffield.

What to do if you think this decision is wrong

If you still think this decision is wrong, you or someone who has the authority to act for you, can appeal to an independent tribunal. If you want to appeal, **you must do so within one month of the date of this letter. Your appeal must be in writing and sent to Her Majesty's Courts and Tribunals Service (HMCTS).**

We have sent you two copies of this Mandatory Reconsideration Notice, one to be sent with your appeal and one for you to keep. Your appeal will not go ahead unless you include a copy of this notification with your appeal.

How to get an appeal form

You can use the Tribunal's Notice of Appeal form to make your appeal. Using this form will help you to make sure that all the information the tribunal needs is included.

To download a copy of an appeal pack, which includes a Notice of Appeal form, go to:

- HMCTS website www.justice.gov.uk/tribunals, or
- www.gov.uk

The Appeal pack is also available from:

Local Advisory services such as the Citizens Advice Bureau

You can also appeal by letter giving all the reasons for your appeal. But if any information is missing it may take longer to register your appeal and the Tribunal may have to contact you for further information.

Where to send your appeal

If you live in **England or Wales**, send your appeal to HMCTS, SSCS Appeals Centre, PO Box 1203, Bradford BD1 9WP.

If you live in **Scotland** send your appeal to HMCTS SSCS Appeals Centre, PO Box 27080, Glasgow G2 9HQ.

If you are currently living overseas, you should send your appeal to the HMCTS office which would normally handle your appeal based on:

Your point of entry into Great Britain if you have opted for an oral hearing; or

The place where you were previously resident in Great Britain if you do not intend to attend a hearing.

Where to get more information

You can get more information and advice on how to appeal from:

HMCTS website www.justice.gov.uk/tribunals, or www.gov.uk, or ask a local advisory service such as the Citizens Advice Bureau for independent support.