

Facts of the case:

1. The tribunal is advised that a hearing originally took place on 01.06.13 and both appeals were disallowed.
2. A statement of reasons were requested by the appellant on 06.06.13
3. On 04.12.13 the appellant sent in an appeal to the Upper Tribunal.
4. The customer's appeal to the Upper Tribunal was allowed.
5. It has been directed on 17.07.14 that a further submission be made for a re-hearing. Could this additional submission be linked to the original documents?
6. The appeal tribunal is respectfully referred to section 4, paragraphs 1 to 5 of the original submission.
7. The decision maker's submission: *The disputed decision was made in accordance with the following Acts and Regulations.* The appeal tribunal is respectfully referred to section 5, paragraphs 1 to 14 of the original submission.

The appeal:

The appellant's letter of appeal is made on the appropriate form and is attached to pages 8 to 9 of the original submission.

The decision:

The decision maker's decision is attached at pages 82 to 83 of the original submission.

1. The comments and directions dated 17.06.14 have been considered.
2. Paragraph 3 in the **reasons for decision** refers to which date Mr Grace claimed Employment & Support Allowance. It is agreed that Mr Grace's claim was on 31.05.11. Claims to Employment & Support Allowance may be made entirely by telephone to the telephone number specified by the Secretary of State. No claim form will be issued to the claimant and no signed declaration obtained. Instead the information given over the phone will constitute the claim. The date of claim is the date of the telephone call or the first day in respect of which the claim is made, if later. It cannot be established when Mr Grace received a copy of this claim, a copy of the transcript was sent with a copy of the appeal submission.
3. With reference of paragraph 11, part 3, Mr Grace was asked about other income, he may have been distracted by the example of the child tax credits but the question was asked. In paragraph 11, part 4, the instructions on the transcript are clear and the operator has broken this declaration into sentences. Mr Grace indicated by his answers of "yeah", "okay" and "right" that he understood the declaration, that if there were any changes in his