



Ministry of Defence

Ministry of Defence
Main Building
Level 6 Zone D
Whitehall
London SW1A 2HB
United Kingdom

Telephone: +44 (0)20 721 89000

Email: People-sec-FOIMailbox@mod.uk

Our Reference: FOI2015/10036

XXXXXXXXXX

XXXXXXXXXXXXXXXXXX

10 December 2015

Dear xxxxxxxx,

Thank you for your e-mail dated 11 November 2015 in which you requested the following information:

I'm currently in dispute with my local council over my housing benefit claim, as after two years of them disregarding my partners armed forces ill health pension as they classed it under a war pension, they have now refused to disregard it on our new claim which we put in on the 27 March 2015.

The pension in question was paid out under the AFPS05 and was given the tier 2 level of a ill health pension along with a compensation payment from the AFCS as the injury he was discharged for was service attributed.

Could you please point me in the right direction of any legislations which state how this pension should be classed when housing Benefit are calculating claims?

I was under the impression that because his injury was caused by service it should be treated as a war pension and at least get a £10 a week disregard but they are refusing to even do that.

I have searched everywhere about the armed forces ill health pension and how it should be dealt with when processing benefits and I can't find anything on it and just wondered if you could help me.

I am treating your correspondence as a request for information under the Freedom of Information Act 2000.

The responsibility for housing benefit policy rests with the Department of Work and Pensions. Therefore this answer only relates to the AFCS elements of your query.

Those entitled to Income Support, income related Employment and Support Allowance or income-based Jobseeker's allowance are automatically 'passported' to full entitlement (i.e. they do not need to make a separate claim). Otherwise savings of more than £16,000 precludes entitlement; the AFCS lump sum would be ignored if placed in a trust. For the

Guaranteed Income Payment (GIP) the amount of benefit will be reduced with capital of over £3,000.

Further information has also been included at the links below:

<https://www.gov.uk/government/publications/armed-forces-compensation/armed-forces-compensation-what-you-need-to-know>

<https://www.gov.uk/guidance/looking-after-our-armed-forces#support-services>

<http://s198596577.websitehome.co.uk/pensions/otherbenefits.html>

If you are not satisfied with this response or you wish to complain about any aspect of the handling of your request, then you should contact me in the first instance. If informal resolution is not possible and you are still dissatisfied then you may apply for an independent internal review by contacting the Information Rights Compliance team, 1st Floor, MOD Main Building, Whitehall, SW1A 2HB (e-mail CIO-FOI-IR@mod.uk). Please note that any request for an internal review must be made within 40 working days of the date on which the attempt to reach informal resolution has come to an end.

If you remain dissatisfied following an internal review, you may take your complaint to the Information Commissioner under the provisions of Section 50 of the Freedom of Information Act. Please note that the Information Commissioner will not investigate your case until the MOD internal review process has been completed. Further details of the role and powers of the Information Commissioner can be found on the Commissioners website, <http://www.ico.gov.uk>.

Yours sincerely,

xxxxxxxxxxxxxxxxxxxx

Defence People Secretariat